

# **City of Pompano Beach**

**City Commission Meeting  
Commission Chamber**

*100 West Atlantic Blvd.  
Pompano Beach, FL 33060*



## **Agenda**

**Tuesday, January 24, 2023**

**6:00 PM**

### **City Commission**

*Rex Hardin, Mayor*

*Andrea McGee, Vice Mayor*

*Rhonda Eaton, Commissioner*

*Alison Fournier, Commissioner*

*Barry Moss, Commissioner*

*Beverly Perkins, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Kervin Alfred, City Clerk*

## **GOVERNMENT IN THE SUNSHINE**

The State of Florida pioneered the concept of "Government in the Sunshine," and, accordingly, all meetings of the Pompano Beach City Commission - except those to discuss labor negotiations and litigation strategy, are open to the public. The Commission welcomes the involvement and participation of the citizens.

## **PROCEDURE**

The City Commission has adopted Robert's Rules of Order, Newly Revised.

## **CITY COMMISSION MEETING TIMES**

The City Commission meets two (2) times a month:

Second Tuesday of the month: City Commission Meeting - 1:00 p.m.

Fourth Tuesday of the month: City Commission Meeting - 6:00 p.m.

## **ADDRESSING THE CITY COMMISSION**

"Audience To Be Heard" is scheduled for a thirty (30) minute period at the beginning of the City Commission Meeting, and will be continued to the end of the meeting for those speakers who were not heard during the initial thirty-minute period. All persons interested in speaking during "Audience To Be Heard" must fill out and submit a request form to the City Clerk prior to the call of order of the meeting. Speakers will be limited to three minutes to speak on any matter, which is NOT on the Regular Agenda, or removed from the Consent Agenda, and are requested to approach the podium and state his/her name and address and, if appropriate, the organization they represent, for the record. A request form can be found on the last page of the Agenda program.

## **ACCESSIBILITY**

If you require the services of a Sign Interpreter, please notify the City Manager's Office at (954) 786-4601, 24 hours in advance. Should you require any other assistance to attend or participate in the meeting, please contact the City's ADA Coordinator at (954) 786-4626 at least 24 hours prior to the meeting.

**NOTE:** Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**CALL TO ORDER**

*The Honorable Rex Hardin  
Mayor, Presiding*

**ROLL CALL**

*Kervin Alfred, City Clerk*

**INVOCATION**

*Apostle John L. Mohorn  
Word of the Living God Ministries*

**PLEDGE OF ALLEGIANCE**

*Led by Kervin Alfred, City Clerk*

**APPROVAL OF MINUTES**

[23-236](#) Regular City Commission Meeting Minutes of January 10, 2023

**APPROVAL OF AGENDA**

**CONSENT AGENDA DISCUSSION**

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

**A. SPECIAL PRESENTATION**

[23-234](#) **Nick Creola Heroes in the Community Award Presentation**

The Parks and Recreation Advisory Board members will present the 2020 Nick Creola Heroes in the Community Award to the family of Don “Santa” Larson and the 2022 Nick Creola Heroes in the Community Award to Nemia L. Schulte.

Board members include: Richard Leys, Rafael Katz, Philip Schulte, Kenneth Arnold, Walter Clark, Albert Hill and Susan Gingerich.

**B. AUDIENCE TO BE HEARD**

All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session". (Effective May 28, 2019)

**C. CONSENT AGENDA**

1. [23-231](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF STATE, AND THE CITY OF POMPANO BEACH, ACCEPTING A \$500,000 AFRICAN-AMERICAN CULTURAL AND HISTORICAL GRANT TO FACILITATE CONSTRUCTION OF A BLACK BOX THEATER ADJACENT TO THE ALI CULTURAL ARTS CENTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500,000 grant award)

**Commission District: 4**

**(Staff Contact: Ty Tabing)**

2. [23-207](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND A-EXCELLENT SERVICE, INC. TO PROVIDE HVAC MAINTENANCE AND REPAIR SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$200,000)

**(Staff Contact: George Buenaventura/Brian Donovan)**

3. [23-209](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY JEFFERSON TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

4. [23-210](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MIKELANGE OLBEL TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

5. [23-211](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RICHARD KLOSIEWICZ TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

6. [23-212](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JAMES BUNN TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

7. [23-213](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DODIE KEITH-LAZOWICK TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON; FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

8. [23-235](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GWENDOLYN LEYS TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

#### **D. REGULAR AGENDA**

##### **QUASI-JUDICIAL PROCEEDING**

9. [23-154](#) **P.H. 2023-34: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A 24-FOOT ACCESS EASEMENT LYING ON THE EAST SIDE OF POWERLINE ROAD, APPROXIMATELY 500 FEET SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD., COMMONLY KNOWN AS 950 N. POWERLINE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**FIRST READING: JANUARY 10, 2023**

**Commission District: 4**

(Staff Contact: Jean Dolan/David Recor)

10. [23-180](#)

**P.H. 2023-38: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN TEN-FOOT EASEMENT LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF HILLSBORO MILE (STATE ROAD A-1-A) AND A CERTAIN TEN-FOOT EASEMENT LYING EAST OF THE EAST RIGHT-OF-WAY- LINE OF HILLSBORO MILE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 10, 2023**

(Staff Contact: A. Randolph Brown/Nathaniel Watson)

**END OF QUASI-JUDICIAL PROCEEDING**

11. [23-98](#)

**P.H. 2023-27: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE FOR THE PUBLIC ART PROJECT KNOWN AS MOSAIC TEAM 3; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$125,000.00)

**FIRST READING: JANUARY 10, 2023**



Strategic Plan Initiative

**Commission District: 4**

(Staff Contact: Laura Atria/Ty Tabing)

12. [23-26](#)

**P.H. 2023-31: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GUARANTEED MAXIMUM PRICE AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE ULTIMATE SPORTS PARK IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$6,166,555.84)

**FIRST READING: JANUARY 10, 2023**

**G.O. POMPANO!**

**Commission District: 4**

(Staff Contact: Fernand Thony/Horacio Danovich)

13. [23-151](#)

**P.H. 2023-32: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO PROVIDE FOR ADDITIONAL ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 10, 2023**

(Staff Contact: Scott Reale/David Recor)

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14. [23-183](#) **P.H. 2023-35: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO ELIMINATE THE PLANS EXAMINATION LINE ITEM FEE FOR BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)
- FIRST READING: JANUARY 10, 2023**
- (Staff Contact: Chris Feltgen/Michael Rada)
15. [23-153](#) **P.H. 2023-33: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION CONSENT AGREEMENT AMONG THE CITY OF POMPANO BEACH, ECKLER ENGINEERING, INC., ASSSIGNOR, AND CHA CONSULTING, INC., AS ASSIGNEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)
- FIRST READING: JANUARY 10, 2023**
- (Staff Contact: Brian Donovan)
16. [23-174](#) **P.H. 2023-36: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," TO CLARIFY ITS STATUS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)
- FIRST READING: JANUARY 10, 2023**
- (Staff Contact: Tracy A. Lyons/Mark E. Berman)
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17. [23-177](#)

**P.H. 2023-37: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.049, "EXAMINATIONS," TO PROVIDE FOR AN ADDITIONAL EXPERT EXAMINATION WHEN A CONFLICT OF OPINION ARISES BETWEEN TWO EXPERTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 10, 2023**

(Staff Contact: Ed Beecher/Tracy A. Lyons)

**E. ADDITIONAL AUDIENCE TO BE HEARD**

**F. NEXT SCHEDULED MEETING**

February 14, 2023 at 1:00 p.m. - Regular City Commission Meeting

February 28, 2023 at 6:00 p.m. - Regular City Commission Meeting

**G. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**H. ADJOURNMENT**

**BALANCE IN CONTINGENCY**

Oct. 1, 2022

Beginning Balance

\$12,000.00

**CITY OF POMPANO BEACH, FLORIDA  
AUDIENCE TO BE HEARD  
REQUEST FORM**

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

**EACH SPEAKER IS LIMITED TO THREE (3) MINUTES**

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session."

**SUBJECT YOU DESIRE TO SPEAK ON:**

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**NOTE: THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK PRIOR TO THE CALL TO ORDER OF THE MEETING. THE CITY CLERK WILL CALL RESIDENTS AND/OR TAXPAYERS, TO INCLUDE AUTHORIZED REPRESENTATIVES FOR PERSONS PERMITTED TO BE HEARD, AS WELL AS EMPLOYEES OF THE CITY TO SPEAK FIRST. OTHERS DESIRING TO SPEAK WILL THEREAFTER BE CALLED TO SPEAK, EXCEPT WHEN THE PERSON IS A USER OF THE CITY'S WATER OR SEWER SYSTEM AND WISHES TO BE HEARD ON A MATTER RELATED TO THE CITY'S WATER AND/OR SEWER SYSTEM.**