



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor
Andrea McGee, Vice Mayor
Alison Fournier, Commissioner
Barry Moss, Commissioner
Beverly Perkins, Commissioner
Rhonda Sigerson-Eaton, Commissioner

Gregory P. Harrison, City Manager
Mark Berman, City Attorney
Kervin Alfred, City Clerk

Tuesday, September 10, 2024

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the City Commission meeting to order at 1:00 pm.

ROLL CALL

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

Absent: Commissioner Rhonda Sigerson-Eaton

INVOCATION

Pastor Larry Trotter of Florida Coast Church offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

APPROVAL OF MINUTES

[24-564](#) Regular City Commission Meeting Minutes of July 23, 2024

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

[24-565](#) City Commission Budget Workshop Minutes of July 15, 2024

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

[24-566](#) City & CRA Board Joint Special Meeting Minutes of June 20, 2024

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

APPROVAL OF AGENDA

Mayor Hardin announced that Item 17 will be postponed to the December 10, 2024 City Commission meeting.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Agenda be APPROVED AS AMENDED. The motion carried by a unanimous 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 2 would be pulled for City Commission discussion.

A. PROCLAMATIONS[24-533](#) **Hunger Action Month Proclamation**

Mayor Hardin read a proclamation declaring September as Hunger Action Month in the City of Pompano Beach and expressed gratitude to Feeding South Florida for its significant contributions to the community. He invited Lisa Devine, the Grant Manager for Feeding South Florida, to share her thoughts on the initiative.

Ms. Devine accepted the proclamation and discussed the City's support for Hunger Action Month, through community partnership funds and CDBG funds. Feeding South Florida distributed 70 million pounds of food in 2020, up from 34 million in previous years, and over 85.8 million pounds from July 1, 2023, to June 30, 2024. The organization aims to provide food support for families with children during school breaks and weekends. In closing, Ms. Devine encouraged volunteering and directed the public to their website for more information.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

24-544 Suicide Prevention Month Proclamation

Mayor Hardin read a proclamation declaring September as Suicide Prevention Month in the City of Pompano Beach. He invited Margie Rohrbach, Education Committee Co-Chair for the League of Women Voters of Broward County, to share her thoughts.

Ms. Rohrbach accepted the proclamation on behalf of the League of Women Voters at Broward and the Florida chapter of the American Academy of Pediatrics, thanking the commission for recognizing Suicide Prevention Awareness Month. She emphasized that over 50,000 Americans die by suicide each year, with half of those being by firearms. Ms. Rohrbach highlighted the importance of locking up guns to save lives and shared the new mental health crisis number, 988. She also mentioned that anyone interested in receiving a free gun lock can email Gloria Lewis at VA.gov.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

Mayor Hardin stated it was time for “Audience To Be Heard”. He announced that moving forward, each individual speaker must represent only themselves during discussions, contrary to previous instances where one person spoke for multiple sign-ups. He emphasized the need for clarity in this policy to avoid situations where a single individual monopolizes speaking time, such as taking up to 10 minutes. While this new rule doesn't apply to the current meeting, he wanted to make sure everyone is informed about the change for future meetings.

The following speakers were called to speak before the Commission:

John Bodnar, spoke about repaving Riverside Drive. He noted that the issue had been discussed over a year ago with no visible progress. Mayor Hardin advised Mr. Bodnar to check in with Mr. McCaughan for the dates.

Norm King, Lighthouse Point, spoke about kitesurfing at 16th Street and concerns about beach access with the new development in the area. Mayor Hardin stated there should be no change to the beach area.

Pat Anderson, expressed concerns about a situation involving attorneys Chris Ema of MacLean and Ema, P.A, and City Attorney Berman. She alleged that they did not acknowledge a significant incident. According to Ms. Anderson, there was a major disruption reported to the Army Corps of Engineers, which involved going seven feet into a cul-de-sac and disregarding code compliance. Additionally, there were allegations of fraudulent real estate transactions and a new construction project that involved an incident of a smash by Qualman, supposedly approved by City Manager Harrison. In closing, Ms. Anderson stressed the significance of uncovering the truth in this case.

Mary Phillips, 384 NW 19th Street, Pompano Beach, FL, presented information on *Teens Chasing Dreams*, a new after-school program offering scholarships and community service opportunities for local youth. She invited the City Commission to attend the program’s launch event next month and asked for additional City

support in promoting the initiative. She also spoke about upcoming events, including Health and Wellness Fest and Employment Lab.

Audrey Fesik, 412 Briny Avenue, Pompano Beach, FL, expressed concerns about a development project pending resubmittal to the Development Review Committee. While supporting the upgrades, she stressed the importance of ensuring they reflect community use and address safety concerns, particularly for kiteboarders. She urged the City Manager to delay final approval until public input is gathered.

Jocelyn Jackson, Pompano Beach, FL, expressed disappointment regarding the lack of representation from City Commission at Mr. Macon's funeral, emphasizing his significant role in the community. Additionally, she recounted a negative interaction with a new BSO officer. Comr. Fournier expressed her sorrow upon learning about Mr. Macon's passing and mentioned that she was informed about the service only after its occurrence. Subsequently, she promptly reached out to City Manager Harrison to address the matter.

Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, expressed concern about homelessness and the new law that will take effect on October 1st. He noted that BSO is overwhelmed, officers are underpaid, and they need help to address the situation. He also spoke about the conditions at 164 North Powerline Road, which is affected by homelessness.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1 and 3 through 12 under the Consent Agenda.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

1. [24-551](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF A FUNDING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY RELATING TO PARTICIPATION IN THE 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Allison Feurtado)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-199

2. [24-568](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, SUPPORTING THE APPLICATION BY THE COMMUNITY FOUNDATION OF BROWARD TO DESIGNATE THE BLANCHE ELY AND SANDERS PARK NEIGHBORHOODS AS A FLORIDA CHILDREN'S INITIATIVE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Earl Bosworth)

Mayor Hardin pulled the item to express appreciation for everyone involved in the project, noting their dedication to the City of Pompano Beach. He highlighted the initiative's importance for both the community and local schools and thanked those who have made efforts to further engage with the City.

Comr. Perkins stated she supports the grant but noted it only covers the Sanders Park and Blanche Ely areas. She asked if the area coverage could be extended.

Earl Bosworth, Assistant City Manager, expressed uncertainty about the current process, noting that the project originated from the Community Foundation of Broward to initiate the planning process. He agreed to consult with Sherry from the Community Foundation to confirm whether they could be in partnership with the City moving forward if the Commission approves the Resolution.

Patricia Williams, State Representative, highlighted the collaboration with the Florida Children Initiative, focusing on securing recurring funding for Pompano Beach, starting with Blanche Ely and Sanders Park. She noted this is the first time Broward County has applied for such funds, despite other Florida cities benefiting. A meeting at the E. Pat Larkins Center will provide more information, though it coincides with the City's budget meeting.

City Attorney Berman noted that Florida Statute 409.147 is the relevant statute for the initiative discussed. He offered to provide copies to any City Commission member or audience member interested in reviewing it, as it outlines the rules, initiatives, and coalitions related to this effort.

Mayor Hardin sought public input on the item.

Vicente Thrower, Pompano Beach, FL, stated that he supported the item. He asked if the Assistant Principal of Blanche Ely could speak on the item.

Dr. Jenny Thelwell, Assistant Principal at Blanche Ely High School, provided an update on the school's progress, highlighting a 13% increase in english, a 25% increase in math, and a 41% increase in biology and U.S. history, which brought their graduation rate to 89%. The school has now achieved a B rating, an improvement from its previous D rating. She attributed the success to the support from teachers, district leadership, and the community. Dr. Thewell invited the City Commission to attend a September 30th event commemorating the renaming of Building 15 in honor of Ernestine Price and Lillian Greaves, two pillars of the community. The event will feature the superintendent and other dignitaries.

There being no further speakers, Mayor Hardin concluded public input and moved on to the Commission discussion; however, no one commented further on the item.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: RES. No. 2024-200

3. [24-524](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FDOT DISTRICT FOUR (4) AMENDMENT NUMBER THIRTY (30) TO INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS IN THE RIGHT-OF-WAY OF STATE ROAD 5 (NORTH FEDERAL HIGHWAY) FROM MILE POST 8.938 AND MILE POST 9.029; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-201

4. [24-559](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, TO ACCEPT ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$2,121 FOR CONSTRUCTION OF RUNWAY 28 EXTENSION AND TO RECONFIGURING OF TAXIWAY ECHO; CONFIRMING THE CITY'S ADDITIONAL MATCHING CONTRIBUTION IN AN

AMOUNT OF \$2,121; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Air Park cost share is \$2,121)

(Staff Contact: Steve Rocco/Robert McCaughan)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-202

5. [24-539](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AIRPORT IMPROVEMENT PROGRAM GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FEDERAL AVIATION ADMINISTRATION FOR THE DESIGN OF RUNWAY 10-28 REHABILITATION AND CORRECTION OF EXPANSES OF PAVEMENT OF RUNWAY 10 END; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Air Park cost share is \$36,000)

(Staff Contact: Steve Rocco/Robert McCaughan)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-203

6. [24-540](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF A GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CHRISTOPHER & DANA REEVE FOUNDATION FOR THE 2024 DIRECT EFFECT 1ST CYCLE QUALITY OF LIFE GRANT IN THE AMOUNT OF \$24,752 FOR THE PURCHASE OF ALL TERRAIN WHEELCHAIRS FOR ADAPTIVE SPORTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive \$24,752 to purchase 4 all terrain wheelchairs)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-204

7. [24-541](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE EXTENSION AGREEMENT NO. 2 BETWEEN THE CITY OF POMPANO BEACH AND THE BOARD OF COMMISSIONERS OF THE FLORIDA INLAND NAVIGATION DISTRICT REGARDING HARBORS EDGE PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Annual rental payment of \$10 per agreement)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-205

8. [24-552](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFERS (IGT) AND SUPPLEMENTAL PAYMENT PROGRAM FOR MEDICAID MANAGED CARE PATIENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED AGREEMENTS OR DOCUMENTS TO PARTICIPATE IN THE SUPPLEMENT PAYMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Estimate Net Positive \$1,067,232.22)

(Staff Contact: Steve Hudson)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-206

9. [24-561](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG MORGAN AND YARIXA MARCOS, JULIA JONES, AND THE CITY OF POMPANO BEACH, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-207

10. [24-562](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AECOM TECHNICAL SERVICES, INC. TO INSTALL A GROUNDWATER MONITORING WELL WITHIN THE CITY'S RIGHT-OF-WAY LOCATED AT 3415 SPRING STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-208

11. [24-535](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARA DRISCOLL TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF TANYA MANFREDI, AS ALTERNATE 1; SAID TERM TO EXPIRE ON FEBRUARY 28, 2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-209

12. [24-563](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING KERIANN WORLEY TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL AS APPOINTEE OF VICE MAYOR ANDREA MCGEE TO FILL THE UNEXPIRED TERM OF COREY STANISCIA, 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)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-210

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 13 through 15 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.

13. [24-537](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE POWER PETROLEUM HQ PLAT LYING ON THE WEST SIDE OF S. ANDREWS AVENUE, SOUTH OF SW 2ND STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item. Ms. Dolan began by stating that this plat is 7/10ths of an acre and is located at 201 S. Andrews Avenue. Continuing, Ms. Dolan explained that the proposed plat note restricts the uses to a maximum of 9,700 sq. ft. of office and 2,600 sq. ft. of warehouse, which is consistent with the property's industrial land use and zoning. Ms. Dolan informed that staff and the Planning and Zoning Board unanimously recommended approval.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: RES. No. 2024-211

14. [24-519](#) **P.H. 2024-59: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF A 30 FOOT-WIDE UTILITY EASEMENT LOCATED ON THE WEST SIDE OF NORTH ANDREWS AVENUE, IN THE BLOCK BETWEEN NW 22ND STREET AND NW 18TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 23, 2024

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, introduced that item is a second reading of the request to abandon the southern 15-feet of a 30-foot-wide utility easement, which is located on the west side of North Andrews Avenue, in the block between NW 22nd Street and NW 18th Street. Ms. Dolan affirmed there have been no changes since the first reading.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-47

15. [24-528](#) **P.H. 2024-60: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF A 10-FOOT WIDE UTILITY EASEMENT LOCATED ON THE EAST SIDE OF SE 28TH AVENUE, AT THE TERMINUS OF SE 6TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/ David Recor)

Jean Dolan, Development Services Department, presented the item as a request to abandon a 10-foot-wide utility easement that has been located under an existing single-family structure for the past 70 years. Ms. Dolan explained that the lot was created by combining two lots, so what was once a perimeter utility easement now runs right down the middle of the single-family home. Continuing, she informed that the easement cannot be used for any public purpose since it is located under a house. Ms. Dolan stated that the Planning and Zoning Board, along with staff, recommend approval.

Mayor Hardin sought public input on the item and invited further Commission discussion.

Mayor Hardin asked if there was adequate drainage so an easement would not be needed in the future. Ms. Dolan clarified that this easement under the house could not be used for public purposes, but if there does need to be another drainage easement in the future, the house is being knocked down and another one is being built, so it would be accomplished during the building permitting process.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-49

END OF QUASI-JUDICIAL PROCEEDING

16. [24-550](#) Consideration to designate NE 10th Street as a dual-named road, "Centennial Drive".
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, introduced the item. Mr. McCaughan explained that the item is to consider dual naming NE 10th Street "Centennial Drive" from Federal Highway to NE 3rd Avenue. He informed that the street is currently dual-named "Elks Lodge Drive", which is no longer appropriate due to the Elks Lodge relocation. Furthermore, he stated that "Centennial Drive" would bring awareness to Centennial Park. Mr. McCaughan stated that the Pompano Beach Historical Society and the Historic Preservation Committee approved the name designation.

Mayor Hardin sought public input on the item and invited further Commission discussion.

Vicente Thrower, Pompano Beach, expressed his support of the item but asked that the City not forget to do something on behalf of Mr. Macon.

Mayor Hardin inquired as to why the dual-name did not extend to Dixie Highway. Mr. McCaughan explained that the request came from Mr. DeJong, with the application listing Federal Highway to NE 3rd Avenue, but that he could not see a reason why it could not extend to Dixie Highway. Mayor Hardin asked that a request be made to Mr. DeJong to extend to Dixie Highway.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following roll call vote:

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

17. [24-290](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO DECLARATION OF VOLUNTARY RESTRICTIVE COVENANTS MADE BY DIXIE PROPERTIES & INVESTMENTS, LLC AND UPPER POMPANO PROPERTIES & INVESTMENTS, LLC FOR THE BENEFIT OF THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM JUNE 11, 2024

***Note:** At the applicant's request, this item will be postponed to the December 10, 2024 Agenda.

(Staff Contact: Scott Reale/David Recor)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be POSTPONED to the December 10, 2024 City Commission meeting. The motion carried by a unanimous voice vote.

18. [24-464](#) **P.H. 2024-56: (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 AGREEMENT AND FIRST AMENDMENT FOR INDEPENDENT AUDITING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CITRIN COOPERMAN & COMPANY, LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: JULY 23, 2024

(Staff Contact: Allison Feurtado)

Allison Feurtado, Finance Director, presented the item and stated that there has been no changes since its first reading.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Mayor Hardin inquired if a simple change, such as a name change, could be handled by the company doing the

work without requiring approval from the City Commission. He found the current process to be unnecessarily cumbersome.

City Attorney Berman explained that the situation involves a different company that has taken over the assets, making it a somewhat different scenario. He mentioned that this constitutes an amendment to a contract that was initially approved by Ordinance by the Commission, emphasizing that any further amendments should also be approved by Ordinance.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-48

19. [24-482](#) **P.H. 2024-57: (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 MASTER SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SOUNDTHINKING, INC., PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,706,250 over 5 years)

FIRST READING: JULY 9, 2024

POSTPONED FROM JULY 23, 2024

(Staff Contact: Greg Harrison)

City Manager Harrison stated that the item was postponed from July. He mentioned that Phil Daly from ShotSpotter wanted to provide comment on the item.

Mr. Daly expressed gratitude for the opportunity to be present and serve the Sheriff's Office and the City in their efforts to reduce gun violence. He acknowledged the lack of interest in continuing the current program and respectfully requested the withdrawal of the agenda item. Mr. Daly also expressed openness to revisiting the topic in the future or exploring alternative solutions. He conveyed appreciation for the opportunity to have served.

Mr. Daly stated his position as Vice President of Soundthinking and provided the company location in Fremont, California.

Mayor Hardin requested a motion to strike the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Ordinance / Regular Agenda be STRICKEN. The motion carried by a unanimous voice vote.

20. [24-394](#) **P.H. 2024-46: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SERVICE CONTRACT NO. 12369 BETWEEN THE CITY OF POMPANO BEACH AND TRIO DEVELOPMENT CORPORATION FOR LIFT STATION REHABILITATION AND REPAIR SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$4,000,000 per year)

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director, presented the item, explaining that this is a contract for the maintenance of 82 lift stations, including approximately 170 pumps, motors, and control panels for operating the wastewater collection system.

Mayor Hardin sought public input and invited the Commission to comment on the item; however, no one provided any comments.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-50

21. [24-466](#) **P.H. 2024-52-B: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES IN ACCORDANCE WITH SECTION 166.04151.(7), FLORIDA STATUTES; BY AMENDING SECTION 155.2407, "SITE PLAN," TO PROVIDE THE REQUIRED ADMINISTRATIVE APPROVAL PROCESS FOR QUALIFIED LIVE LOCAL ACT PROJECTS; BY AMENDING SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD LIVING USES," BY DELETING SUBSECTION A, "STANDARDS APPLICABLE TO HOUSEHOLD LIVING USES" IN ITS ENTIRETY AND REPLACING IT WITH NEW SUBSECTION A, "MIXED INCOME RESIDENTIAL AND MIXED USE DENSITY BONUS POLICIES" TO RESTATE AND PROVIDE MIXED-INCOME HOUSING REQUIREMENTS AND POLICIES; AND BY AMENDING ARTICLE 9: DEFINITIONS AND INTERPRETATION, BY AMENDING PART 5, "TERMS AND USES DEFINED", TO MODIFY AND PROVIDE ADDITIONAL DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JULY 23, 2024

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, introduced the item and highlighted the proposed Ordinance, which seeks to modify the City's mixed-income housing program by incorporating the Live Local Act. Pompano has been chosen by Broward County to provide expert witness testimony on the implementation of Broward County's mixed-income housing policies 2.16.3 and 2.16.4 due to our expertise in this area. The program has been used to approve 7 projects in the past 2 years resulting in additional affordable units for moderate-income households while preserving flex units and residential entitlements in our transit-oriented districts.

Furthermore, Ms. Dolan discussed the preemptions in the Live Local Act regarding local land use and zoning regulations with regard to multifamily use, density, height, floor area ratio (FAR), and parking in industrial, commercial, and mixed-use districts. The Live Local Act permits residential developments with affordable housing at the highest density and the highest height allowed by any zoning district in the City. In cities with less than 20 percent commercial or mixed-use industrial land use, Live Local projects must be mixed-use. Residential land use and zoning districts, as well as areas affected by the Airpark Overlay District, are excluded from the Act's provisions. Administrative approval, without the need for public hearings, is mandated for affordable housing projects approved under the Live Local Act.

Ms. Dolan noted that adjustments to the City's code have been made to accommodate the Live Local Act, including the increase of the maximum affordable housing percentage to 40 percent in the Dixie Highway corridor and the Powerline corridor between Atlantic Boulevard and NW 15th Street. All projects subject to

the City's mixed income regulations must be mixed-use if they are beyond a grocery store's half-mile service radius and on a major transit route, with the aim of promoting balanced communities and expanding neighborhood-serving retail and office uses. The types of uses to be allowed to locate within the non-accessory commercial spaces in mixed-use projects have been defined in the zoning code. Parking requirements for mixed-use projects have been augmented, to include one guest space required per five units in the project.

Attached as **Exhibit 1** is a copy of Ms. Dolan's presentation, which is a comprehensive overview of the proposed code amendment, covering all the relevant details and aspects of the proposal.

Finally, Ms. Dolan noted that the Planning and Zoning Board unanimously recommended approval of the amendments to the Mixed-Income Housing Ordinance to address the 2024 version of the Live Local Act on June 26, 2024 and staff recommends approval.

Mayor Hardin sought public input on the item.

Dwayne Dickerson, 14 SE 4th Street, Boca Raton, representing a residential developer planning a workforce affordable housing development, requested amendments to allow their project to proceed. The amendments would adjust Section 155.4202.A.2.g.i.(A), removing the requirement for a commercial or non-residential component and allowing for 100% residential use. Additionally, he requested an amendment to Section 155.4202.A.2.g.i.(F), which currently limits affordable workforce housing to 50% of the development. The proposed change would allow 100% of the development to be affordable workforce housing. Attorney Dickerson emphasized that the request is narrowly tailored to avoid disrupting other projects, noting that similar developments, including the Broward Partnership for the Homeless and Captiva, have succeeded under the current guidelines.

Jocelyn Jackson, Pompano Beach, FL, asked if previous projects would require amendments as well. Ms. Dolan clarified that code amendments are not retroactive. Ms. Jackson stated she was excited about the new development coming into the community.

Vicente Thrower, Pompano Beach, FL, asked about the proposal's impact on current projects. Mayor Hardin repeated Ms. Dolan's earlier response, stating that it would only affect future projects. City Attorney Berman emphasized that the impact is not retroactive. Mr. Thrower suggested being mindful of introducing affordable units to the neighborhood.

There being no further speakers, Mayor Hardin concluded public input and moved on to the Commission discussion.

Comr. Fournier expressed concerns about parking requirements in the TOD (Transit-Oriented Development) area. Ms. Dolan stated the proposal involves merging the Live Local Act into the City's code and described the limitations imposed by state law. She clarified that the law allows developers to propose projects with zero parking, but it is unlikely due to financial feasibility. Comr. Fournier sought clarity on the implications of voting no on the proposal, and it was explained that rejecting it would remove the safety measures the City had added but would not change state law. Ms. Dolan emphasized that the City's current code already meets many of the incentives promoted by the Live Local Act, and further adjustments, such as parking incentives, are being implemented to ensure the best possible outcomes.

Comr. Fournier and Ms. Dolan discussed the implications of the proposed amendment, with Comr. Fournier seeking clarification on how many projects would be affected, particularly regarding Captiva Cove in her district. She emphasized that expanding an existing affordable project, like Captiva Cove, would be a positive development. Ms. Dolan clarified that the amendment is not about Captiva Cove but about 2050 MLK at the corner of Powerline Road and MLK Boulevard. This area has the highest concentration of subsidized housing in the City, and the amendment would not affect other affordable projects like Captiva Cove, which was approved before the mixed-income policy was implemented.

Ms. Dolan clarified that the project at 2050 MLK is a standalone development and not a phase of an existing project. The entitlements for the project were created through a resolution and initially planned for 263 units, mainly market rate, with 39 flex units and bonus units. The project was designed to bring moderate-income housing into an area with a high concentration of poverty. However, the current request would modify the project into another tax credit development, contrary to the City's goal of reducing poverty concentrations in the area. Ms. Dolan further emphasized that the 2050 MLK project is located in the center of an area where the City is actively working to reduce poverty concentration. Adding a tax credit project in this zone would undermine the City's efforts over the past two years, which aimed to limit affordable housing developments to 50% in areas with high poverty concentration.

Comr. Fournier questioned if the proposed change would only affect the 2050 MLK project or if other projects would be impacted. Ms. Dolan explained that any previously approved projects requesting amendments could bypass the City's affordable housing policies, using flex units to pursue tax credit projects in areas where the City is trying to deconcentrate poverty.

Vice Mayor McGee asked for clarification on the location and definition of mixed-use, specifically whether non-residential space refers to non-accessory commercial space. Ms. Dolan confirmed this and added that the City's mixed-income housing strategy aligns with federal, state, and county policies. She emphasized that mixed-income housing is beneficial for upward mobility, citing data from HUD and local studies. Additionally, Ms. Dolan noted that while the current focus is on injecting commercial spaces into underserved areas, the long-term goal is to attract a grocery store to the Northwest, where commercial options are currently lacking.

Mayor Hardin expressed that while he appreciates Mr. Dickerson's presence, he hasn't yet seen the proposed changes and feels it's not the best method to address such changes at the podium. He sought clarification from City Attorney Berman on whether modifications could be made before the second reading. Mayor Hardin suggested focusing on the current proposal, passing it on first reading, and using the time before the second reading to review Mr. Dickerson's suggestions and discuss them further. He emphasized the importance of being fully informed before making any final decisions.

Comr. Perkins agreed with Mayor Hardin about needing to know more information.

City Manager Harrison recommended that the City Commission pass the item on first reading. Then, city staff will meet with Mr. Dickerson and hold individual meetings with each commissioner.

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

Yes: Fournier

Moss

Perkins

McGee

Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-54

22. [24-456](#) **P.H. 2024-53: (PUBLIC HEARING 1ST 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 VELVET ANVIL, LLC FOR THE DESIGN AND FABRICATION OF A SEAHORSE SCULPTURE TO BE ATTACHED TO THE LADY LUCK IN SHIPWRECK PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,000.00)



Strategic Plan Initiative

(Staff Contact: Ty Tabing)

Ty Tabing, Cultural Affairs Director, introduced the item and noted that this was the third round of the underwater garden sculpture program. Velvet Anvil was selected from over 107 submissions for the \$35,000 commission. The seahorse sculpture, standing six feet tall with a saddle, will be displayed at the beach for a year before being submerged at Shipwreck Bay. After feedback from Vice Mayor McGee and Public Works, they are considering allowing public interaction by providing a box for access to the saddle. The artist, experienced in underwater sculpture, will ensure the piece is safely prepared for its time on the beach.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Vice Mayor McGee expressed excitement about the sculpture, noting its design and potential for marine life to attach to its crevices once submerged. She supported exploring ways for people to safely interact with the saddle, mentioning the inevitability of people wanting to sit on it. She suggested possibly adding a support ladder and proposed using a rubberized coating to prevent the steel from becoming too hot in the sun, avoiding potential injuries.

Comr. Fournier supported making the sculpture more accessible, noting that preventing children from climbing

it would have been difficult. She appreciated the direction of making it safe for interaction and suggested the artist consider safety during the design process.

Mayor Hardin also praised the MLK overpass project, calling it a wonderful addition to the area.

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

Yes: Fournier

Moss

McGee

Hardin

No: Perkins

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-51

23. [24-531](#) **P.H. 2024-62: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DON BELL SIGNS LLC FOR FABRICATION, INSTALLATION AND REPAIR OF SIGNAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Dr. Tammy Good/Matthew Kudrna)

Dr. Tammy Good, CIP Manager, introduced the item and noted this is the first reading of an Ordinance to execute a contract with Don Bell Signs for the fabrication and installation of various city signs, including wayfinding, entryway, and facility signs. After advertising a request for qualifications earlier this year, three firms responded and staff successfully negotiated a contract with Don Bell Signs. Despite some challenges, the contract has been signed, adding another resource to the City's project management.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Comr. Fournier asked about the status of the entryway signs and their progress. Dr. Good explained that work with the first firm, contracted in March, has been ongoing, with designs in progress and a proposal issued for Roy Rogers Park. Don Bell Signs will be an additional resource if issues arise with the current firm, though progress with the first firm remains on track. Dr. Good noted having another firm is seen as adding more tools

to the City's project management efforts. Comr. Fournier appreciated the clarification and is pleased to know the initial firm is still on course.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Ordinance / Regular Agenda be **APPROVED FIRST READING**. The motion carried by the following roll call vote:

- Yes:** Fournier
Moss
Perkins
McGee
Hardin

Absent: Sigerson-Eaton

Enactment No: ORD. No. 2024-53

24. [24-495](#)
- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MARK HANKE, ALTERNATE 2; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM JULY 23, 2024

<u>Applicants</u>	<u>Other Board Memberships</u>
Alexa Fitch - District 3	0
Hunter Craig - District 3	0
Lynne Mitchem - District 3	1

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be **ADOPTED**. Commissioner Fournier nominated to appoint Alexa Fitch and Vice Mayor nominated Hunter Craig. The motion to appoint Hunter Craig carried by the following roll call vote:

Yes: Moss
McGee
Hardin

No: Fournier
Perkins

Absent: Sigerson-Eaton

Enactment No: RES. No. 2024-212

25. [24-523](#)
- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE POMPANO BEACH POLICE & FIREFIGHTERS’ RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 19, 2027; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
David Hall, Incumbent - District 3	0
Denise Searle - District 1	0

(Staff Contact: Kervin Alfred)

Mayor Hardin nominated David Hall, the incumbent, for the position.

City Clerk Alfred mentioned that he had emailed everyone about a change to the expiration date. He asked for a motion to accept the change to the resolution caption to reflect the correct expiration date, which is September 12, 2027.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, to amend the expiration date of the appointment to September 12, 2024. The motion carried by a unanimous voice vote.

The Mayor restated his nomination of Mr. Hall for the position and requested further nominations to fill the position on the Board; however, no further nominations were provided.

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be ADOPTED. Mayor Hardin nominated to appoint David Hall. The motion to appoint David Hall carried by a unanimous voice vote.

Enactment No: RES. No. 2024-213

26. [24-536](#)
- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS: SAID TERM TO EXPIRE ON SEPTEMBER 11, 2027; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Tod Weston, Incumbent - District 1	0
Lisa Nothardt - District 3	0
Mary Beth Fleck - District 3	0

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be ADOPTED. Mayor Hardin nominated to appoint Tod Weston. The motion to appoint Tod Weston carried by a unanimous voice vote.

Enactment No: RES. No. 2024-214

27. [24-546](#)
- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SCOTT SCHOEN TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, TO FILL THE UNEXPIRED TERM OF COREY STANISCIA; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be ADOPTED. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-215

28. [24-493](#)
- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CARA DRISCOLL AS ALTERNATE 2; SAID TERM TO EXPIRE ON FEBRUARY 28, 2027; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Christine Goodwin - District 3	0
William F. Griffin - District 3	0

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Resolution / Regular Agenda be **ADOPTED**. Mayor Hardin nominated to appoint Christine Goodwin. The motion to appoint Christine Goodwin carried by a unanimous voice vote.

Enactment No: RES. No. 2024-216

E. ADDITIONAL AUDIENCE TO BE HEARD

Mayor Hardin asked if there were any additional speakers signed-up to speak under Audience to be Heard, to which City Clerk Alfred replied there were none.

F. NEXT SCHEDULED MEETING

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

- September 12, 2024 at 6:00 p.m. - Special City Commission/ EMS Taxing District
- September 19, 2024 at 6:00 p.m. - Special City Commission/ EMS Taxing District
- September 24, 2024 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

City Manager’s Report:

City Manager Harrison announced the next Clean Streets project, which will take place on September 19th in the neighborhoods of Blanche Ely, Sanders Park, and Canal Point. He also provided dates for public forums on proposed city charter changes: September 18th at the E. Pat Larkins Center at 6:00 p.m., September 19th at the Emma Lou Center at 6:00 p.m., and October 9th at the Herb Skolnick Center at 7:00 p.m.

In addition, City Manager Harrison reported that the Florida Festival and Event Association recognized the Parks and Recreation staff with multiple awards. The awards included first place for children’s programming and multi-agency collaboration. The Cultural Affairs Department was recognized for its Jazz Fest, winning second place for television and third place in social media. The Strategic Communications Department was also awarded for their work on events and marketing. Finally, City Manager Harrison recognized Major Elwood and Sergeant Williams for their efforts with the ShotSpotter program.

City Attorney’s Report:

City Attorney Berman mentioned that, along with the previously mentioned forum dates, there will be a meeting on September 26th at the Skolnick Center. Informational materials about the proposed charter amendments, including a website notice, video, and pamphlets, will be available at City community centers to provide neutral information to residents.

City Clerk's Report:

No report.

Comr. Fournier's Report:

Comr. Fournier welcomed back Pompano Beach students and discussed a recent Zoom meeting with local school principals on supporting students. She looks forward to organizing another Student Government Day. Next, she expressed concern over the condition of roads in Garden Isles and Cypress Harbor, asking the City Manager about the possibility of accelerating paving projects. Her community meeting, featuring Senator Pizzo, will be held on September 18th at 7:00 p.m. at the American Legion. Topics will include insurance, condo legislation, and short-term rentals. Comr. Fournier also highlighted the 9/11 memorial ceremony at Founders Park. She also expressed concern about House Bill 1365, noting the Sheriff will stop accepting municipal ordinance arrests on October 1st. She highlighted the City's challenge in handling contempt cases, especially without state funding, and asked how the City will respond to potential lawsuits from businesses regarding homeless individuals.

City Attorney Berman explained that the Sheriff's refusal to accept municipal defendants is based on the county jail not being a municipal detention facility, according to Florida Statute 950.1.23. City and county attorneys are actively working on solutions, including the possibility of a countywide ordinance that could allow deputies to cite under it. He noted that this issue extends beyond homelessness to all municipal ordinance violations and acknowledged potential legal risks. Progress is ongoing, and updates will be provided as developments occur.

Discussion ensued between Comr. Fournier and City Attorney Berman regarding the statute and impact on the City.

Comr. Moss' Report:

Comr. Moss announced that on October 9th, at 7:00 p.m. at the Herb Skolnick Center, Palm Aire United will host a candidates' forum. Letters will be sent to candidates for City Commission and Mayor positions affecting District Five. The forum will start with city representatives explaining charter-related ballot items, followed by candidate introductions, journalist questions, and an open floor for audience questions. Representatives from The Pelican newspaper will moderate. Comr. Moss also announced the return of Saturday morning meetings at 9:30 a.m. at the Herb Skolnick Center.

Comr. Perkins' Report:

Comr. Perkins thanked Chief Elwood for his assistance with a matter. She reminded residents near Blanche Ely and Sanders Park of the clean streets event on September 19th and will post details on her Facebook page.

She suggested creating a city master calendar to avoid event conflicts, mentioning challenges with booking the E. Pat Larkins Center. Upcoming events include city charter changes on September 18th and a schools' event in Coconut Creek, which she plans to attend. She also noted a meeting by Commissioner Williams at the E. Pat Larkins Center on Thursday, coinciding with the budget meeting.

Vice Mayor McGee's Report:

Vice Mayor McGee applauded the recent pier cleanup event, noting divers, snorkelers, and volunteers helped clean up, with some divers even interacting with the pier camera underwater. She hopes next year's event will receive more promotion. She thanked the Building and Ground Departments, along with the Parks and Recreations Department for the new Pier Park playground, which has received positive feedback from both kids and parents. Additionally, she noted that a pull-up bar, requested by residents, is on its way and will be installed soon. Lastly, she announced the "Music Under the Stars" event this Friday on the Great Lawn.

Mayor Hardin's Report:

Mayor Hardin complimented the City on the success of Wahoo Bay, which has received positive press and attention, highlighting its value to the community. He also thanked Assistant City Manager Bosworth for visiting the Charles Drew Resource Center with him to discuss potential partnerships. Mayor Hardin mentioned his upcoming visit to Sanders Park for their student government election, emphasizing the importance of city officials engaging with schools. Finally, he read a letter of praise from a general contractor, commending the City's Building department for its professionalism and efficiency.

H. ADJOURNMENT

The meeting adjourned at 3:18 p.m.

DocuSigned by:

Kervin Alfred

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Kervin Alfred, City Clerk

Signed by:

Rex Hardin

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Rex Hardin, Mayor

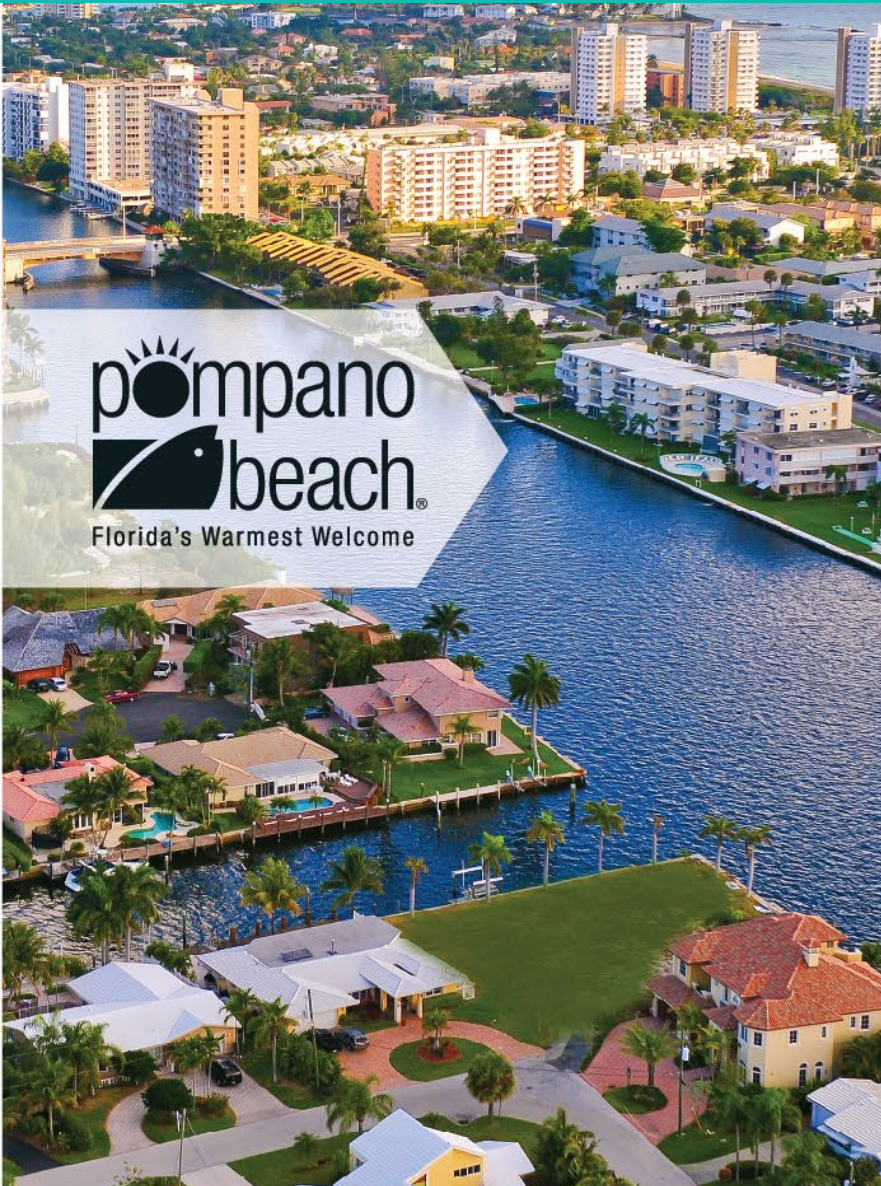
Signed by:



Exhibit 1

Mixed Income Housing Ordinance Text Amendments Live Local Act 2024

City Commission
September 10, 2024





Mixed Income Housing Program Monitoring 2022-Present

Resolution# or Development Order # and Date	Project Name	Plat Name	Property Address or PCN	Policy Used	# of Flex/Affordable Units	# of Bonus Units	Commercial SF (if mixed use)
Resolution 2022-168, June 28, 2022*	Captiva Cove Phase 3 (originally Aloha 1) Tax Credit Project*	Fairview Amended Plat 10-25	484202030130	2.16.3	5	95	0
Resolution 2023-21, November 8, 2022*	BPHI Tax Credit project*	Broward County Plat #2 159-16	1700 Blount Road	2.16.3	7	131	0
Resolution 2023-20, November 8, 2022	Gateway Luxury Apartments (market rate project)	Hurok Plat 186-446B	950 Powerline Road	2.16.3	19	109	0
Resolution 2023-130, April 11, 2023	2050 Dr. Martin Luther King Jr., Blvd (market rate project)	2050 MLK	484234000270, 0271	2.16.3	38	228	0
DPTOC Site Plan #22-12000044, June 28, 2023	Old Town II Site Plan (market rate project)	Smoaks Addition & Campbell & Saxon	484235170130, 0320	2.16.3	34	195	3,400
ETOC Site Plan DO #23-12000043 May 22, 2024	911 E Atlantic Boulevard (market rate project)	PineCrest First Addition 7-34B	484236050960	2.16.4	13	70	9,107
ETOC GLC 22nd DO #23-12000046 July 24, 2024	31 NE 22nd Avenue (market rate project)	Pinehurst 5-13, Lot 5, 8,9, Blk 14	484236011830	2.16.4	10	57	1,792
TOTALS					126	885	14,299

*100% of these tax credit projects are restricted to affordable.

Benefits in the first two years of implementing the mixed income housing policies:

- (1) Created (on paper) 114 moderate income affordable units that would not have been provided otherwise due to 2.16.3 not allowing buyout as an option and 2.16.4 buyout being \$10K+ per unit.
- (2) Got back 103 flex units (From Captivl Cove Phase III - originally approved as Aloha) plus saved 563 flex and redevelopment units. Without this policy we would have only 121 flex/redevelopment units left.
- (3) Saved 195 units in the Downtown basket of Development Rights that can be used for future projects.
- (4) Saved 127 units in the ETOC basket of Development Rights that can be used for future projects.

Note: Policy 2.16.3 is the most popular method for entitling property because it does not require mixed use. This proves that if we want mixed use, we have to require it or it won't be built.



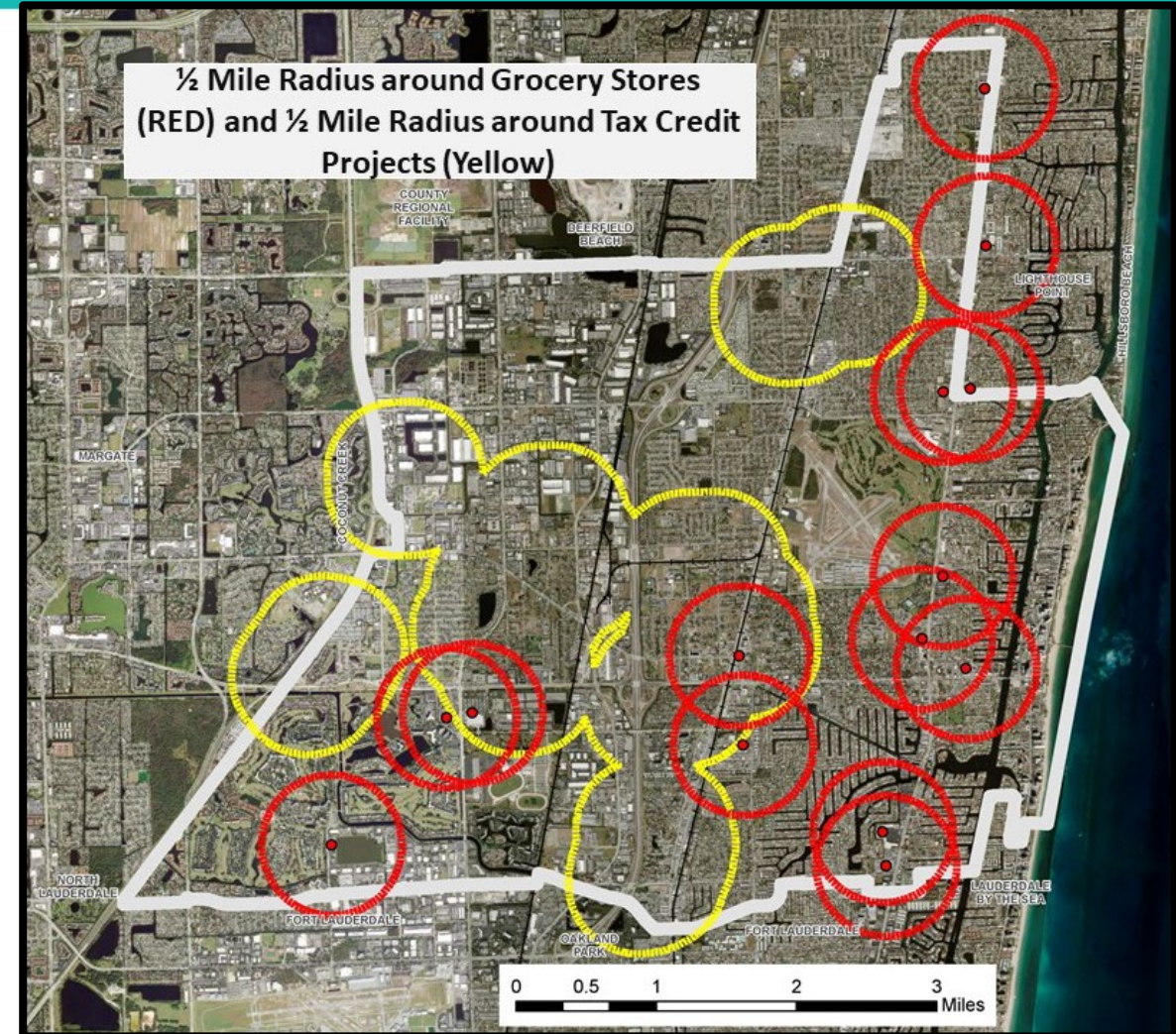
What the Live Local Act Does

- Preempts local government from applying their land use and zoning regulations in relation to Use (MF rental), Density, Height, FAR and Parking in Industrial, Commercial and Mixed Use Districts. Allows for zero parking for qualified mixed use projects in a Transit Oriented District.
- Gives highest residential density in the City code (not including any bonus density) and highest height within a mile of the site to any multi-family project with at least 40% affordable housing in an Industrial, Commercial or Mixed Use District. Some limitations if the site has SF on at least 2 sides.
- Requires projects to be mixed use in cities with less than 20% commercial OR industrial land. Pompano is 8.6% Commercial and is 21% Industrial. The City Attorney is interpreting this to mean all Live Local projects in Pompano must be mixed use since we are less than 20% commercial.
- Excludes residential land use and zoning districts and areas affected by Chapter 333.03 F.S. (Airpark Overlay District) from these affordable housing projects.
- Requires administrative approval of affordable housing projects approved under this law with no hearings by elected or appointed bodies.



Code Amendments

1. Increase the 20% maximum affordable on Dixie Highway and Powerline between Atlantic Blvd and NW 15th Street to 40% to ensure compliance with the 40% minimum affordable in a Live Local Act project. Otherwise, no changes to our deconcentration of poverty regulations.
2. Require all residential projects using 2.16.3 or 2.16.4 to be mixed use if outside of a grocery store (definition added) ½ mile service area. This implements Comp Plan *Policy 01.23.01 - To create balanced communities, encourage the expansion of neighborhood-serving retail and office uses in areas dominated by the industrial, and manufacturing sectors if appropriate to better serve the local community.* All Live Local Act projects already have to be mixed use.
3. Define how much nonaccessory commercial is required in one of these mixed use projects which is 50% of the ground floor facing a primary road, public open space or major pedestrian walkway (same as required by 2.16.4 for properties 5-acres or less).
4. Increase the parking requirement for all mixed use projects to include the 1 guest space per 5 units requirement and specify that the mixed income housing parking incentives cannot be combined with the Live Local Act parking incentives.
5. Define the Minor Site Plan process as the required administrative approval of a Live Local Act project and exclude AAC approval requirement when major building design.





Additional Definitions

PART 5 TERMS AND USES DEFINED

Convenience Store

A store with extended opening hours and in a convenient location, stocking a range of household goods, with limited groceries dominated by prepackaged drinks and snacks.

Grocery ~~or Convenience~~ (nonconvenience) Store

A retail establishment engaged in the sale of food and foodstuffs, sundries, tobacco products, beer, wine, papers and magazines. A large (+15,000 SF) self-service store selling a full range of fresh foods including a comprehensive selection of fresh fruits, vegetables and greens, fresh milk, eggs and other dairy products, various types and cuts of meat and poultry products, ingredients for home cooking and baking, deli meats and salads, and other household goods.

Mixed Income Housing Development

A project with a combination of income restricted and unrestricted units.



Recommendation

The Planning and Zoning Board unanimously recommended approval of the amendments to the mixed income housing ordinance to address the 2024 version of the Live Local Act on June 26, 2024.

Staff recommends approval.



Questions? / Comments

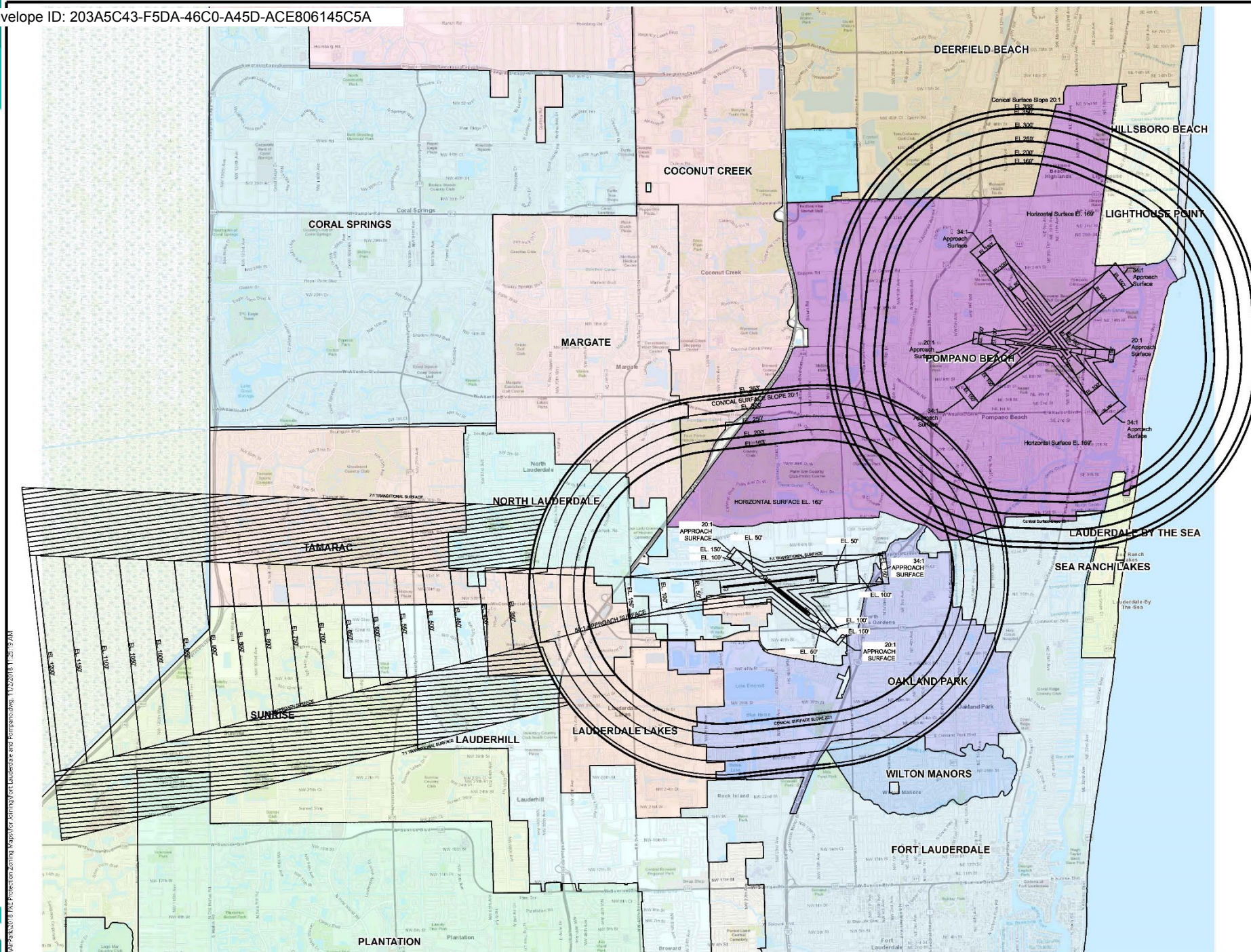


Analysis of Mixed Use Projects

Project	Overall SF	# of Units	Population	10% of building area (SF)	Building Footprint (SF)	Actual Retail Area (SF)	% Ground Floor (SF)	% of GBA Provided (SF)
Olde Town Square	276,662	277	693	27,666	63,423	4,658	7.3%	1.7%
Fairfield/Morea	368,247	327	818	36,825	88,723	4,008	4.5%	1.1%
Atlantic One	305,397	304	760	30,540	106,211	10,653	10.0%	3.5%
Aviara East	260,589	229	573	26,059	50,862	8,962	17.6%	3.4%
30 NE 5 St	47,419	52	130	4,742	6,340	4,085	64.4%	8.6%
Falcone (Wabash)	240,341	285	713	24,034	87,077	4,164	4.8%	1.7%
Heritage	185,830	116	290	18,583	43,069	6,670	15.5%	3.6%
City Vista	145,738	107	268	14,574	23,644	3,810	16.1%	2.6%
Totals	1,830,223	1,813	4,533	183,022	469,349	47,010	10.0%	2.6%
Total Retail Per Capita				40	10			
National Average of Retail SF per Capita				24.5	24.5			
2020 Pompano Beach Retail SF per Capita				116	116			



Pompano Beach Air Park and Fort Lauderdale Executive Airport Air Space



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