



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

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

Tuesday, January 24, 2023

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the City Commission meeting to order at 6:00 p.m.

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Alison Fournier
Commissioner Barry Moss
Commissioner Beverly Perkins
Vice Mayor Andrea McGee
Mayor Rex Hardin

INVOCATION

Apostle John L. Mohorn of Word of the Living God Ministries offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk.

APPROVAL OF MINUTES

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

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.

APPROVAL OF AGENDA

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Agenda be APPROVED as submitted. The motion carried unanimously by voice vote.

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.

Mayor Hardin announced that Item 1 would be pulled for City Commission discussion.

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

Before announcing the current award recipient, Mr. Richard Leys, Chairperson for the Parks and Recreation Advisory Board noted that since COVID-19 there had not been an opportunity to publicly present and acknowledge the previous award recipient for 2020, which he was happy to be able to rectify today. He was joined at the podium by Mr. Philip Schulte also a member of the Parks and Recreation Advisory Board to present the Nick Creola Heroes in the Community Award. Mr. Leys described Mr. Nick Creola and his impact on the Pompano Beach community explaining that the Nick Creola Heroes in the Community Award was founded by Ted Alfin and members of the Parks and Recreation Advisory Board to honor a former employee of the Parks and Recreation Department who lost his battle with cancer in 2002.

2020 Nick Creola Heroes in the Community Award recipient Don “Santa” Larson. Sadly Mr. Larson passed away in 2019, the award was accepted on his behalf by his niece, Rachel, who accepted the award on his family’s behalf.

2022 Nick Creola Heroes in the Community Award recipient Nemia L. Schulte. Ms. Schulte accepted her award for community impact through the Pompano Beach Jr. Lifeguard program and the Pompano Beach Piranhas swim team. She gave a brief description of the benefits of the two organizations and thanked the City for the award.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for “Audience To Be Heard”. The following speakers were called to speak before the Commission:

Brian Campbell, 390 NW 15th Street, Pompano Beach, announced that the 2023 Tiger Trail Festival’s theme this year theme is, “Celebrating Business Diversity.” and invited the community to attend. He also took time to note several upcoming events as well, including a Gospel Concert, Tiger Trail Festival Black Tie Gala,

Gun Violence Forum, 5K Run, Business Expo, Tiger Trail Street Festival, and Raising A Family event. Mr. Campbell also shared the event website: www.tigertrail.com <<http://www.tigertrail.com>>.

William Savarese, 761 NW 8th Street, Pompano Beach, spoke in opposition of the Atlantic Boulevard/ Dixie Highway project and expressed concern about the traffic. He asked the City Commission to reconsider the project. He also suggested a four-way stop in front of the high school at the intersection of NE 4th Street and 13th Avenue.

Cynthia Elder, 2361 NE 15th Terrace, Pompano Beach, submitted a cease-and-desist petition for the installation of streetlights on NE 15th Terrace cul-de-sac (Fairway Heights) to the City Clerk. She read the petition for the record. She further spoke on light pollution.

David Miller, 2621 NW 13th Street, Pompano Beach, spoke on the historical background of the clergy in the City. He announced he will be doing a historical event at the Dillard Museum in May.

Laurie Jones, 310 SE 10th Street, Pompano Beach, asked the City Commission to show openly by a show of hands who did not vote for the Atlantic Boulevard lane reduction. Per Ms. Jones, the residents of the City do not want the lanes reduced and noted the traffic study done during COVID-19 was ridiculous adding that the traffic due to the lane reduction will be awful. Ms. Jones asked that the City Commission to reconsider the lane reduction on Atlantic Boulevard.

William Corlson, 2667 East Atlantic Boulevard, Pompano Beach, spoke on behalf of his tenants and addressed parking and parking meters at the Harbor Village area.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, spoke about the conditions of the post office along Atlantic Blvd. and asked that the City reach out to the post office. Comr. Perkins commented that she too had brought the matter to the attention of the City Manager three years ago.

Stuart Waldron, 2749 East Atlantic Boulevard, Pompano Beach, spoke about the Harbor Village parking meters. He said the Commission who approved it two years ago did so with the understanding the meters would be installed within six (6) months. He asked the City Commission to pause the initiative in order to receive more public input.

Ron Ben Simmons, 601 S. Federal Highway, Pompano Beach, spoke in opposition of the prohibition of pets in City parks. He shared a personal experience with his service animal from June 2021.

Dawn Sullivan, 900 SE 3rd Terrace, Pompano Beach, spoke in opposition to the Atlantic Boulevard/ Dixie Highway project. She said people are being inconvenienced and commutes have increased substantially.

Meeting went into Recess

Meeting Reconvened

ATLANTIC BLVD. / DIXIE HWY. PROJECT DISCUSSION

Comr. Perkins stated she thought the problem with the lane closures had gone away for good. She said the residents came forth in September 2022 with concerns and now the lane closure issue is back again. She expressed her thoughts on the matter and noting that residents were made aware of the project and informed prior to the project to which the current traffic delays are attributed to.

Comr. Perkins advised that if residents do not want it or like it then she would vote against it if it was put back on the table, stating that it is their job to listen to the people.

Mayor Hardin noted that Comr. Perkins voted for the project.

Comr. Fournier stated many residents have taken time out of their schedules to talk about the topic and asked for public input to be heard. She added that she has proactively asked for meetings about the topic during the last two Commission meetings and it was met with silence. She stated she thinks the project is flawed and the wrong questions were asked to the engineers. She suggested they should have asked is this the right section of Atlantic Boulevard for walking and biking lanes. She added the \$46M project impacts every district and the future of the City.

A motion was made by Commissioner Fournier, seconded by Commissioner Perkins, for the City to hold a Special Election with a ballot question letting the residents decide whether this section of Atlantic Boulevard should be for cars or for walking and biking.

Vice Mayor McGee said they have worked hard to develop plans to reinvigorate Pompano Beach. She said they need to continue to make Pompano Beach a livable city and she stands behind the work that has been done to date. She added it was always clear that the vote was to move forward with the new plan and the poles would come down until the construction was ready.

Comr. Fournier commented that the community believed the project had gone away once the poles came down and stated that every time they touch this section of roadway; the City creates gridlock, noting that the road was over capacity back in 2019. She commented that the residents are saying that Atlantic Boulevard is the wrong location for connectivity.

Vice Mayor McGee said a Special Election would be expensive and the project is for cars, pedestrians, circuits, and alternative transportation.

City Attorney Berman clarified that a Special Election cannot be called by motion, only by Resolution. He said the only motion would be for a Resolution to be brought back before the Commission.

An amended motion was made by Commissioner Fournier, seconded by Commissioner Perkins, to bring a Resolution for a Special Election on this topic.

Comr. Perkins opined that road closures have no connection to slum and blight and that there are pockets in all districts that need assistance.

Vice Mayor McGee advised they have learned what works and what doesn't from other cities.

Comr. Fournier stated that there is \$17M of funding from the Northwest CRA in the project and that the impact of redirecting that funding into the Northwest would be significant. She requested a map of where the Northwest CRA money has been invested over time. The commissioner commented that a common theme is a lack of parking in the City and discussed the future of cut-through traffic in the neighborhoods.

Comr. Moss said he was not feeling heavily influenced by the audience based on their behavior.

Comr. Eaton clarified that the G.O. Bond afforded District 4 over \$75M in projects. She concurred with Vice Mayor McGee's comment that she too attended many meetings regarding the project. She said she would not have voted for the project if she did not believe it was a good idea for the City. The commissioner advised that she does not agree with the referendum because this is a G.O. Bond project, which was approved in 2018 and she believes, by law, they are obligated to complete the project.

Comr. Fournier said the G.O. Bond described the project as Atlantic Boulevard / Dixie Highway Improvements, which is subjective and asked if they can entertain public input on the motion.

Mayor Hardin opened the floor to public input.

Vincent Sacco, 3051 NE 8th Terrace, Pompano Beach, said the project is incorrect. He asked them to admit their mistake.

Gold Fedder, 4948 NE 19th Avenue, Pompano Beach, asked the Commission to respect the Pompano Beach residents. He asked the Board to reconsider the project.

Robert Pusins, 171 SE 14th Street, Pompano Beach, voiced his objection to the project. He asked for the City to reevaluate the project and does not want Pompano Beach to end up like Fort Lauderdale.

Trevor Mankini, 451 SE 6th Terrace, Pompano Beach, said he's an engineer and agrees with progress but said, it is not the right location for the project. He asked the Commission to rethink it.

Cyndy Floyd, 2801 NW 3rd Street, Pompano Beach, Former City Commissioner advised that she was a part of the City Commission when they voted unanimously to move the project forward but now asks the residents to forgive her. She said she supports the residents who want to revisit the project and she would have voted differently now.

Dana Leonageo, 100 SE 12th Court, Pompano Beach, said this is not working. He suggested pedestrian bridges like they have in Las Vegas.

Kristen Hernandez, 1001 South Riverside Drive, Pompano Beach, said the issue is that residents are getting pushed out because housing is unaffordable.

Ed Phillips, 384 NW 19th Street, Pompano Beach, recommended a workshop on the topic.

Jocelyn Jackson, no address provided, spoke about the congestion during development but she thanked the Commission for their beautification efforts. She supports development within the City.

Patricia Rowley, 610 NE 3rd Street, Pompano Beach, stated she agrees with Jocelyn Jackson, and said everything takes time. She said she wants to live in a nice city and commended the Commission for its accomplishments.

Curtis Allan, 640 SE 7th Avenue, Pompano Beach, said he does not like increased taxes. He is not in favor of the project. He likes the idea of the pedestrian bridges. He said the project is a waste of time and money. He thanked Comr. Fournier for speaking up.

Ted Furland, 641 SE 7th Avenue, Pompano Beach, spoke in opposition of the lane closure. He said they voted to beautify Pompano Beach and not close down lanes. He said cyclists don't obey the traffic laws. He expressed concern about the City's ability to evacuate during a hurricane.

Sue Wieland, 371 SE 11th Street, Pompano Beach, said she is against the project and thinks it should go to a vote.

Leane Hearty, 1220 NE 9th Street, Pompano Beach, said Pompano Beach has offered her family and children a safe place, and felt this city does not have to be similar to other cities.

Michael Skversky, 1630 SE 5th Avenue, Pompano Beach, said he supports a vote, stating that the people were misled in 2018 and they did not understand what they were voting for.

Chantel Fitzgerald, 341 SE 6th Terrace, Pompano Beach, expressed concern about traffic and how it will affect the response time of first responders.

Tyler Ziontz, no address provided, Pompano Beach, spoke in opposition of the project. He supports growth but said this part of the project is wrong. He said the residents deserve the right to vote.

Robin McComb, 609 SE 1st Street, Pompano Beach, said the people at tonight's meeting are the loud minority and not the majority.

Ron Jones, 310 SE 10th Street, Pompano Beach, said the City needs controlled growth. He expressed concern about traffic on Atlantic Boulevard.

Krent Wieland, 371 SE 11th Street, Pompano Beach, stated he is against the Atlantic project. He said many residents felt like it was a done deal and didn't see the point of showing up to speak out. He said the artery is being clamped.

Stephen Ryba, 917 NE 11th Avenue, Pompano Beach, spoke against the lane reduction. He stated that the

road needs to be expanded and spoke about the increased number of people moving into the City adding that 11th Avenue is a nightmare during rush hour. He asked why busses travel down 11th Avenue and stated his objection to the project.

David Hall, 290 SE 8th Court, Pompano Beach, talked about the booming development in other area cities. He said people deserve to know the truth and then they can vote. He said the project will ultimately beautify the City.

John Wilde, 441 SE 6th Avenue, Pompano Beach, said the problem is the project affects every City road. He said they have the worst intersection.

Jonah Violante, 777 S. Federal Highway, Pompano Beach, spoke in opposition of the project and provided historical context. He said the public has no idea what is going on.

Moca McGee, 951 NE 27th Avenue, Pompano Beach, said the Commission is doing a great job and she supports the project.

Mayor Hardin closed public input and invited further Commission discussion on the motion. There was no further Commission discussion.

A roll call vote was taken on the amended motion. The motion and the vote are as follows:

An amended motion was made by Commissioner Fournier, seconded by Commissioner Perkins, to bring a Resolution for a Special Election on this topic. The motion carried by the following vote:

**Yes: Fournier
Perkins**

**No: Eaton
Moss
McGee
Hardin**

The motion failed (4-2).

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 2-8 without City Commission discussion.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to approve the Consent Agenda. The motion

carried by a unanimous voice vote.

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)

Vice Mayor McGee thanked staff and gave a brief description of what a black box theater is.

Mayor Hardin opened the hearing for public input.

Ed Phillips, 385 NE 9th Street, Pompano Beach, said he is excited and asked about the construction component and additional funding that may be needed.

Ty Tabing, Director of Cultural Affairs further described the space and purpose. He said the overall project costs are approximately \$1M. He said the State funding is from ARPA funds. He further explained the vision for programming.

Mr. Phillips suggested considering hiring people from the area for construction.

Sarahca Peterson, 103 NE 7th Avenue, Pompano Beach, expressed excitement about the project location in the Northwest District. She encouraged increased community education about the concept of a black box theatre.

Comr. Perkins asked about the historical part of the black box theatre. Mr. Tabing said the building exterior is historically designated. He said the programming would be added to the score of services delivered by the Department of Cultural Affairs.

Vice Mayor McGee asked if the space could be used as venue for touring groups or shows. Mr. Tabing confirmed they have engaged in conversations with potential resident theatres who may be interested in longer term residencies. Vice Mayor McGee recommended it could also be used as a rehearsal space.

Comr. Perkins said she would like to see community input on programming. Mr. Tabing said they will host a community meeting to solicit programming feedback.

A motion was made by Vice Mayor McGee, seconded by

Commissioner Eaton, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-67

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)

Enactment No: RES. No. 2023-68

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)

Enactment No: RES. No. 2023-69

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)

Enactment No: RES. No. 2023-70

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)

Enactment No: RES. No. 2023-71

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)

Enactment No: RES. No. 2023-72

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)

Enactment No: RES. No. 2023-73

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)

Enactment No: RES. No. 2023-74

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 9 and 10 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Kervin Alfred, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

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)

Jean Dolan, Development Services Department, presented the item and stated this is the second reading of the request to abandon a cross-access easement for the Gateway Project. There have been no changes since the first reading of the Ordinance.

Mike Vonder Meulen, Keith, Inc., 301 East Atlantic Blvd., (on behalf of the Applicant) confirmed that he has

been sworn. He addressed concerns about community outreach that were mentioned at first reading. Advising the commission that they went before the Greater Collier Civic Association as recommended by city staff, which is part of their regular outreach efforts. According to a civic association map, their project was located at the Old Collier Section, however they learned through Sunbiz.org that the civic association has been dissolved, therefore they assumed the Greater Collier Civic Association was the correct association, which they later learned was incorrect. He apologized for the confusion that this may have caused.

Subsequently, Mr. Vonder Meulen highlighted the significant points of the project, stating it will be at market rate and will have some deed restricted affordable housing requirements. Therefore, it will be a mix of both market rate and affordable all in one.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

Mayor Hardin disclosed he had ex-parte communication with the developer's representatives. Also, he confirmed he made phone calls and contacted people regarding community outreach concerns in connection to this project.

A discussion ensued between Comr. Perkins and Mr. Vonder Meulen regarding the project location and community outreach concerns. Comr. Perkins commented that she understands this item pertains to an abandonment of a 24-foot easement, however she will not vote in favor of the item unless the Applicant meets with the residents. Also, she expressed concerns about activities taken place in the community of which she is unaware. Mr. Vonder Meulen noted his office will work to improve their process.

Mayor Hardin asked if this project was presented before the Development Review Committee (DRC). Ms. Dolan replied the project would go before the DRC and the Planning and Zoning Board (P&Z). Mr. Vonder Meulen added the project went before the Architectural Appearance Committee as well. He said there were multiple applications submitted for this project, to include site plan approval, flex allocation and this proposed abandonment.

Mayor Hardin stated that the Commission receives emails of what will appear on both the DRC and P&Z agendas and they are notified as the items move along through the process. Also, they are made aware of the commissioner districts the projects are in.

Comr. Eaton agreed with the Mayor's remarks and added that it is also available on the Granicus app as well.

Comr. Fournier asked if there is a plan to notify the public. Mr. Vonder Meulen replied they can offer to meet with the representatives in the community and he can get with Comr. Perkins to contact the correct people in the area.

Comr. Perkins stated she received a phone call that a person was going to meet with her about the project but she never received a call back. Nevertheless, she stated Collier City Civic Association is not the only homeowner association. Therefore, she urged developers to learn the area and determine who they need to speak with.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
McGee
Hardin

No: Perkins

Enactment No: ORD. No. 2023-24

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)

Randy Brown, Utilities Director stated this is the second reading and there have been no changes made to the Ordinance.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-25**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)

Laura Atria, Public Arts Manager, stated that this is the second reading of the Ordinance and there were no changes since the first reading.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

Comr. Perkins requested information about the project design. Ms. Atria replied there is no project design at this time, however staff desires to enter into Contract with the Artist to create the design, which will be presented before the Commission for approval and will also be sent to FDOT for its approval as well. Ms. Atria encouraged the Commission to attend the Committee meeting to see the design and she agreed to remind the Commission when the design will be presented before the Committee.

Comr. Perkins stated this public art will be on Dr. Martin Luther King, Jr. Blvd under the overpass of I-95, to which Ms. Atria replied correct and said it consists of 27 columns. Also, Comr. Perkins asked if this is the entranceway to the new downtown, to which Ms. Atria replied correct.

Comr. Perkins stated she wants to be part of the process and requested to be kept informed of the project.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-26

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)

Horacio Danovich, Stegia, LLC, introduced himself as the City's Consultant on this project and stated there have been no changes on the item since first reading and offered to answer any questions the Commission may have on the item.

Mayor Hardin opened the hearing for public input.

Jocelyn Jackson, (Pompano Beach, FL) asked if the proposed area will include a football field, to which Mr. Danovich replied yes. Ms. Jackson stated the City spent millions of dollars upgrading football fields; therefore, she suggested putting an amphitheater, pavilion or a mini park to host events at the propose site. Mayor Hardin stated the Parks and Recreation Advisory Board can look out for additional property to put the stated facility.

Janice Simmons, (Pompano Beach, FL) stated she does not want the facility proposed by the previous speaker at the subject site, because it is located in front of her home. However, she is in favor of having a football field at the site.

Comr. Perkins asked if the skate park was removed from this project, to which Mr. Danovich replied yes. She also asked if money will be in the budget to upgrade Apollo Park, to which City Manager Harrison stated that is to be decided by the majority of the Commission.

Comr. Eaton expressed interest in the upcoming budget, stating she will make sure the parks in her district will be under consideration for improvements. Also, she noted that no one has voted to approve any improvements in Apollo Park. They will be voting only on the items in the Ordinance.

Comr. Fournier stated there are two areas not included in the proposed project; 1) The Apollo Park that is adjacent to the proposed site and 2) The center section between the project site and Apollo Park, which is currently an old dilapidated BMX track. Although they are not included in the project, they do need some attention. Comr. Fournier was pleased to hear the residents who live near the project are happy, and thanked Mr. Danovich for working with the community. In closing, she indicated that the proposed soccer fields on 10th Street are necessary. Those fields will be utilized as soon as they are completed.

Comr. Moss highlighted the number of parks in each district, citing that there are (14) parks in District 1, (9) parks in District 2, (10) parks in District 3, (11) parks in District 4 and (2) parks in District 5.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-27

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)

Scott Reale, Senior Planner of Development Services Department and main staff liaison to the City's Zoning Board of Appeal (ZBA), presented the item and stated this is the second reading of the Ordinance and there were changes to the Ordinance as directed by the Commission since the first reading. He said a Text

Amendment to amend section 155.2203 (C) to increase the number of ZBA alternate members was presented to the City Commission on the January 10, 2023. The Commission concurred that additional alternates were necessary in order for the ZBA to always have a quorum, and directed staff to further revise the code language so that each Commissioner shall nominate an alternate Board member, to be appointed by Resolution of the Commission by a majority vote. This will create a pool of six alternate members for the ZBA, rather than three (as is currently permitted) or four (as proposed at first reading). The Ordinance was further revised to specify that an alternate member vacancy shall be filled by the City Commissioner whose district the appointment originated, with approval by Resolution of the City Commission.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
 Fournier
 Moss
 Perkins
 McGee
 Hardin

Enactment No: ORD. No. 2023-28

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)

Chris Feltgen, E-Plan Administrator, Building Inspections Division introduced himself to the Commission. He stated this is the second reading of the Ordinance amending Chapter 152 of the City's Code of Ordinances, to eliminate the plan examination fee from the building permit fee schedule. In closing, he said there has been no changes since the last reading.

Mayor Hardin opened the hearing for public input.

Jocelyn Jackson, (Pompano Beach, FL) encouraged Mr. Feltgen to keep doing a good job.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-29

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)

Brian Donovan, Assistant City Manager introduced the item and stated this is the second reading of the Ordinance and there have been no changes since first reading.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-30

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)

Tracy Lyons, Deputy City Attorney, introduced the item and stated this is the second reading of the Ordinance amending Section 34.0604 to clarify and memorialize the adopted Collective Bargaining Agreement with the Fire Union. She said since the first reading she had communications with the Police & Fire Pension Board Counsel who requested additional language to be added to further clarify the requirements of the State Statute governing the supplemental retirement funds. There were no issues with the requested language, which was added to Subsection C of the Ordinance and the addition does not modify the subject matter of the Ordinance rather it provides simple additional clarification. In closing, Ms. Lyons stated that all parties agree that the Ordinance is now in final form for Board approval.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-31

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)

Ed Beecher, Human Resources Director introduced the item and stated this is the second reading of the Ordinance and there have been no changes since first reading.

Mayor Hardin opened the hearing for public input. No one came forth to speak.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-32

E. ADDITIONAL AUDIENCE TO BE HEARD

Mayor Hardin asked if there were additional speakers to speak under "Audience To Be Heard". The following speakers were called to speak before the Commission:

Joel Van Hemel, 2651 E. Atlantic Boulevard, Pompano Beach, spoke about the parking in Harbor Village. He asked for a compromise and recommended metered parking located on the southside only, while preserving free parking spots.

Jeff Lantz, Parking Manager spoke about the agreement the City entered into for employee parking in a nearby lot. He said they continually monitor the parking behind Harbor Village. He said they have made some concession for employees that arrive in the early AM and have concerns about safety. Mr. Lantz advised that they don't begin enforcement until 10:00 AM. He noted it is challenging to enforce 15-minute parking spaces.

Vice Mayor McGee asked staff to look into increasing the employee discount from 20% to 30%.

Saracha Peterson, 103 NE 7th Avenue, Pompano Beach, spoke about, John, a child on her block. She spoke about the gun violence that John's family experienced in their neighborhood. She shared another story about a family in the same area. She expressed concern about slum lords and increasing rental rates.

Robin Van Hemel, 2651 E. Atlantic Boulevard, Pompano Beach, said she runs the last "Mom and Pop" photo shop in Pompano Beach. She said the parking meter is a problem and many of their customers are in and out in five minutes. She said paid parking meters impact their business.

Jonah Violante, 777 S. Federal Highway, Pompano Beach, spoke again on the Atlantic Boulevard project. He asked the Commission to pass the motion to engage with the public on the topic. He said the public voted on improvements in the G.O. Bond. He said the lane reduction is not a requirement. He asked for the reconsideration of the motion.

Jocelyn Jackson, no address provided, thanked City staff for the recent event support. She announced a Super Bowl party at Ali Cultural Arts Center.

F. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled meetings are as follows:

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's Report:

No Report

City Attorney's Report:

No Report

City Clerk's Report:

No Report

Comr. Eaton's Report:

Comr. Eaton thanked staff for reaching out to Mrs. Elders, a city resident who lives at 15th Terrace.

Comr. Fournier's Report:

Comr. Fournier commented that the MLK Parade and Afterparty were great and recognized the staff for the

good work on both the Nautical Flea Market and Jazz Fest. The commissioner announced a District 3 Community Meeting on January 25 at 7:00 PM at the American Legion. She acknowledged the concerns expressed by residents on the Atlantic Boulevard project and believes the Commission owes it to them to continue to move the dialogue and answer questions, therefore she offered the following motion:

A motion was made by Commissioner Fournier to hold a Special Meeting to publicly answer residents' questions, review the plan, and the impact.

Motion died due to lack of second.

Comr. Moss' Report:

Comr. Moss reminded everyone that it was National Peanut Butter Day.

Comr. Perkins' Report:

Comr. Perkins spoke about former city staff member Bernadette Davis Fuller. She shared she was the first African-American City Clerk and shared with the commission that sadly Mrs. Fuller passed away on January 11. Comr. Perkins also announced the passing of 110-year-old resident Willie Clark. The commissioner noted that she has been meeting with the City Manager since 2001 regarding her district projects and only receives updates but no action. She said a traffic light is needed at the intersection on NW 18th Avenue and would like staff's help. She acknowledged the turnout for the MLK Parade.

Vice Mayor McGee's Report:

Vice Mayor McGee restated they work hard to keep current projects updated on the City website. She welcomes the opportunity to work with residents one on one to answer any project concerns and thanked staff for their work on Jazz Fest. She announced an upcoming food truck event on Friday at the Sample McDougal House.

Comr. Perkins also added she has no problem with change in Pompano Beach and reiterated her concern about the control of the growth and wants the community to be fully informed.

Mayor Hardin's Report:

Mayor Hardin acknowledged all the MLK events, and the work done by the Committee and City staff. He said Jazz Fest was excellent and attracted attendees from other cities. He announced the upcoming Unity in the Community event. He acknowledged the passing of Willie Clark Sr.

Mayor Hardin read a letter from Traf Tech Engineering and noted the consultants received a letter drafted by a City Commissioner on City letterhead, inferring the City endorsed the content.

The complete copy of Traf Tech Engineering's letter is attached hereto in full as **Exhibit 1**.

Comr. Fournier briefly responded to the letter.

H. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

DocuSigned by:

Kervin Alfred

D1C913A8ED334CA...

Kervin Alfred, City Clerk

DocuSigned by:

Rex Hardin

502CB780EB3F480...

Rex Hardin, Mayor

DocuSigned by:



January 24, 2023

City of Pompano Beach
ATT: Mayor Rex Hardin
100 West Atlantic Blvd
Pompano Beach, Florida 33060

RE: Clarification on Commission Memo dated January 18, 2023

Dear Mayor,

During our communication and project team meeting for the Atlantic/Dixie Streetscape Project yesterday, your consultants received a copy of a letter drafted by a commissioner regarding the streetscape project. **It was on official city letterhead inferring the city endorsed the content.** While we are not debating how various commissioners may feel about the project, we do believe the public must have access to accurate information devised by us as your consultants that has been transmitted to the city. Please allow us to clarify or correct certain parts of the letter.

Clarification #1:

A statement was made that the city consultants have said "the Streetscape Plan could either prioritize pedestrians or cars, but there is not space for both. They prioritized pedestrian connectivity". That is an inaccurate statement. Your Consultants for the Atlantic Dixie streetscape project all conferred and confirmed that over the course of many years, they have consistently stated that the goal is to create a "Complete Street", that makes room for all modes of transportation, including vehicles, pedestrians, bicycles and transit. (See attached example of a Complete Street concept). The consultants worked very hard to ensure the vehicular traffic was analyzed and the traffic impacts were minimized for all vehicles (automobiles, trucks, buses, etc.).

Clarification #2:

A statement was made in the letter that "Pre-Covid, Atlantic Blvd traffic volume was up to 64,300 while the road capacity was 59,000". The source of this information was noted in the memo as a presentation for the GO Bonds, however the complete document is a report prepared for the city in August 2018. The full segment of that section of the report reads as follows:

Current traffic volumes along Atlantic Boulevard range from 64,300 vehicles per day, west of Dixie Highway to 24,700 vehicles per day east of US 1. The segment immediately east of Dixie Highway processes approximately 53,500 vehicles per day while the segment located to the west of US 1 carries approximately 51,500 vehicles per day. Hence, approximately 10,000 vehicles per day drop on Atlantic Boulevard at Dixie Highway and the traffic volumes between Dixie Highway and Federal Highway remain relatively constant. At Federal Highway, approximately 26,800 vehicles per day divert from Atlantic Boulevard to US 1. According to FDOT and Broward County, the acceptable carrying capacity of Atlantic Boulevard ranges from 59,900 vehicles per day, between NW 6th Avenue and Dixie Highway, to 32,400 vehicles per day east of Federal Highway. The short six-lane segment between Dixie Highway and NE 4th Avenue has an acceptable carrying capacity of 50,000 vehicles per day. The report, COMPLETE STREETS for Atlantic Boulevard and Dixie Highway Corridors Pompano Beach, Florida 33060, traffic memorandum was prepared for the City of Pompano Beach by Traf Tech Engineering, Inc.

In addition to the above clarification, more in-depth traffic analyses, including travel time runs, signal optimization, and testing of re-opening traffic lanes and turn lanes were performed on behalf of the City of Pompano Beach in 2019, 2020, 2021 and 2022. The results of these analyses resulted in no decrease in roadway capacity and travel times in the eastbound direction of Atlantic Boulevard and several minutes of additional delay to motorists traveling in the westbound direction (only for the short section of Cypress Road to Dixie Highway).

It is very important that data be presented in its entirety to maintain the integrity of the data and the analysis prepared by the engineering consultant.

Finally, it was brought to our attention that a statement was made by Commissioner Fournier at a City Commission meeting on January 10, 2023, that "the turn lanes on Atlantic Boulevard to southbound Dixie Hwy and Cypress Rd are not being lengthened, and one is actually shortened". That is incorrect.

- Both left turn lanes have been increased in length.
- The Left turn lane going westbound on Atlantic Blvd to southbound Cypress Road will be 72 feet longer.
- The Left turn lane going westbound on Atlantic Boulevard to southbound Dixie Highway will be 90 feet longer.



As your consultants we have conferred and hope this clarifies the information we collectively have prepared for the city. The intent is to ensure the public has access to accurate information. Thank you for your consideration.

Sincerely,

TRAF TECH ENGINEERING, INC.

A handwritten signature in green ink, appearing to read "J. E. Vargas", is written over the printed name and title of the sender.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

CC: Pompano Beach City Commissioners
Greg Harrison, City Manager
Mark Berman, City Attorney
Nguyen Tran, CRA Director
Suzette Sibble, Asst City Administrator
Sandra King, Public Information Officer
Fernand Thony, GO Bond Director
Consultants; Eric Regueiro, Kimley Horn; Paul Kissinger, Kissinger Design; Frank Zarembo, Whiting Turner; Kim Briesemeister, RMA; Horacio Danovich, Stegia, LLC, and former CIP Project Manager, GO Bond Director



Existing Atlantic/Dixie Downtown Intersection



Proposed Atlantic/Dixie Downtown Intersection



I C.A.R.E.

Creating Accessible Roadways for Everyone

SUCCESSFUL DOWNTOWNS NEED IT ALL



WE CARE!

For more information and to sign up for e-news about this project:

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Pompano Beach Community Redevelopment Agency

954.786.7823 | CRA@copbfl.com | DowntownPompanoBeach.org

Safety • Walkability • Quality of Life • Efficient Transportation Modes
Neighborhood Connection • Employment Centers • Entertainment
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TOGETHER THESE ATTRIBUTES CREATE A POSITIVE ECONOMIC
IMPACT FOR ALL RESIDENTS, BUSINESSES, AND VISITORS.