



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, June 14, 2022

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Cyndy Floyd
Commissioner Andrea McGee
Commissioner Tom McMahon
Vice Mayor Beverly Perkins
Mayor Rex Hardin

INVOCATION

The Honorable Rex Hardin, Mayor, asked for a moment of silence for the passing of Pastor Moreland, one of the pillars of the community, and then offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Braden Brenner, 3rd Grader who will start 4th Grade next school year.

A Special Presentation was made by Captain Stallings from the Broward Sheriff's Office (BSO) to Braden Brenner. He mentioned that Braden's accomplishments in school were among the top 6% in the state, therefore, he wanted to follow up with presenting him with a bicycle helmet and lock, which he inadvertently forgot to present to him on Saturday, when they gifted him with a bicycle for all his scholastic achievements.

APPROVAL OF MINUTES

[22-397](#) Regular City Commission Meeting Minutes of May 24, 2022

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Minutes be APPROVED AS SUBMITTED. The motion carried unanimously.

APPROVAL OF AGENDA

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Agenda be APPROVED AS PRINTED. The motion carried unanimously.

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 3 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION**[22-417](#) Hospitality and Tourism Management Program Graduates**

Dahlia Baker with the City of Pompano Beach Business and Workforce Initiatives and James Ward with Florida Atlantic University (FAU), College of Business, talked about the City of Pompano Beach Hospitality and Tourism Management Program which is taught at the E. Pat Larkins Center. Mayor Hardin handed out certificates to the graduates of the program.

Sharon Bacon	Diana Renteria
Stacey Madyun	Patrice Sands
Natalia Mogren	Kenneth Scislo
Cassandra Morgan	Betty Varela
Milagros Pinal-Rincon	Erika Zuniga

Dahlia Baker, Job Placement Center, stated that through the American Rescue Plan Act (ARPA), the City developed and initiated the “Train to Gain” program, which had 3 components; an in-person workforce help power at community centers across the City and to date they have had 81 graduates. Also, the program includes the Culinary Catering Business Essentials, which has to date 22 graduates. The first cohort of the Hospitality and Tourism Management Program, there were 10 graduates.

James Ward, Florida Atlantic University (FAU) stated that during the pandemic period they created a

certificate program for those persons being laid off from work. 80,000 people signed up for the program and approximately 50,000 completed it. Dahlia Baker on behalf of the City reached out to them about the program and wanted to have a version done for the City. So, this is the first graduation class that they hope will be many more to come.

Shawn Boone, Service Manager at Sands Harbor Resort and Marina, stated he is very happy to be involved in the Hospitality and Tourism Management Program. He believes the service industry is one of the lifeblood of the community because there is so much tourism, restaurants, and hotels, so it is great to see people wanting to do that. He is responsible for training, service, and revamping of the floor. He mentioned that they are under new ownership and management, and has a new event space, as well as their catering department is growing. He invited everyone from the program to come speak and interview with them as there are many opportunities in culinary, on the floor, and for events as well. They do have an industry Monday, which is every 1st Monday of the month, where professionals from each industry come to speak to each other, and they do networking, and invited everyone to this event.

Sharon Bacon, Graduate, on behalf of the graduating class, expressed thanks to the City Commission for bringing this program to the City of Pompano Beach. She said working with Ms. Baker was a great experience, and that she has been outstanding. The program meant a lot to the students as they got another look at what they could do with their careers, and expressed appreciation of the various aspects of learning offered through the program with FAU, which has assisted them to realize their dreams and aspirations. She reiterated their thanks to the City Commission for the program.

This matter was READ AND PRESENTED INTO THE RECORD

22-429 “Secure the Next Generation Referendum Renewal”

Angel M. Gomez with the Broward County School District, Government Affairs, gave a presentation on the August 23rd ballot item, “Next Generation Referendum Renewal.”

Angel M. Gomez, Representative of Broward County School Board presented information on the upcoming referendum that will be on the August 23rd ballot. He provided a short story when the School Board of Broward County in 2018, went out for a referendum of ½ mill to the voters in Broward County. The voters decided to invest in public education and the ½ mill referendum was approved. The School Board was able to compensate teachers with supplemental pay, also hire approximately 500 plus security staff personnel for the schools, as well as hire about 100 plus mental health professionals. This referendum will only last for 4 years after which the School Board will decide to either renew or discontinue. Within the other 2 counties of the Tri-County area, they have a 1 mill in place, so they can afford to supplement the salaries of teachers at a rate Broward County cannot afford to do. Therefore, a number of the great teachers are driving to Miami Dade and Palm Beach Counties where they are offered better salaries.

Continuing Mr. Gomez indicated that in 2023, the current referendum is scheduled to sunset, so the Board has requested the School Board’s Superintendent to put out the same referendum with the same allocations, but instead of ½ mill it will be 1 mill to match up with the tri-county area. He then explained in detail what this would do for the School Board District’s expenses and how it would impact the teachers’ salaries. So, his job

is to educate the public. He explained that the funds from the referendum cannot be spent on other expenses such as renovating buildings, rather it goes into the pockets of those who work in the schools.

This matter was READ AND PRESENTED INTO THE RECORD

B. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.

The following persons were called to speak:

Change Salary For Mayor and City Commissioners - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, distributed his recommendation to change the Mayor and Commissioner’s salary. He said few people are wanting to do the job of local government and this can be seen in the City of Fort Lauderdale where 3 of their Commissioners are leaving their post early. There are some political ramifications, but basically, they are not able to take the “crap” from residents like himself, for \$70,000 a year, nor can a person live in the area for \$70,000 per year. Therefore, he provided an outline, which he is willing to work with the City on.

In sum, he recommended that the City Commissioner be paid \$120,000 per year, with car and phone allowance of \$5,000, all these are taxable. No campaign contributions must be taken from Political Action Committee (PAC), all campaign contributions are limited to one donor from each corporation that does business with the City. Requirements to be a Commissioner include a BS or a BA degree from an accredited college minimum, or 10 years’ experience in real estate, construction or military service. No previous delinquencies in home mortgages, property taxes or combination thereof, or being a felon. Applicants must have lived in their home, and homesteaded for the past 2 years. Any employment either self or corporation must be placed in a Trust handled by a firm outside of Florida to distract from self-interest. The Mayor or Commissioners would work for the City of Pompano Beach only. A forensic audit must be done at the completion of a Commissioner’s term, by an outside firm initiated, completed, and reported within 90 days. Finally, he said this would be a full-time job, and the Mayor and Commissioners should be compensated for the job.

Westview Community Cemetery - Kevin Eason, 2010 NW 5th Terrace, Pompano Beach, FL, indicated that he is one of the planners of the newly elected Westview Community Cemetery. He wanted to bring to the attention of the City Commission that an appeal has been filed on June 10th. He said this is a long way from being over. He announced that there is a community meeting on Monday, June 20th at 6:30 p.m. at the C & S Signature Event Center, 3115 W. Atlantic Boulevard, Pompano Beach, FL. He then yielded his remaining time to Ed Phillips.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he would like to aid, enhance and augment Mr. Eason's comments just made. Also, for the first time in approximately 30 years that he has known about Westview Cemetery, and what has been assembled out of this tragedy is a great group of volunteers who have skills to help get something done at that cemetery. The concern of the current volunteers serving is to enhance and upgrade the Westview Cemetery, without selling the land. He referred to the handout distributed to the City Commission earlier by Mr. Eason. In sum, he indicated that the volunteers will try to evoke every means and methods necessary to ensure that this community is not taken advantage of. Part of the process and procedure is that they will elevate this endeavor into the Court of Public Opinion. Once the people in the community are made aware of what is going on, they will start actively participating in this venture.

Finally, Mr. Phillips thanked the City Commission for being aware of what is going on and understanding the full gravity of what is happening with the Westview Cemetery.

Qualified Applicant to Recommended Guidelines for Mayor & Commissioner - Mary Phillips, Push Forward Realty, 164 N. Powerline Road, Pompano Beach, FL, mentioned that she has her BA degree in public administration from Florida Atlantic University and a BA from Broward College in Business Administration. She is also a real estate broker for over 30 years. Therefore, she was intrigued by the interesting comments made earlier regarding qualifications to serve as Mayor or Commissioner.

Housing Crisis - Ms. Phillips mentioned that there is a housing crisis currently throughout South Florida. Therefore, she believes the City should be strategic in where it is putting houses, condominiums and multi-family units. It appears that the City does not have any type of plan and is just throwing stuff all over the City. Furthermore, accessory dwelling units are being developed in Florida and she believes this needs to come to Pompano Beach. These are referred to as "In-law units" or "Granny Flats." So, someone with sufficient land in the City should be allowed to put up these types of units for a child to live in or it could be leased out.

Community Benefit Package for Non-profits - Ms. Phillips congratulated the City and Dodie Keith Group for coming up with a community benefit package that will benefit the local non-profits in the community. Most times the local non-profits do not get grants for the things that they are doing to assist the community. The City should match the funding. She mentioned that the Isle Casino is donating \$150,000, which could be matched by the Developers, by individuals, the City or even the County. It would be beneficial to the local non-profits. This would be an opportunity to help the local community-based organizations that are currently in the City, since they do not receive much financial support to carry out the services necessary for the community.

Mayor Hardin mentioned that the City does have the accessory dwelling units already in place.

Issues with short term rentals in the neighborhood - Joe Naegele, 430 SE 8th Avenue, Pompano Beach, FL, stated that there are some real issues popping up in areas such as Garden Isles, Cypress Harbor, Lyons Park, Old Pompano and Harbor Village. Motels are popping up in this area aka "short term rentals" or "airbnbs." He mentioned a few violations by a motel next to his residence at 440 SE 8th Avenue, which included the noise Ordinance being over the required decibel. He indicated that on Saturday night he heard loud and vulgar noise coming from the Kodak Black event, and despite the police being called about 7 times, it took approximately 3 hours for the police to get to the offenders. Additionally, he complained that the noise goes on every 3-4 days, garbage has been on display since January 10 and garbage cans have been spilled

over during the storms, when they do put up the garbage bins they put them near the garage doors and still in the driveway, also there has been constant parking on the sidewalk and on the grass and swales. Yet Broward Sheriff's Office (BSO) is allowing parking on the swales when clearly the code prohibits this. In addition, they are renting as a 4 bedroom because they have done illegal permitting. They have no business license since January 1st and they continue to rent at rates of up to \$700 per night and the neighbors have to put up with all the hassles. He is urging the City to stay proactive on these violation issues.

Mayor Hardin indicated that he is aware that Code Enforcement has been addressing these issues, which is ongoing throughout the City. He thanked Mr. Naegele for bringing this matter before the Commission and apologized for what everyone has to tolerate with these issues. However, because the state is involved the City is unable to completely police some of the violators.

Comr. McGee understands the City's hands are tied to some degree from state ordinances, but maybe the City could form a Task Force, perhaps with a combination of the police and code enforcement, that when all the calls are coming in they can respond more immediately and have the knowledge of the different ordinances and websites that will allow for more enforcement ability to get out to the sites in a timely manner, because most of the times the renters are gone by the next day.

Appreciation for City Amenities and Events - Jocelyn Jackson, Pompano Beach, FL, stated that the City has a beautiful amphitheater, now they can utilize the park area in the Community Park and this is the benefits for residents and tourists when they come visiting the City whenever there are activities. There are somethings people should consider when purchasing properties in the City and the amenities and the potential of noise being made in these areas.

Ms. Jackson thanked the City Commission and staff for Kodak Day. Special thanks to Earl Bosworth, Pete McGinnis, Scott Moore, Greg Harrison, Mayor Hardin and Vice Mayor Perkins. She thanked Comrs. Eaton, and Floyd for showing up at the event. She mentioned even though the odds were against the City, there were no fights, and no police arrests. She loves all kinds of music and this was a cultural one for her, which was quite big and she hopes the City will continue to bring events similar to this one over time.

Golf Tournament Success - Willie Brown, Vice President, Kappa Alpha PSI Inc. Foundation of Pompano Beach, P.O. Box, Pompano Beach, FL, stated that the members of the Kappa Alpha Foundation really enjoyed the golf tournament held a few weeks ago. He thanked the City for inviting them and they are looking forward to bringing 3-4 more groups next year.

Special Recognition of Public Works Department - Mr. Brown stated that they are not new to the City's operations and previously they had recognized the Fire Department for all the good things they do. So, as residents continue to talk about the good things that are happening in the City, they cannot help but notice those employees that are taking care of the City, specifically, the men from the Public Works Department. The City is much cleaner, and the Parks are cleaner as well. When you drive through the City you can see and notice the difference. So, they wanted to thank everyone as well as 2 young men that they have interacted with Eric and Steven and to say special thanks in the form of providing a plaque that says,

“Community Service Award presented to City of Pompano Beach Public Works Department,

for the outstanding work provided in keeping the City and Community clean and beautiful.

You are always greatly appreciated.

The Kappa Foundation of Pompano Beach and the Kappa Alpha PSI Alumni Chapter - June 14, 2022.”

Mr. Brown also thanked Public Works Director, Robert McCaughan for his leadership in this department.

Westview Cemetery - Roderick Phillips, 2620 NW 10th Street, Pompano Beach, FL, stated that it is a disservice to the Community that the City of Pompano Beach is not involved in property that is located in the City. Therefore, he is asking all the City Commissioners and the Mayor to help them in their endeavor to keep this property from being taken from the Community. He urged the Commission to step in to find out what is going on with the property as people are trying to enrich themselves with the sale of Westview Cemetery.

Ballistic Shields - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that based on the last few weeks/months about the Shooting in Buffalo and Texas, he enquired about how many ballistic shields do the City have available for the deputies, should the need ever arise for them to go into action. In particular, is there enough to cover the School Resource Officers (SRO).

Mayor Hardin indicated that he does not know the answer but perhaps Major Adkins of Broward Sheriff's Office (BSO) could answer.

Major Wayne Adkins, Police Chief, BSO, responded that he does not have an answer “off the top of his head” nor would he want to make this information public.

Mr. Thrower mentioned that he is not asking for it to be public but the police department in Pompano Beach should have the necessary equipment to engage.

Tiger Trail Festival 2023 - Edward Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he is concerned that he is talking too much. When he comes before the Commission he does not have a lot but he has something to say. He indicated that he is in preparation for the Tiger Trail Festival activities, which will be in February 2023. The Tiger Trail Festival Committee has enjoyed a partnership with the City since 1995, in which the first Mayor, Emma Lou Olson cut the ribbon to start the festivities for the festival. At the third festival a plaque was given to the Committee, which is displayed in one of the City's showcases. The Tiger Trail Festival with its volunteers have been very active in the community. Normally, there are over 40 volunteers. Plans are to have a Gala, which has been held several times during the festival's history with over 400 people throughout the City attending. He is looking forward to the Commission's support. This is a partnership of the City and the residents of the community.

Finally, Mr. Phillips stated that doing business that is good for the City should also be "business good" for the residents.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1 and 2, without City Commission discussion.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda be APPROVED/ADOPTED. The motion carried unanimously.

1. [22-393](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE WALKING TRAIL WITHIN A CERTAIN RIGHT-OF-WAY IN THE CITY OF POMPANO BEACH CURRENTLY LOCATED ADJACENT TO THE EAST SIDE OF NW 3RD AVENUE BEGINNING AT NW 20TH STREET ON THE SOUTH SIDE AND CONTINUING TO NORTH OF NW 20TH COURT AS THE IRVING FAMILY MEMORIAL TRAIL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-156

2. [22-390](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO.1 IN THE AMOUNT OF \$335,623.45 PURSUANT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC. FOR THE YOUTH SPORTS COMPLEX IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$335,623.45)

(Staff Contact: Fernand Thony/Horacio Danovich)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-157

3. [22-412](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE FROM THE CITY OF POMPANO BEACH LAW ENFORCEMENT TRUST FUND (LETF) FOR A GUN BUY BACK PROGRAM IN POMPANO BEACH; PROVIDING AN

EFFECTIVE DATE.

(Fiscal Impact: \$10,000.00)

(Staff Contact: Earl Bosworth)

Ed Phillips, 384 NW 19th Street, resident of Pompano Beach pulled the item for City Commission discussion. He stated that on Saturday, he attended a function that was facilitated by Comr. Floyd where he saw a number of Broward Sheriff's Office (BSO) officers who reached out to assist a kid in the community. He is pleased to see how BSO is responding in the in-reach component of the neighborhoods, and has seen SWAT units in action. They are prepared when they go into action. Buying guns is a safeguard action that must be taken, especially with the way things are going in the country. However, he wanted it known that the BSO officers that he has seen have been on the job. If there are bad BSO officers similar to what would be in any large organization, the City must figure out a way on how to get those officers out.

Sarahca Peterson, 1451 SW 7th Terrace, Pompano Beach, FL, enquired if there is anything in the gun buyback activity where safety is being taught to those who are licensed to carry a gun. She believes gun safety is just as important as the gun buyback. She asked if gun safety is being taught and included in the \$10,000 for the gun buyback program.

Mayor Hardin responded that this is just a gun buyback activity, and that gun safety is a different situation. The gun buyback program involves bringing in guns, and a gift card will be issued. SO, people would have to bring unloaded guns, and as many as is possible. These should be brought to the Larkins' Center on July 23, 2022, starting at 10:00 a.m. It will be anonymous in nature.

Jocelyn Jackson, Pompano Beach, FL, stated this is a great job for the gun buyback program, which is important for the community. People are always stealing guns from homes and cars so this is a great idea. She thanked both City staff and BSO officers for doing an awesome job.

Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, stated that he is 100% with the community service and BSO, and he agrees that they are doing a wonderful job. However, Sheriff Tony needs to find somewhere else to realize the \$10,000. Currently, there is mental health, homelessness, alcoholic and drug addictions that the \$10,000 could support in the City of Pompano Beach. So, to give \$10,000 to buy guns he would not approve. Perhaps, \$1,000 could go toward the gun buyback and the other \$9,000 toward the issues with homelessness, mental health and substance addictions.

Comr. Floyd asked about the date, which is July 23, 2022.

Vice Mayor Perkins asked where is the \$10,000 coming from, which Assistant City Manager Bosworth responded from the Law Enforcement Trust Fund.

Vice Mayor Perkins thinks the gun buyback is a somewhat good idea, but does not think it is a prevention for gun violence. Instead, BSO needs to do more as it relates to gun violence, and she would like to see a list of things that they could put in place to prevent gun violence in the future.

Comr. McGee indicated that perhaps the City could have brochures on gun safety or provide pertinent information on gun safety at this event. As well as have handouts to encourage gun safety such as taking gun classes and information where this can be done and things of that nature.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2022-158

D. REGULAR AGENDA

4. [22-405](#) P.H. 2022-65: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE IDI INDUSTRIAL AREA AT 2900 WEST SAMPLE ROAD; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2022; PROVIDING THAT TWO PUBLIC HEARINGS WILL BE HELD INCLUDING AN ADOPTION PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that she will take a minute to go over the process for the next 3 items, that are companion items. The first 2 relate to the Comprehensive Plan. The applicant is requesting both a Map and Text Amendment, which will be explained in her presentation, and the Zoning is the third item. She pointed out that she would be doing 1 presentation for both the Map and Text Amendment, the applicant will follow with a presentation that will apply to both the Land Use items and the Zoning items to avoid a repetition of the presentations.

Continuing, Ms. Dolan started with the Future Land Use Map and Text Amendment for the site at the Festival Flea Market. See **Exhibit 1** attached for the overhead presentation.

Mayor Hardin mentioned that questions will be held until the applicant makes his presentation.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, stated he has 1 presentation for all 3 items and he can make it now or later.

Mark Berman, City Attorney, advised that if he makes his presentation at this time when they get to the other items they can move to have the presentation adopted if it is the same information being used for all 3 items. Therefore, the record should reflect this on each item being discussed.

Dennis Mele, Esq., on behalf of the applicant, stated that they have the same map that Ms. Dolan presented earlier. He pointed out the only thing they have in the area is commercial and industrial, there are no residential. He also showed a Site Plan. See **Exhibit 2** attached for the overhead presentation in its entirety.

Mr. Mele mentioned that at the Planning & Zoning meeting, a tenant who has a place in the existing Festival building indicated that they had not heard from the owner on when he would be closing on the property. So, he had the opportunity to speak with the current owner and his client, and it will be at least one year from the date when the zoning will be approved and tenants would have to leave.

Steve Burkowitz, 920 North 11th Court, Hollywood, FL, asked for some assurances from the City as well as the attorney representing the applicant. He stated that he is a vendor at the Festival Flea Market and somebody was “let go” because they started speaking about things that are going on and he does not want to put his business at risk. Therefore, he wanted to know if somebody could assure him that he will not have any issues.

Mayor Hardin mentioned that the City cannot get involved with any contractual issues between he and his landlord.

Mr. Burkowitz wanted to know how the City Commission felt that there are 200 vendors, 1,000 employees that will lose their jobs and businesses. Giving one year’s notice will not make a difference because they just cannot start other businesses elsewhere. The Festival Flea Market has been around for 31 years and one of the largest economic spots in Florida where people used to come all the time. They want to find out what will happen to them.

Greg Harrison, City Manager, stated that the City is sensitive about the situation and does not want to lose 150 businesses in Pompano Beach. So, the Economic Development Director, Chris Clemens reached out to Robert Vreeland, who is with the Sterling Leasing organization with the City Centre Mall.

Robert Vreeland, Sterling Organization, owners of the Pompano Citi Centre, stated they are happy to be part of the Pompano Beach community. He feels bad for the current situation of these vendors, but he wanted to let them know that there are other options out there. There are fantastic commercial properties in the City, and Pompano City Centre would welcome anyone who is being displaced.

Mr. Harrison stated that they are currently researching the rules of the different pots of federal money that the City has received, as a result of COVID and the economic downturn. So, staff is looking to see if there might be funds available to help all the vendors for relocation costs. If there is any build out in a new location or first or last months rent deposits and things of that nature. He does not have an answer, but if Mr. Burkowitz would

leave his contact information, staff will get in touch with him.

Mr. Burkowitz thanked Mr. Harrison for the information. He understands this is a big sale for the owner and he respects that. Nevertheless, the Festival Flea Market is a destination, even though they are individual businesses. So, you cannot take individual business to try and get them to work by opening another store somewhere else. They need some answers regarding keeping them as a destination. In sum, he wanted to provide his opinion and how some of the vendors feel about this situation with the Festival Flea Market matter.

Mayor Hardin mentioned that while Mr. Harrison is looking into these initiatives, there are no guarantees.

Vice Mayor Perkins stated that she has been visiting the Flea Market for the last 3 weeks to talk to the vendors to get their take on what they plan to do, but she is upset that even though this is located in her district, she has never heard any of the suggestions that the City Manager is now offering. She mentioned that she has been saying for the longest that the City Manager inform her of what he is doing in her district. She just wants to be knowledgeable as to what is going on in her district. She intended to talk about the 200 vendors that are there and over 1,000 employees that she did not want to see them go away and to see what the City could do to assist some of these vendors, who have been there for over 20 years. She is glad to know that the City is doing something pertaining to the vendors.

Mr. Harrison explained that this situation just came up yesterday. Also, this is the governing body that he is providing the information to at this time.

Vice Mayor Perkins mentioned that all she is asking is for the City Manager to inform her about what is coming up in her district ahead of time.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

5. [22-404](#) **P.H. 2022-66: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR A 27.3 GROSS ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF SAMPLE ROAD AND THE FLORIDA TURNPIKE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD

ON MAY 25, 2022; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that the Map Amendment will partner with the Text Amendment to make the Land Use Change complete. So, there is no additional information to be presented.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, stated that on behalf of the applicant he would like to enter his prior presentation for purposes of this matter to be adopted.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, enquired if this is the right time to ask who will be the potential tenant for this property or what type of job opportunities this will create, being it is eliminating some jobs and businesses.

Mr. Mele responded that they do not have any idea who the new tenant(s) will be. But much like the other products that they have built in the City, what they generally find is that as they start construction and people see the sign up then they start coming to them. Their leasing people will be working to get tenants similar to the ones they have in the other 3 locations. Moreover, he had mentioned to Mr. Thrower prior, that they would be happy to work with the local communities to try and get people that are local and to get people that will hire local people.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

QUASI-JUDICIAL PROCEEDING

6. [22-406](#) **P.H. 2022-67: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTH SIDE OF WEST SAMPLE ROAD, EAST OF THE FLORIDA TURNPIKE AND COMMONLY KNOWN AS A PORTION OF 2900 WEST SAMPLE ROAD FROM B-3 (GENERAL

BUSINESS) TO I-1 (GENERAL INDUSTRIAL); PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Mayor Hardin declared that he has had ex parte communications with the applicant as far as emails and conversations concerning this project both pro and con.

Vice Mayor Perkins declared that she has had ex parte communications as far as emails and conversations concerning this project as well.

Comr. Eaton declared that she has had ex parte communications with the applicant's representative.

Comr. McMahon declared that he has had ex parte communications with the applicant's representative.

Jean Dolan, Development Services Department, presented the item and stated this is the third companion item for the IDI rezoning of the Festival Flea Market. She then provided an overhead presentation regarding the subject matter. See Exhibit 3 attached for details. She mentioned that the applicant's presentation from Items 4 and 5 will be incorporated by reference.

Dennis Mele, Esq., on behalf of the applicant asked the City to incorporate his comments from Items 4 into this item as well.

Mayor Hardin stated that he has received emails and understands the concerns of the business owners, and thanked Mr. Harrison and staff for looking into options for them but it comes down to a private property owner, who can make changes to their properties. He wishes everyone success in their endeavors, but things do change.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

7. [22-372](#) **P.H. 2022-61: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, ABANDONING A SIX FOOT UTILITY EASEMENT LOCATED ON THE WEST SIDE OF FEDERAL HIGHWAY BETWEEN NE 31ST STREET AND NE 33RD STREET, COMMONLY KNOWN AS 3207 N. FEDERAL HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 24, 2022

(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated this is the Second Reading of an Ordinance to request the abandonment of a 6-foot-wide utility easement located at 3207 North Federal Highway. There have been no changes since First Reading.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2022-48

8. [22-407](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR AMENDMENT OF NOTATION ON PLAT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH RELATING TO THE MT. CALVARY PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated the City owns 3 single-family lots included on the Mount Calvary Plat, and the Office of Housing and Urban Improvement (OHUI) intends to build 3 affordable single-family homes on those lots. The City staff approved an administrative Plat Note Amendment to add these single-family homes to the Plat Note on May 26, 2022. The County requires that all property owners to execute a Plat Note Agreement as part of the Plat Note Amendment process. In this case, the City is the property owner so the Commission must approve the Plat Note Agreement.

Mary Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that she has been watching this property for

quite a while, and knew that initially it was owned by some private residents, and somehow it got given to the School Board of Broward County. For those lots that the School Board has been acquiring they have been giving it to the Housing and Urban Improvement to do single-family homes. She does not think for this particular property due to its location that single-family homes would be the best use for it. She would prefer to see a vocational school for those students that are drop outs and could probably get some skills that will allow them to get jobs. Therefore, she asked the City Commission to reconsider the matter and consider approving a vocational school in the City of Pompano Beach. Currently, the City has groups coming in to conduct classes, but this would give some permanence to it, and it would allow anyone within Pompano Beach to be able to walk to the place to get some of the skills that they can use. So, when the buildings are up in the City, the residents will be prepared with skills to get jobs.

Vice Mayor Perkins indicated that the property under discussion is adjacent to the Mount Calvary Baptist Church, and she spoke with the pastor and they are in agreement with putting in the 3 single-family homes.

Comr. Eaton enquired about the net acreage of the property.

Ms. Dolan responded that she is guessing it is about 15,000 square feet.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2022-159

END OF QUASI-JUDICIAL PROCEEDING

9. [22-409](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING THE POMPANO BEACH SUSTAINABILITY PROJECT PORTFOLIO PREPARED BY RS&H, INC., COMPLETING PHASE 3 OF THE 8-PHASE WORKPLAN ESTABLISHED BY THE CITY'S SUSTAINABILITY STRATEGY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Reimbursement of \$45,000)

(Staff Contact: Max Wemyss)

Max Wemyss, City Sustainability Coordinator, presented the item and stated that the presentation that will be given represents the conclusion of Phase 3, of the City's sustainability strategy. The strategy is an adopted 8

phase program with the intent of realizing cost savings, productivity gains, risk reduction, and developing an adaptive capacity for the City. Phase 3 is a sustainability project portfolio. The description of the project and the highlights will be provided by the consultant.

Continuing, Mr. Wemyss stated the program was 100% grant funded and the product of this work provides a path towards the City achieving its sustainability goals such as net zero carbon emissions by 2050, while realizing long term cost savings. It is anticipated that many of the products identified in this portfolio will be able to be grant funded as a result of the scope of work. He then introduced Ben Moore of RS&H who provided a brief presentation highlight of the project.

Ben Moore of RS&H provided an overhead presentation of the highlight of the project, which is detailed in **Exhibit 4** attached.

Comr. McGee noted that one of the line items is, "Streamline Community Solar Permitting" and wanted to know what this is.

Mr. Wemyss responded that the Building Department has already taken the initiative to reduce the fees of permitting so that it is not based on the cost of the construction, but actually based off the size of the project, based on kilowatts hours produced by the project. It is a cost saving realized by the applicant. The City is charging a reasonable amount for that permit based on what it cost to review rather than the typical approach of the cost of the 2.2% construction for a highly technical piece of equipment is much more than the cost to review that item.

Mr. Moore explained that they calculate 2 bottom lines, 1 that accrues directly to the City and 1 that accrues to the community. The bottom line that accrues to the City does not include the benefits of the streamline permitting.

Comr. McGee indicated that it seems an odd placement of that benefit where it appears to be coming to the City.

Mr. Moore explained it does not come to the City but to the citizens and the 2 bottom lines is calculated with 1 that includes and 1 that does not include. So, the \$3.2 million does not include the benefits of the solar permits streamline.

A discussion followed with Comr. McGee wanting to know about the net zero goal mentioned about carbon emissions, as well as the amount of grant funding realized to date.

Mayor Hardin mentioned that it is a great list of projects and it is a great goal. He appreciates the fact that the purchasing offset is the last resort. Offsets are an accepted practice in a lot of different areas. In sum, he thanked staff and the consultant for the work done on this project, as well as thanked City Manager Harrison for his leadership in making this happen. This is another step forward and he is looking forward to the future implementation of these projects. A \$3.2 million cost savings is significant.

Comr. McGee clarified that she is asking these questions because she does not want to see tax dollars

superfluously spent for having the same study done as every other City. This should be a County initiative or a State initiative, because a lot of the things are repetitive. In sum, she wants to ensure everywhere the City is spending the funds, it is achieving the goals.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

No: McGee

Enactment No: RES. No. 2022-160

10. [22-379](#) **P.H. 2022-62: (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 FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY RELATING TO MCNAB PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 24, 2022

(**Staff Contact:** Nguyen Tran/Sarah Mulder)

Sarah Mulder, Project Manager, Community Redevelopment Agency (CRA) presented the item and stated that there have been no changes since the First Reading of the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2022-49**11. [22-108](#) P.H. 2022-14: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING ELECTION DISTRICTS WITHIN THE CITY OF POMPANO BEACH FOR THE PURPOSE OF REPRESENTATION AND ELECTION OF MEMBERS OF THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM DECEMBER 14, 2021 & FEBRUARY 22, 2022

(Staff Contact: Phyllis A. Korab/Earl Bosworth)

Earl Bosworth, Assistant City Manager, presented the item and stated it is an Ordinance to recertify the election districts within the City in accordance with Article 1, Section 3, of the City's Charter, which section requires that the decennial redistricting shall be done no less frequently than within the first calendar year following each decennial census. The item appeared before the City Commission on December 14, 2021, which was postponed to February 22, 2022, and was postponed until today on this Agenda June 14, 2022.

Staff retained the services of consultant, Kurt Spitzer, who reviewed the latest census data in relation to all applicable Federal, State and City Charter requirements for Voting Districts, in order to determine if any redistricting by the City is necessary at this time. Based on the census data review with the main criterion being population, Mr. Spitzer determined that redistricting is not necessary, nor is it supported by the data. All districts remain within the allowable 10%-point deviation based on the latest census data, which was received late in the process. Staff recommends that the City Commission approves this Ordinance to recertify the existing districts based on the latest census data.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he appreciates staff's work done, but it still does not have any bearing on what other potential maps would look like, if another district is added. He asked why that opportunity cannot be presented to the Commission for review to decide whether or not that is optional.

Mayor Hardin mentioned that this Ordinance is to recertify the existing districts. Notwithstanding, there is an election coming up among other things, so staff, along with Mr. Spitzer are looking at those items. He asked, since another minority district was discussed earlier, was Mr. Spitzer considering this matter.

Mr. Bosworth responded that currently, Mr. Spitzer is waiting for direction from the City Commission for those specific initiatives. Based on his report, and the discussions from the first presentation, the population of the City grew 6,000 from the last census. There was a small percentage growth in some districts, and when all the districts were reviewed, they found that the City is well within the required 10% point differential. Therefore, at this point there is no data to base expanding or changing those districts purely from a population perspective.

Mark Berman, City Attorney, pointed out that it is the City's Charter that requires that every 10 years when there is a decennial census, the numbers from that census is reviewed to determine if it is necessary to redistrict, which determination must be made within a year. This item on the Agenda is to meet that requirement of the Charter. The information that was provided by the census data does not require any changes per the Charter requirement. However, that does not preclude anything else.

Mayor Hardin understands the process, however, the last time this matter was discussed he recalled the City Commission asking staff to have the expert/consultant to look into creating another minority represented district.

Mr. Bosworth indicated that when he reviewed the comments and direction from the last discussion, it was unclear in his opinion, as to what staff should bring back, 2 or 3 different maps for the Commission to consider. Staff felt that they did not want to pull maps out of "thin air" based on the census data that was received recently. Also, the City was well within the threshold or deviation point of 10%.

Mayor Hardin indicated that since the last time, it was not clear about getting a map for another minority district representation, which will be made clear today. Nevertheless, this item is just the recertification of the current districts, so, the Commission can approve redistricting anytime they so desire. However, as mentioned by the City Attorney, the Charter mandates that the City recertifies the districts at this time.

Comr. Floyd indicated that she understood that staff was going to have the information brought back to the next meeting, which would be today, regarding the additional minority district.

Mr. Thrower provided his reasons why he would make the comment that all the residents are asking for, is honesty, trust and integrity, and are asking if another minority district could be done.

Jocelyn Jackson, Pompano Beach, recalled the City engaged a consultant to look at the redistricting and wanted to know what was the outcome.

Mayor Hardin responded that the recommendation was not to redistrict the City.

Ms. Jackson indicated that the City is growing so there should be changes to the districts.

Mayor Hardin explained that if each district gains a certain amount and it stays within 10% differential between districts, then the City does not have to redistrict. So, this is the situation that the City is currently in.

Comr. McGee understood the last time the City met with the map maker group, for this current redistrict, they could only count the current number of existing units, so they cannot work around the upcoming units.

Mr. Bosworth responded that is correct, and explained his discussion with the City Attorney about this matter. They did not want to create a district based on speculated growth.

Comr. McGee agreed that it makes sense to wait until these developments are in place before trying to get another district at this time, and the map will have to be reviewed at that time as well.

Comr. Floyd indicated she would like to make a motion to put the item on the agenda to have the people vote for an additional district, and also have staff go back and do what the Commission initially asked them to do at the first meeting, to provide information regarding creating an additional district.

Mayor Hardin stated that they do not have the additional information to support another district. Therefore, he suggested that the City Commission direct staff to get the information and once that is provided then the City Commission can decide whether to put this before the public or they may just want to do a different district map.

MOTION: A motion was made by Comr. Floyd, seconded by Comr. Eaton, to direct staff to ask the Consultant to look at the numbers and come up with a potential scenario where a second minority representative district could be created, if the numbers are there. Also, to look at other districts makeup as far as ethnic representation. On Roll Call the motion carried unanimously 6-0.

Comr. Eaton thought perhaps they should leave it at just adding an additional district with the minority being the focus of it.

Comr. McGee would like to know what the consultant would see when he looks at the map, and what are his thoughts overall. Also, since they will go through this expert in hypothetical maps, are they allowed to legally take into consideration the developments that are moving forward for a future date, and what that map would look like. The idea behind her thought is that the City would not be doing this every year.

Mayor Hardin mentioned that the City would not be able to do this every other year because it has to be based on the census numbers.

Mr. Berman mentioned that he was asked at the last meeting, whether the City could anticipate change and redistrict now for what we expect to come down the line. He spoke to Mr. Spitzer on this matter and his indication was that it is not a recommended process. The City is looking at proposed additional development with more population, but a good crystal ball is needed to figure things out, just for the numbers, not just the minority makeup or the ethnic makeup. It will be very difficult because if it is not done right, and there is not a good handle on it, the City may find itself having to redistrict again after the redistricting is done. This situation will only provide opportunity for multiple lawsuits and litigation for various reasons including diminution of minority voting strengths. Therefore, it is not a preferred way to do it or a recommended way to do it, but if he is directed to do so, he can.

Comr. McGee agreed that this is not a good way to go for answering the map question, but to give some guidance on whether or not the City should be remapping now versus waiting for the units to come on line and remap at that time. So, she would like to get more information and knowledge, as well as more background in their decision making.

A motion was made by Commissioner Floyd, seconded by

Commissioner Eaton, to direct staff to ask the Consultant to look at the numbers and come up with a potential scenario where a second minority represented district could be created, if the numbers are there. Also, look at perhaps another district makeup regarding ethnic representation. Upon roll call, the motion carried unanimously, 6-0.

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

Yes: Eaton
 McGee
 McMahan
 Hardin

No: Floyd
 Perkins

12. [22-408](#) **P.H. 2022-63: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROHIBIT SMOKING ON OR WITHIN THE BOUNDARIES OF THE MUNICIPAL BEACH AND WITHIN ANY PUBLIC PARK IN THE CITY; PROVIDING FOR EXEMPTION AS SET FORTH UNDER STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated that this is House Bill 105 in this past Legislative Session that came out and it provides the Counties and Municipalities the opportunity to now prohibit smoking in their parks and beaches. However, the Legislature provides with the exception of smoking cigars, the City can prevent smoking in Parks and at beaches. Per the Mayor's request, this Ordinance will now ban smoking on or within the boundaries of the municipal beach or within any City park or any public park owned by Broward County located within the City. Smoking of unfiltered cigars shall be exempted from this prohibition.

Mayor Hardin indicated that the Parks and Recreation Advisory Board members will be happy about this bill as they have been requesting this for years. The City Attorney has looked into these numerous times, but it is the State that held back on the release of such a Bill.

Comr. McGee is excited from an environmental standpoint, because whenever they do beach cleanups it is one of the top litter items on beaches and the filters do not disintegrate.

Mr. Berman added that this is a civil infraction, and a violation, so Park Rangers can also enforce this. A citation will be issued for a fine.

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

Yes: Eaton
Floyd
McGee
McMahon
Hardin

Absent: Perkins

13. [22-413](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY LOU RUDERMAN TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ALICE CHATTMAN; SAID TERM TO EXPIRE ON MAY 14, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Brooke Johnston - District 1
Tanya Manfredi - District 1
Mary Lou Ruderman, Alternate #2 - District 1
Richard Dally - District 3

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MARY LOU RUDERMAN. Commissioner McMahon nominated Richard Dally and Commissioner McGee nominated Mary Lou Ruderman. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
Hardin

No: McMahon

Absent: Perkins

Enactment No: RES. No. 2022-161

14. [22-414](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD DALLY** TO THE RECYCLING AND SOLID WASTE ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KEITH HAAG, ALTERNATE #1; SAID TERM TO EXPIRE ON MAY 14, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 22-413 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner McGee, seconded by Commissioner McMahon, that the Regular Agenda/ Resolution be ADOPTED and insert the name RICHARD DALLY. Commissioner McGee nominated Richard Dally. The motion carried unanimously.

Enactment No: RES. No. 2022-162

E. ADDITIONAL AUDIENCE TO BE HEARD

Asceleta Hammond, City Clerk, confirmed that there were no additional persons to speak under Audience to be Heard.

F. NEXT SCHEDULED MEETING

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

June 28, 2022 at 5:00 p.m. - City Commission Budget Workshop

June 28, 2022 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

Gregory Harrison, City Manager - Postcards for Clean Streets - Mr. Harrison circulated postcards among the City Commission, which has information about Clean Streets on Thursday, June 16, 2022, between Atlantic Boulevard and NW 16th Street, and Dixie Highway and I-95. The City's Environmental Crew will be out there all day cleaning the area up. They are anticipating public participation during this time.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - Flag and Stanchion for Burrie Center - Comr. Eaton requested a flag and a stanchion for the Burrie Center.

Commissioner Cyndy Floyd - Prohibition of Vaping - Comr. Floyd asked if under the Bill recently passed on Smoking does it prohibits Vaping.

Mark Berman, City Attorney responded that the City already has a Vaping Ordinance in place, which does not allow for vaping.

Community Safety Day Event - Comr. Floyd reported that this Saturday, they had a great day at the Community Safety Day Event. The kids came out and enjoyed the K-9 presentation, and people were given extinguishers, vaccines, and booster shots.

Kodak Black Day - This event was good and she had a great time. There were no incidents, accidents or casualties. Thanks to everyone who participated to make this happen.

Commissioner Andrea McGee - Alzheimer's Association Event - Comr. McGee stated that she was invited to a luncheon by the Alzheimer's Association and the Broward Chapter will be doing a walk in December. She is asking for the City's participation in their walk as this is a very worthy cause. This will extend awareness of this devastating disease. She has the contact person and the date of December 10, 2022, so she could put everybody in touch with each other.

Commissioner Tom McMahon - Original Pompano Beach Bank Safe - Comr. McMahon reported that Dan Downey passed away a few weeks ago and, in his home, he had the original safe from the Pompano Beach Bank. Through Rob Braham in the Fire Department, and the Historical Society, they brought it and put it in the Old Bank building. Eventually, when the restaurant is opened in that building, the original safe will be relocated back to its home.

Vice Mayor Beverly Perkins - Northwest Trash Issues - Vice Mayor Perkins commended the Kappa Foundation for honoring the Public Works Department today. Based on the concerns and issues they have in the northwest area, she wanted to recommend that the City Manager consider getting a supervisor that can basically focus on the northwest area because of the trash conditions in that community. She understands there are different needs from the other districts, but if someone from Public Works can focus on that designated area of northwest, she would appreciate it.

Maintenance of Northwest Parks - Vice Mayor Perkins stated that she visited several Parks in Pompano Beach, namely Northwood Pine Park, Harbor's Edge Park, Bill Keith Park, Kester Park and the Pompano Community Park as well as the Dog Park. She has been receiving complaints, and the Class of 1973 had a meeting at Weaver's Park on the weekend, and she received several calls on the condition of that park. In addition, they indicated the same problems exist with the Apollo Park and Mitchell Moore Park. Therefore, she wanted to know why these parks in the northwest are not maintained as other parks are throughout the City.

Greg Harrison, City Manager responded that all City Parks are on the same maintenance schedule, there is no difference in any of the districts in any other parks on how the Parks are maintained.

Vice Mayor Perkins indicated that she would like to see the bathrooms kept clean, trees trimmed and just general maintenance of the Parks in the northwest community.

Mayor Rex Hardin - Memorial Day Celebration - Mayor Hardin reported that the Memorial Day Celebration that took place at the Pompano Cemetery was a great event. He thanked the Parks and Recreation Department, Public Works Department, Broward Sheriff's Office (BSO) and Terrence at the Cemetery for doing a great job. This was a great event and he hopes the City can build on that for next year and the future.

Reschedule of Gun Buyback Event - Mayor Hardin announced that the Gun Buyback was rescheduled until July 23, 2022, from 10:00 a.m. to 2:00 p.m. at the E. Pat Larkins Center. BSO will be running this and gift cards will be issued. Safety Tips: No ammunition, unloaded, cylinder or action open, place firearm in secure bag or container.

Mayor Hardin stated he received a flyer today with notification from Broward Sheriff's Office (BSO) and they are hiring for 911 communications operators. Salary range from \$56,000 to \$95,000 per year. Minimum starting pay is \$27.33 per hour plus full benefits. They will be holding a job fair on Saturday, June 18, 2022 from 10:00 a.m. to 1:00 p.m. at the Public Safety Building, at 2601 West Broward Boulevard. Great jobs are in the offering here and he invited everyone to keep this in mind.

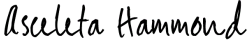
4th of July Celebration - Mayor Hardin reported that the 4th of July Fireworks Show is coming up at the Beach. Live Music will start at 5:30 p.m. and Fireworks will start at 9:00 p.m. This will be a great time.

Juneteenth Celebrated by City Hall - Mr. Harrison mentioned that on Monday, June 20, 2022, will be the first time the City will recognize Juneteenth as a holiday. Therefore, City offices will be closed on Monday, and the first time in history that this will be recognized.

Mayor Hardin thanked Mr. Harrison for bringing this matter to his attention. He added that the Blues and Sweet Potato Pie Festival will be held at Apollo Park on Monday.

H. ADJOURNMENT

The meeting was adjourned at 3:40 p.m.

DocuSigned by:

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Asceleta Hammond, City Clerk

DocuSigned by:

 502CB780EB3F480...
 Rex Hardin, Mayor

DocuSigned by:



EXHIBITS



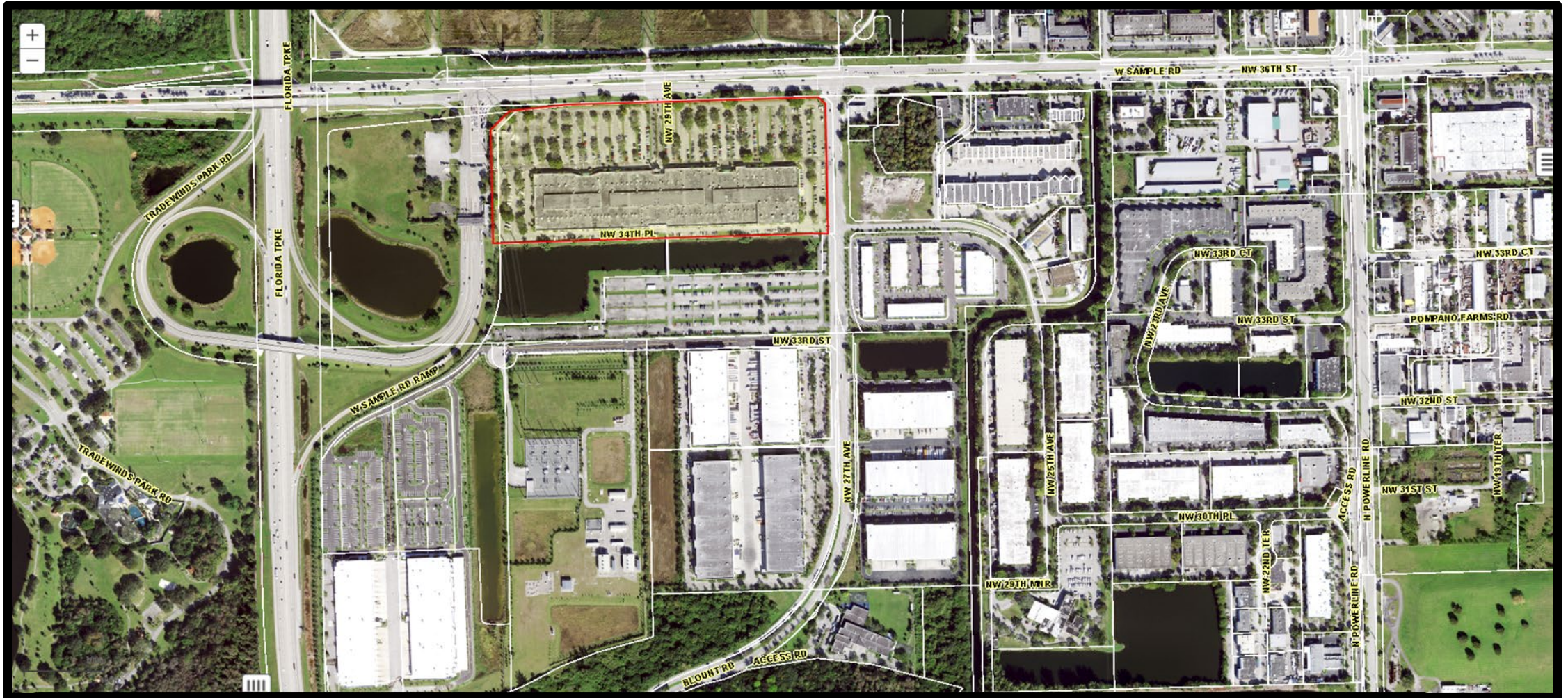
Exhibit 1

IDI Logistics/Festival Flea Market Local-Only Land Use Plan Map and Future Land Use Element Text Amendment From Commercial to Industrial Land Use

June, 2022



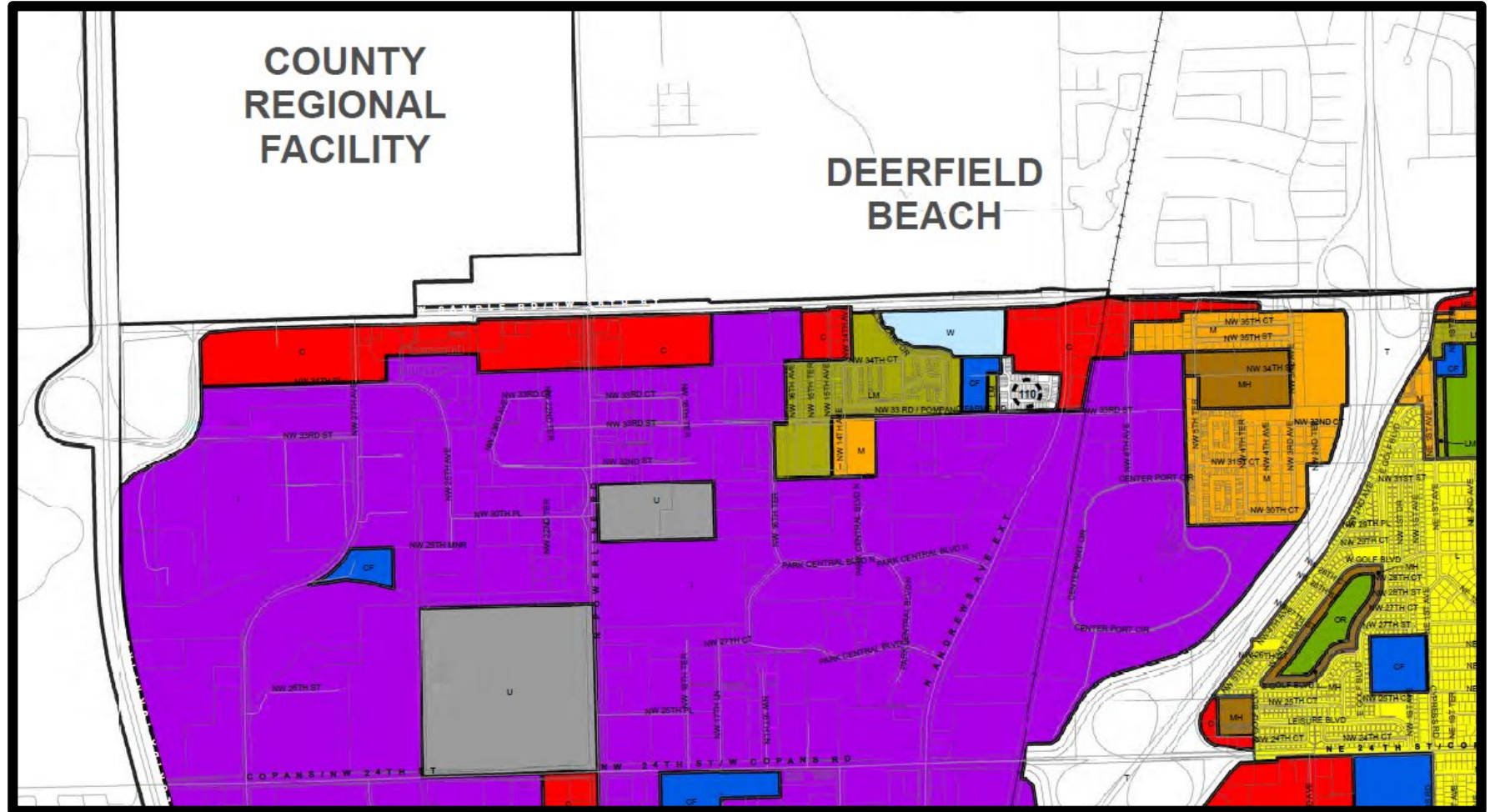
General Location/Context Aerial





Adjacent Land Use Map Designations

- West: Turnpike
- South: Industrial
- North: Landfill
- East: Commercial





City Only Land Use Plan Map and Text Amendment Change in Entitlements - Commercial to Industrial Land Use

NET CHANGE IN ENTITLEMENTS BY LAND USE CATEGORY

Current Land Use	Current Entitlements Per City Commercial Intensity Standards	Proposed Entitlements by Applicant for Industrial Land Use	Net Change
Commercial	7,135,120 SF	773,000 SF*	-6,362,120

1,546,000 SF of industrial is allowed by the City's intensity standards assuming the 45' height could allow for 2 stories which reduces the net change to -5,589,120 SF. The Applicant, however, is assuming all their needs can be met with the one-story calculation for square footage.



NET CHANGE - IMPACT ANALYSIS

Infrastructure	Net Impact At Buildout
Water	-0.27 MGD
Sewer	-0.22 MGD
Solid Waste	-334.161 lbs/day
PM Peak Hour Trips	-7,076 PM Peak Hour Trips (1)

(1) The Applicant used the trip generation rate of ITE Manual land use code (LUC) 10 which is a light industrial use. The actual decrease in PM Peak Hour trips will be less based on the fact that this use is likely to be a "last mile" package distribution center which is likely to generate more traffic than a typical light industrial use. Regardless of the magnitude, the industrial land use category will always produce fewer trips than a commercial land use category due to the significantly greater intensity allowed in a commercial land use category (FAR of 6 vs Industrial FAR of 1.3). Actual traffic conditions are required to be studied as part of the rezoning application and is in progress.



Comprehensive Plan Goals, Objectives and Policies

Policy 01.01.15

The City will continue to differentiate on the adopted Future Land Use and Zoning Maps, the commercial and industrial land use categories and zoning designations which are consistent with but more specific than the County's Commerce land use category in regard to intensity, permitted uses and compatibility with adjacent and surrounding land uses.

Policy 01.03.04

Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

Policy 01.03.09

Discourage Future Land Use Map amendments, rezonings or other methods that would place residential units into or adjoining industrial land use designations.

Policy 01.03.11

Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Policy 01.03.13

Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

Objective 01.23.00 – Economic Development

Expand the economic based by attracting Class A office space and higher education institutional uses, continuing to support the industrial and manufacturing sectors while protecting tourism as well as the quality of life and delivery of services to local residents.

***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.*

***Policy 01.23.02** Activities intended to diversify the economy shall not adversely impact the quality of life of the City's permanent, seasonal and tourist populations.*



Local-Only LUPA Process

City of Pompano Beach Local-Only LUPA Process

- | | |
|---|---------------------------|
| - Planning & Zoning Board | May 25, 2022 |
| - City Commission 1 st Reading | June 14, 2022 |
| - City Commission Second Reading | June 28, 2022 |
| - BCPC Recertification | July - September 2022 |
| - City Land Use Plan becomes effective | Upon BCPC Recertification |



Recommendation:

The Planning and Zoning Board heard this item at their meeting on May 25, 2022 and recommended approval with a 6 to 1 vote.

Staff recommends approval.



Questions and Comments For Staff

Next: Applicant Presentation

IDI Logistics/Festival Flea Market Local-Only Land Use Plan Map and Text Amendment
City Commission
June, 2022



How much retail does Pompano Beach have compared to the national average?

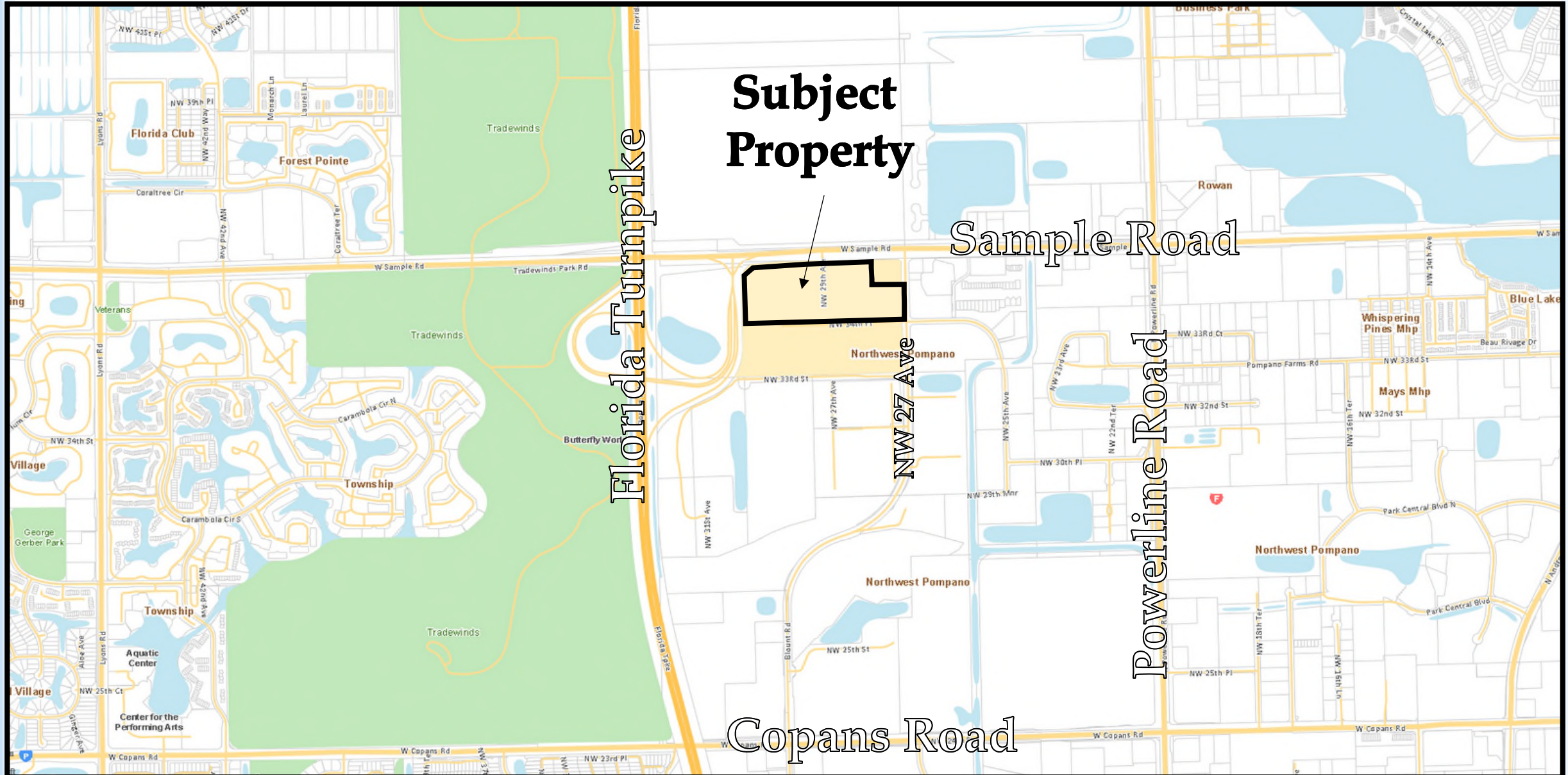
- *Lincoln Land Institute* 2020 data shows:
 - United States retail space per capita = 24.5 square feet
 - Most “Metropolitan Areas” retail space per capita = 40-55 square feet
 - Europe retail space per capita = 4.5 square feet
- *Colliers International* 2020 data shows:
 - Pompano Beach retail space per capita = 116 square feet
 - 320 buildings
 - 13,095,452 SF – @ national average could support 500,000 population +
 - Pompano’s 2020 population – 112,000
 - Pompano’s 2040 projected population – 135,553 (+23,553 people)



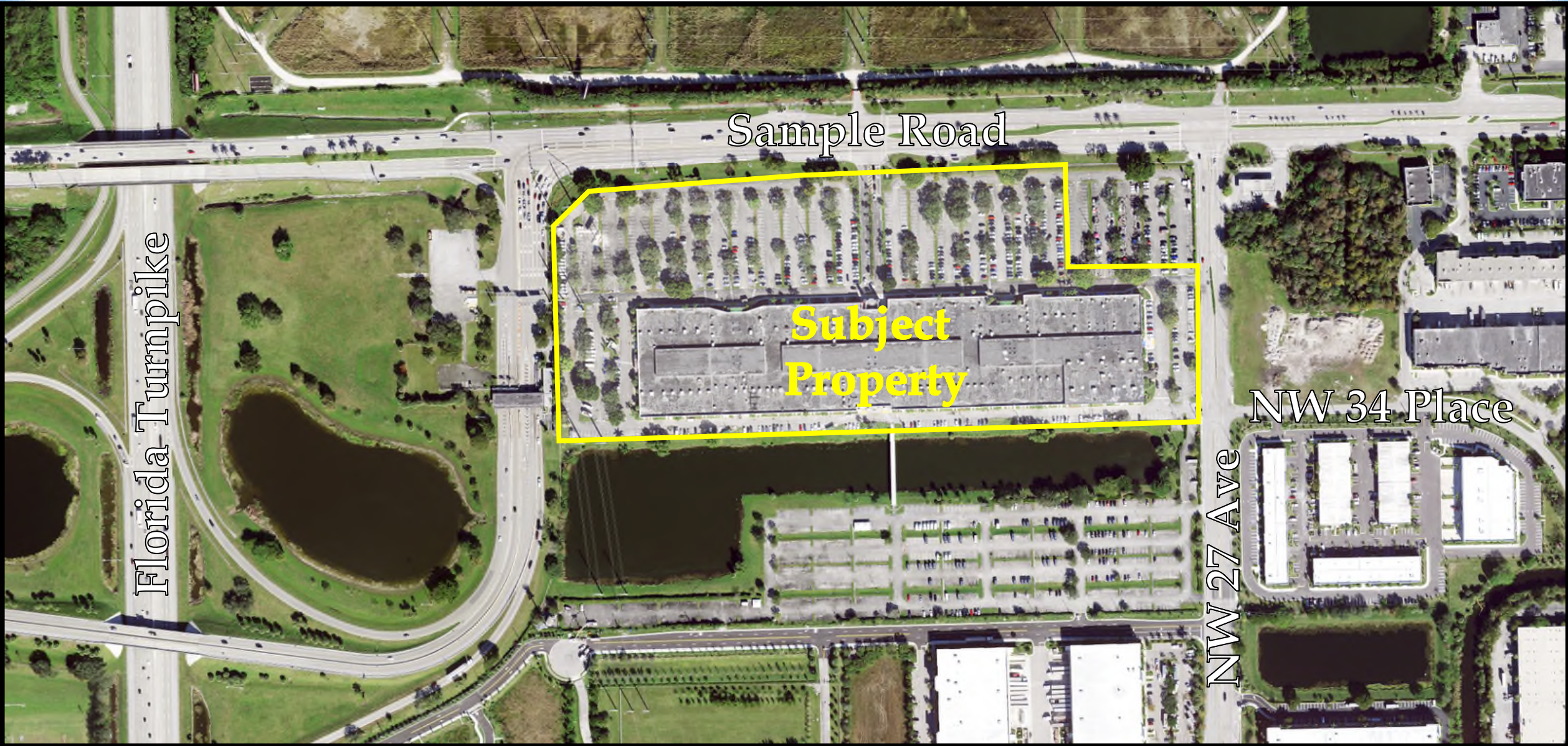
Festival Flea Market LUPA & Rezoning

City of Pompano Beach

Location Map



Aerial



Florida Turnpike

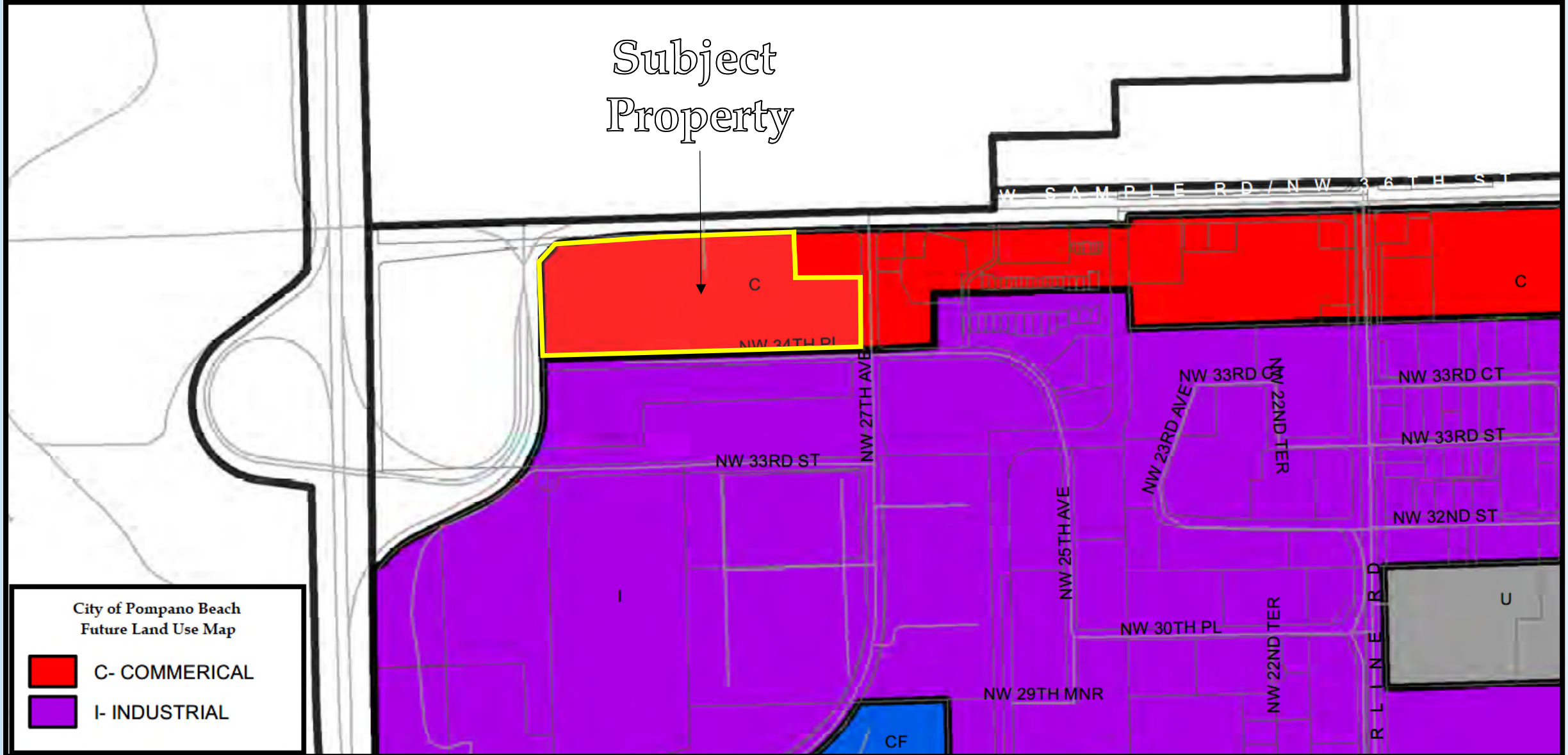
Sample Road

Subject Property

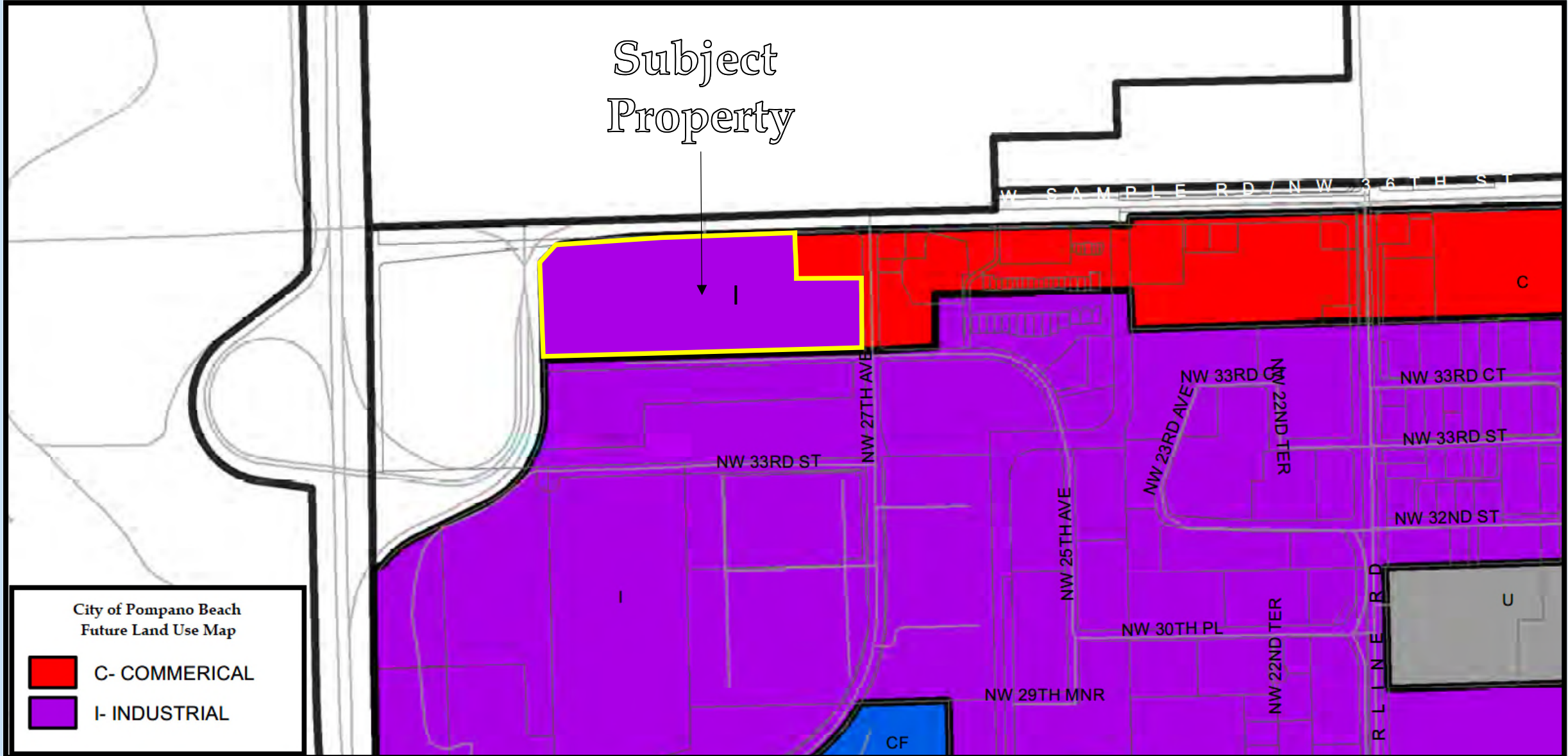
NW 34 Place

NW 27 Ave

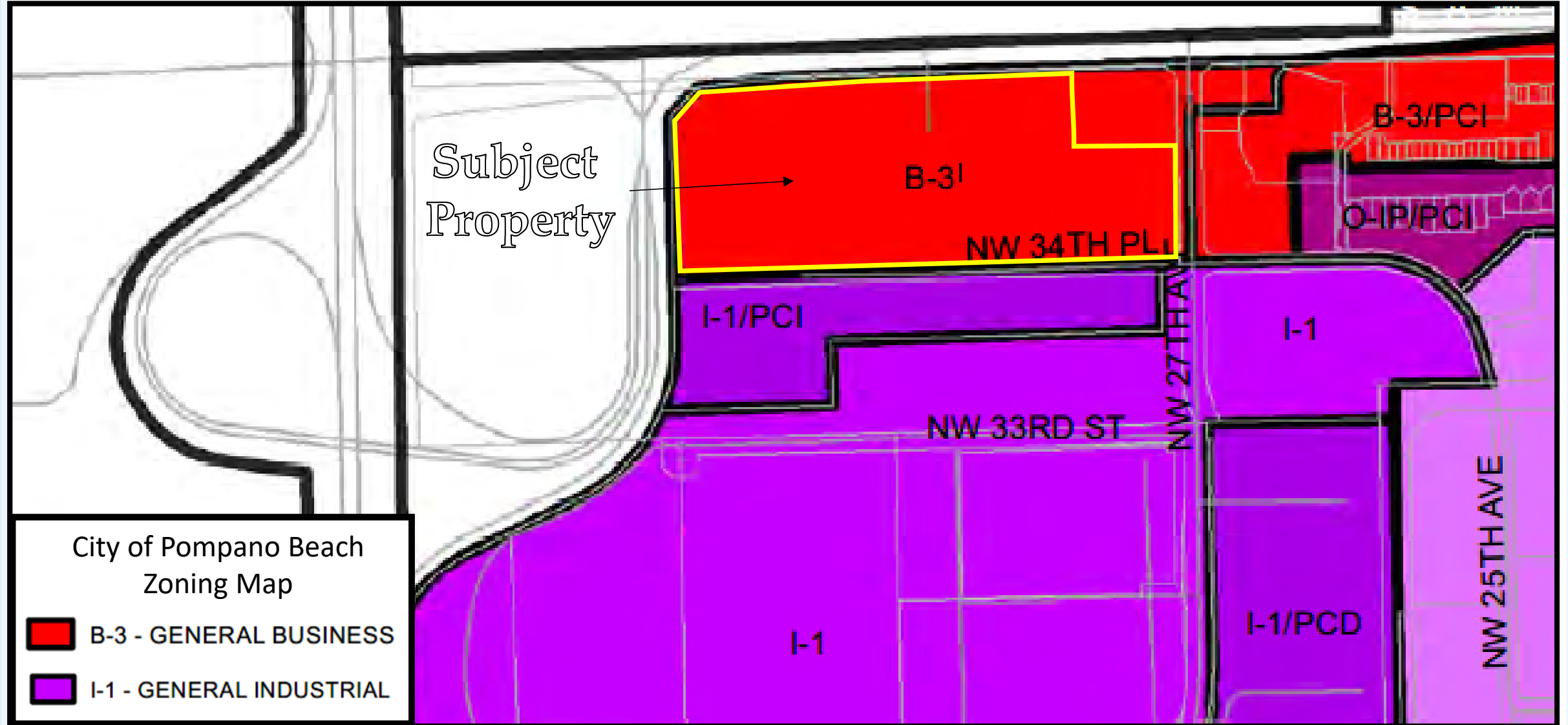
Existing Land Use Map



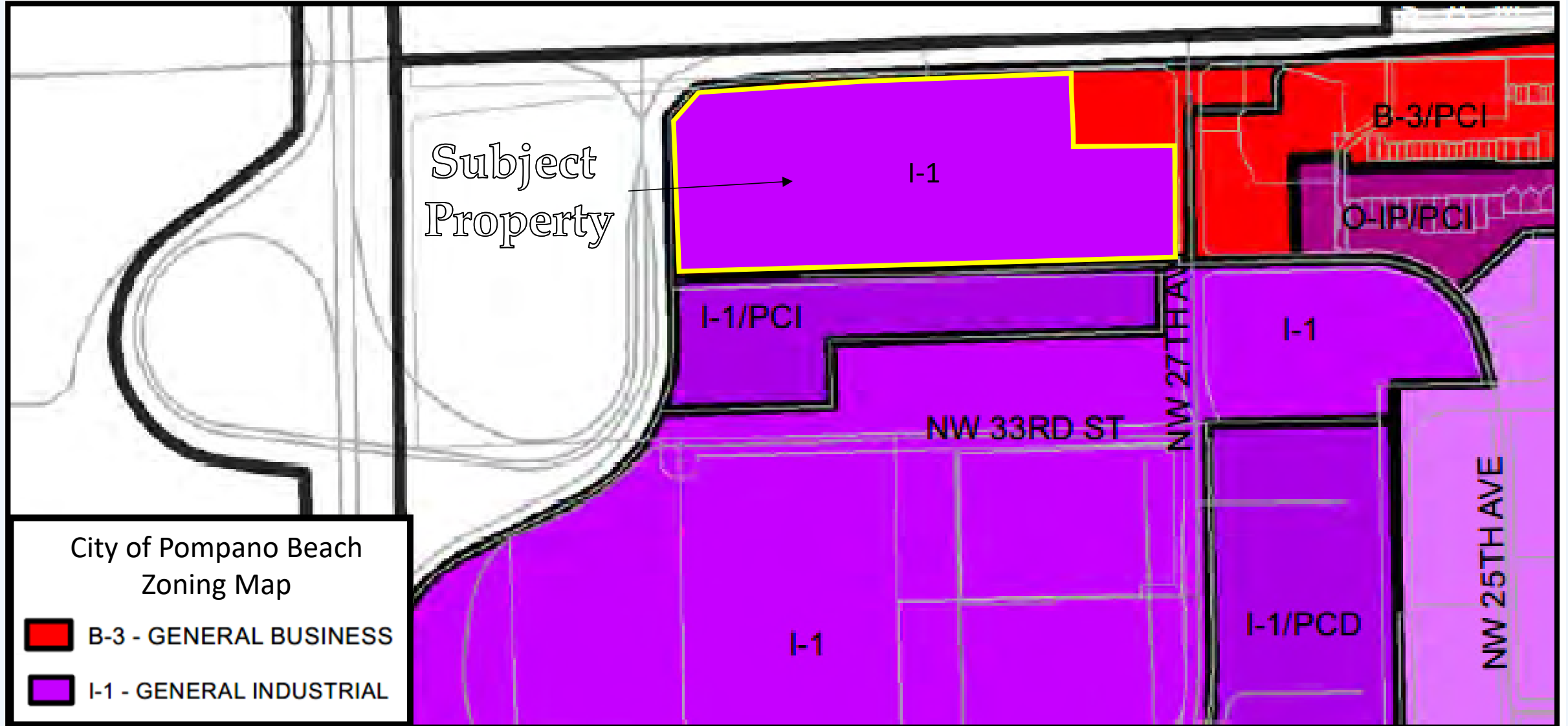
Proposed Land Use Map



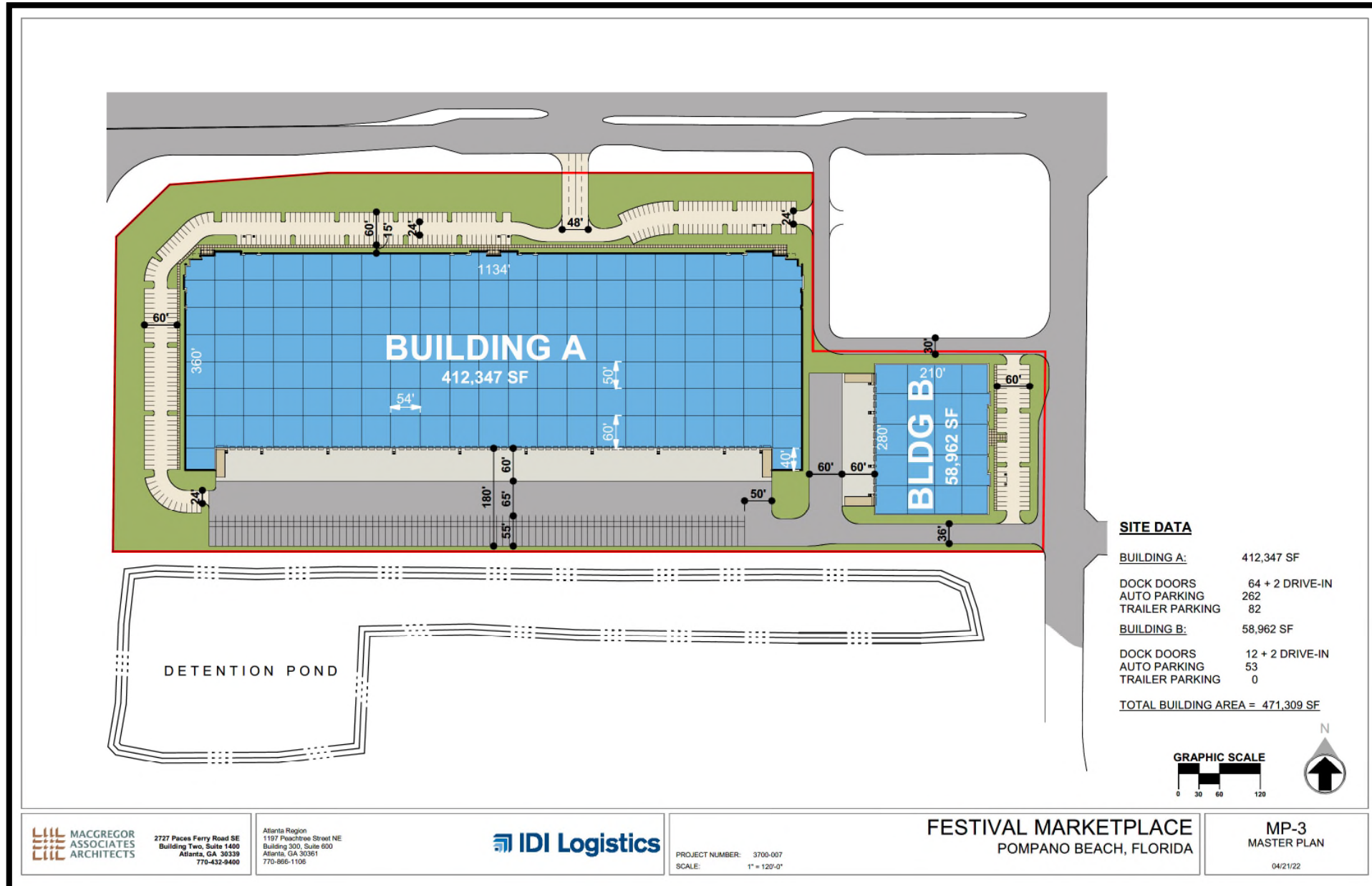
Existing Zoning Map



Proposed Zoning Map

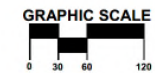


Site Plan



SITE DATA

BUILDING A:	412,347 SF
DOCK DOORS	64 + 2 DRIVE-IN
AUTO PARKING	262
TRAILER PARKING	82
BUILDING B:	58,962 SF
DOCK DOORS	12 + 2 DRIVE-IN
AUTO PARKING	53
TRAILER PARKING	0
TOTAL BUILDING AREA =	471,309 SF



MACGREGOR ASSOCIATES ARCHITECTS
2727 Paces Ferry Road SE
Building Two, Suite 1400
Atlanta, GA 30339
770-432-9499

Atlanta Region
1197 Peachtree Street NE
Building 300, Suite 600
Atlanta, GA 30361
770-996-1106



PROJECT NUMBER: 3700-007
SCALE: 1" = 120'-0"

FESTIVAL MARKETPLACE
POMPANO BEACH, FLORIDA

MP-3
MASTER PLAN

04/21/22

Economic Benefits

- **Estimated Number of Employees: 200**

Existing Property Taxes	
Assessed Value	\$16,220,001
Municipal Tax Revenue	\$84,141*
Proposed Property Taxes	
Assessed Value	\$175,000,000
Municipal Tax Revenue	\$907,812*
Net Change	
Assessed Value	+\$158,779,999
Municipal Tax Revenue	+\$823,671*

*City of Pompano Beach Operating Millage

Pompano Beach Economic Development Council (EDC)

Pompano Beach Economic Development Council (EDC) – April 25, 2022 Meeting Motion

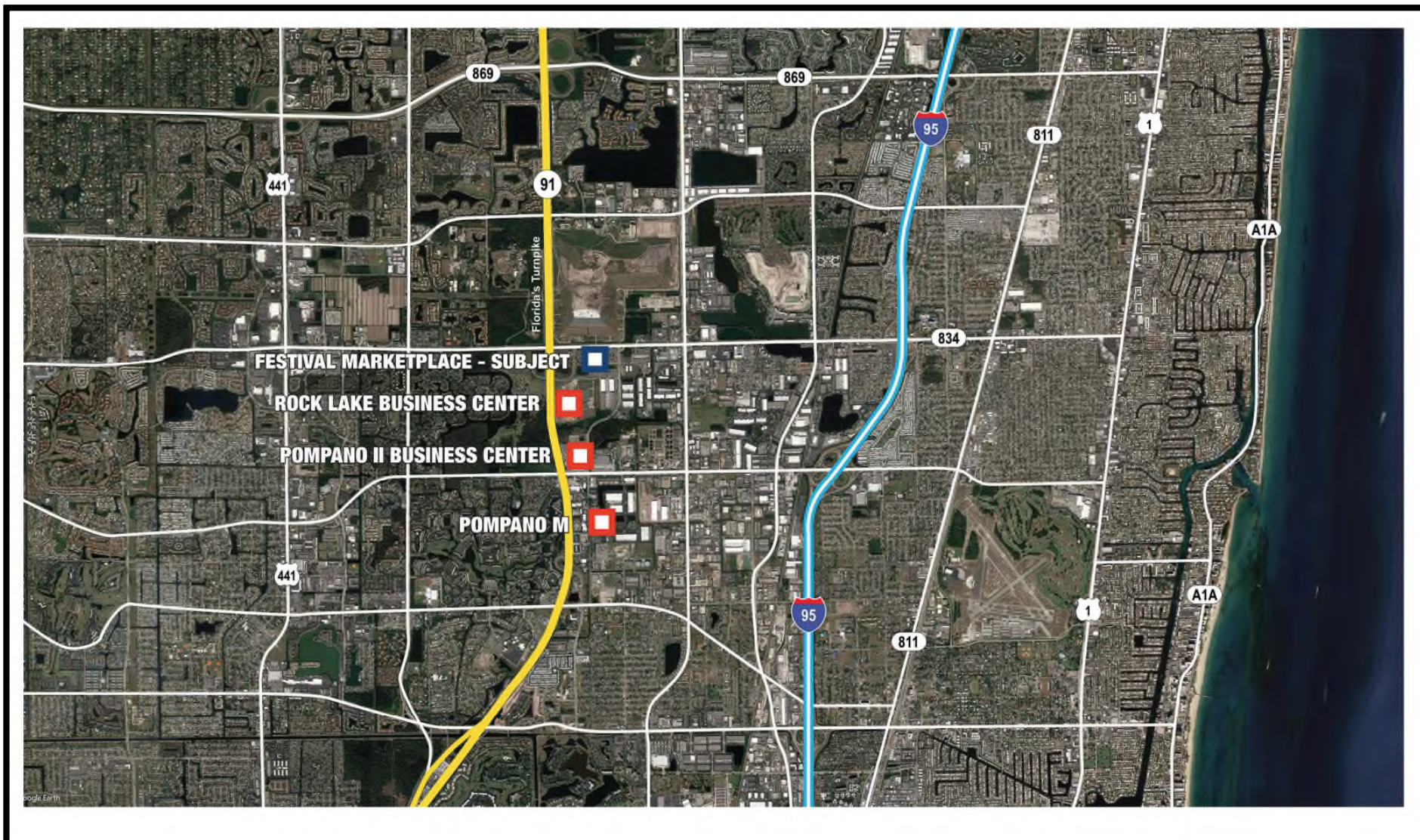
Chris Metzger Motion Made:

Motion made by Chris Metzger to support the proposed Rezoning of the current Festival Flea Market property at Sample Road and Florida's Turnpike from B-3, General Business to I-1, General Industrial.

Motion seconded by Jean McIntyre.

All voted in favor of the motion. Motion passed unanimously.

IDIL Developments in Pompano Beach



IDIL Developments in Pompano



Rock Lake Business Center



Rock Lake Business Center | Pompano Beach



Rock Lake Business Center



Rock Lake Business Center | Pompano Beach

 **IDI Logistics**

Pompano II Business Center



Pompano II Business Center | Pompano Beach



Pompano II Business Center



Pompano II Business Center | Pompano Beach



Pompano M Business Center



Pompano M Business Center | Pompano Beach



Pompano M Business Center



Pompano M Business Center | Pompano Beach



Thank You

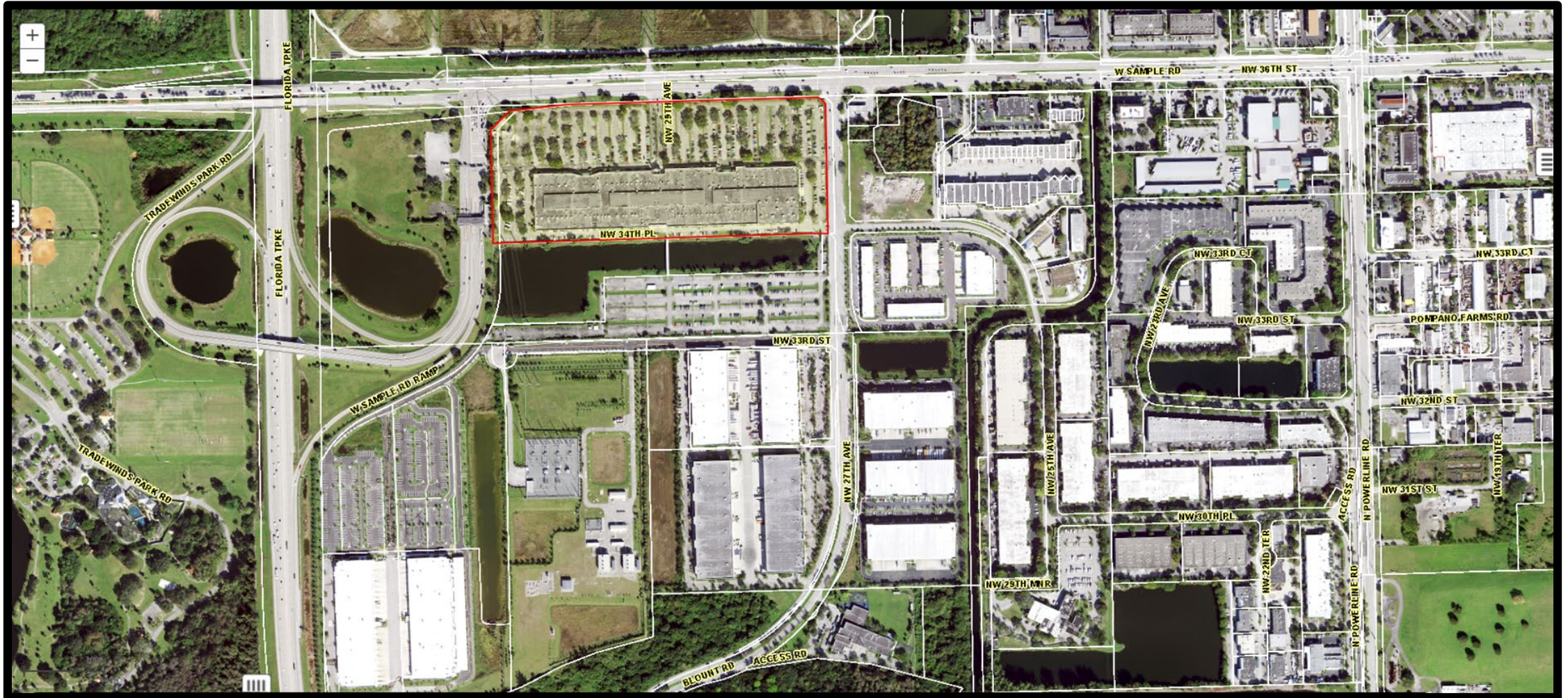


IDI Logistics/Festival Flea Market Rezoning from B-3 to I-1

June, 2022



General Location/Context Aerial





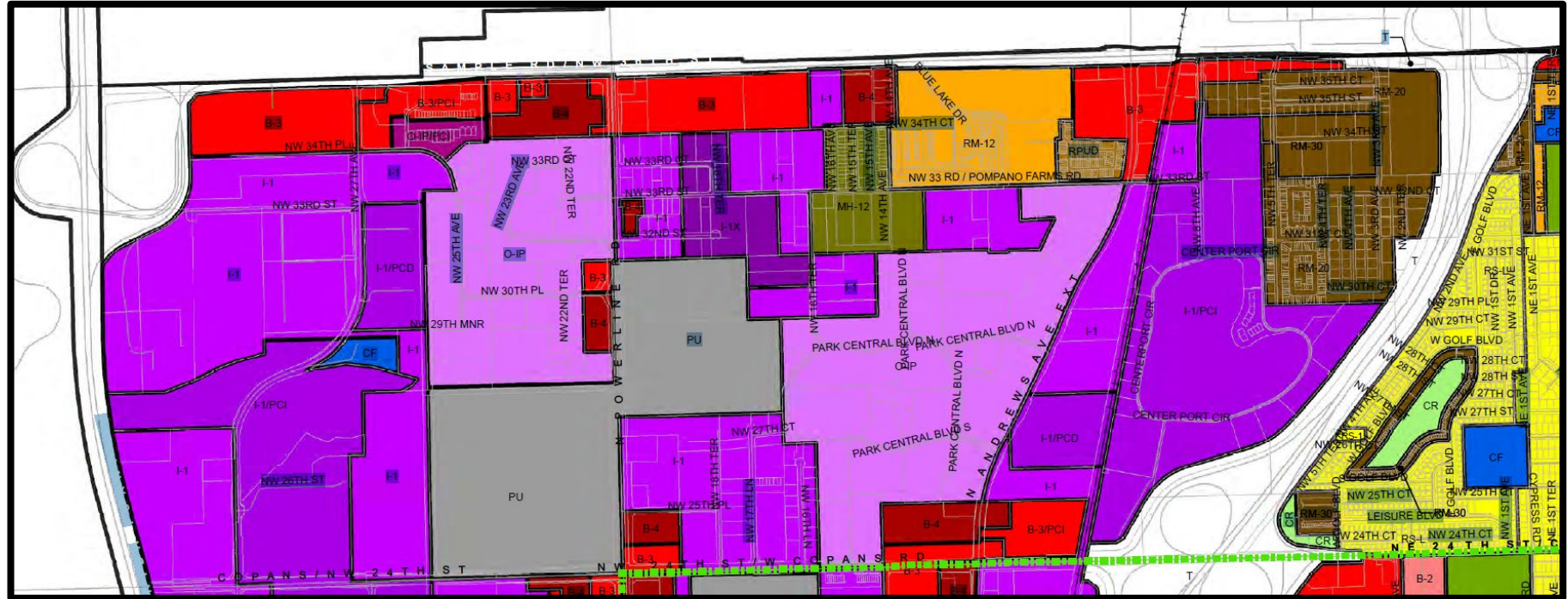
Criteria for Rezoning

- Consistent with the Land Use Designation
- Compatible with adjacent zoning and uses
- Supportive of the Goals, Objectives and Policies in the Comprehensive Plan



Adjacent Zoning Designations

- West: Turnpike
- South: I-1
- North: Landfill
- East: B-3 and B-3/PCI





Comprehensive Plan Goals, Objectives and Policies

Policy 01.01.15

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Objective 01.23.00 – Economic Development

Expand the economic based by attracting Class A office space and higher education institutional uses, continuing to support the industrial and manufacturing sectors while protecting tourism as well as the quality of life and delivery of services to local residents.

Policy 01.02.01 *“Require a traffic impact analysis for development projects when necessary to determine post-development conditions of adjacent roadways and the local multimodal transportation system.”*



Rezoning Process (if concurrent with LUPA)

City of Pompano Beach Rezoning Process

- | | |
|---|--------------------------------|
| - Planning & Zoning Board | May 25, 2022 |
| - City Commission 1 st Reading | June 14, 2022 |
| - City Commission Second Reading | June 28, 2022 |
| - Rezoning becomes effective | Upon BCPC LUPA Recertification |



Recommendation:

The Planning and Zoning Board heard this item at their meeting on May 25, 2022 and recommended approval with a 6 to 1 vote.

Staff recommends approval.



Questions and Comments For Staff

Applicant Response to Questions

IDI Logistics/Festival Flea Market Local-Only Land Use Plan Amendment
City Commission
June, 2022



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- *Lincoln Land Institute* 2020 data shows:
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 - Pompano’s 2020 population – 112,000
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Exhibit 4



*Pompano
Beach
Sustainability
Project
Portfolio*

*City Commission Meeting
June 14th 1:00 pm*

Agenda

1. Project Context

2. Overview

3. Project Portfolio

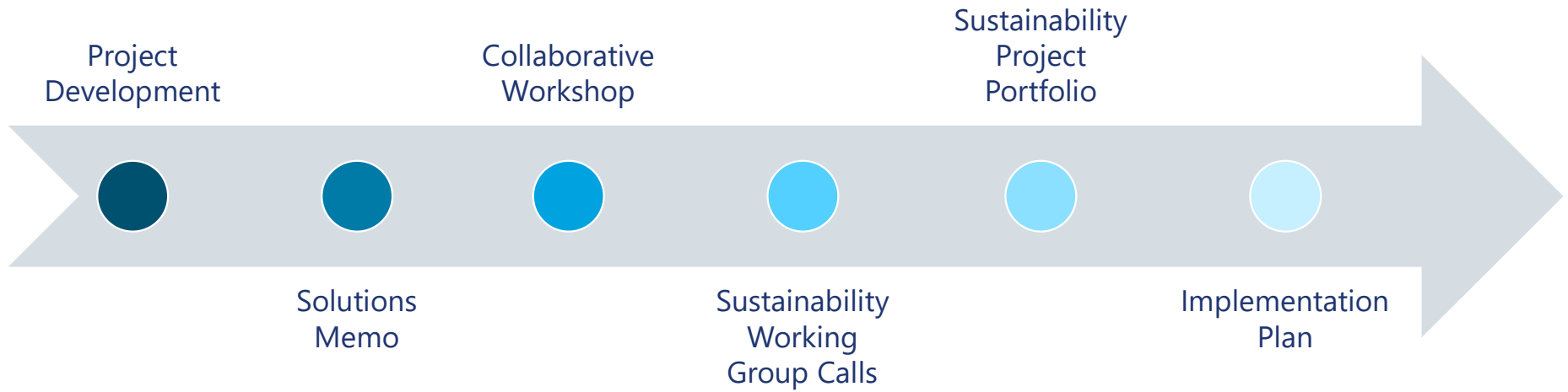
4. Implementation Plan

5. Next Steps

Sustainability Work Plan

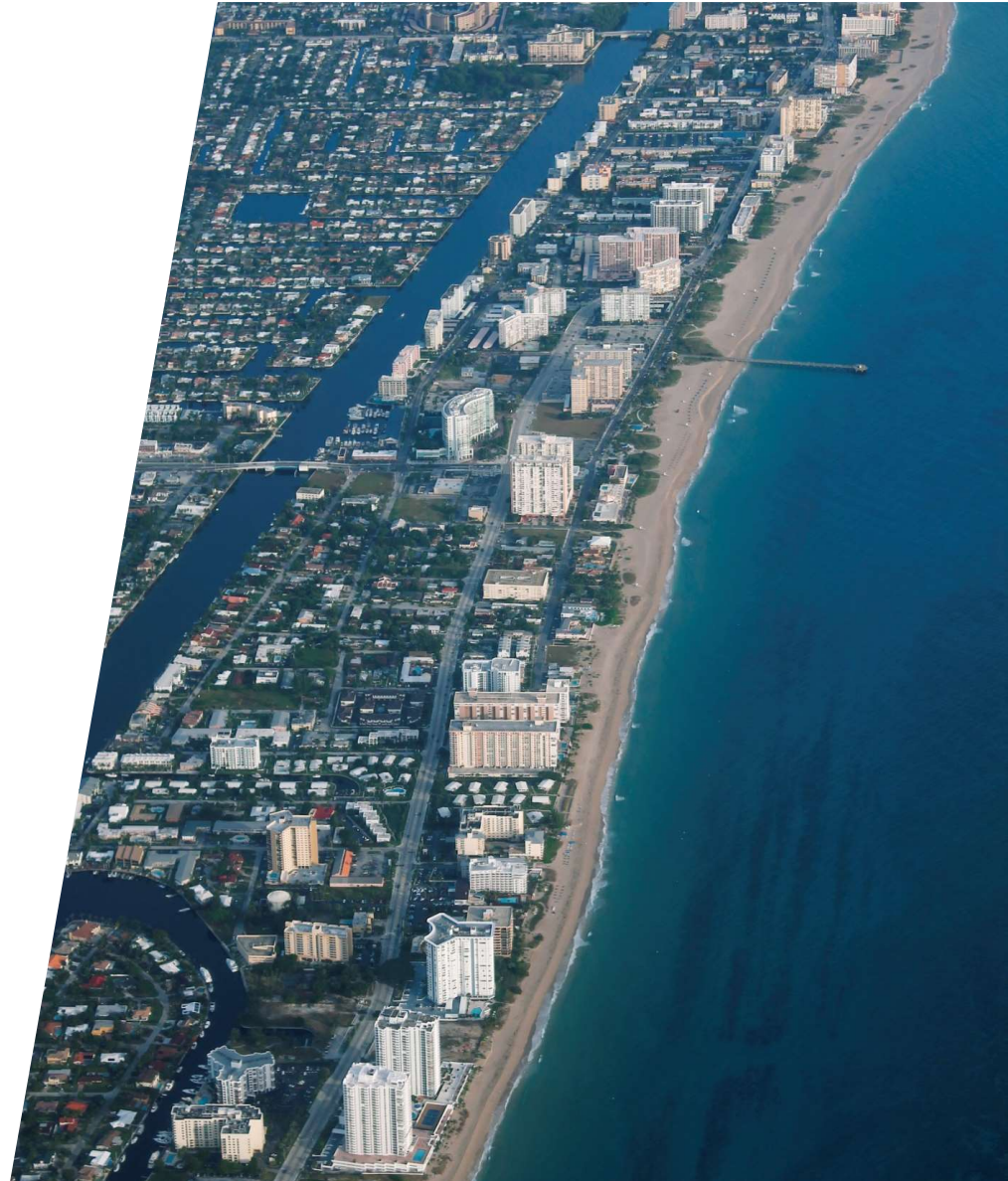


Project Overview



Project Portfolio

- » Contains a set of 17 initiatives that will generate a net return of more than \$3.2 million
- » Expands public services and enhances environmental stewardship
- » Returns will come from reducing energy, water, and fuel use, embracing renewable energy, increasing efficiency and improving materials management through source reduction and recycling
- » Some projects do not have economic benefits, but address important social and environmental challenges in the community, such as food deserts and green buildings



Project Portfolio

Project	Net Benefit	Investment
CR1. City-owned Solar PV	\$1,240,000	\$1,015,000
CR2. Streamline Community Solar Permitting*	\$1,628,000	\$1,410,000
RC1. Energy Audits	\$5,000	\$5,000
RC2. Update Green Building / Sustainable Development Standards	-\$156,000	\$170,000
RC3. Water Audits at Selected City Facilities	\$120,000	\$25,000
RC4. Optimize Use of Recreational Facilities	\$1,220,000	\$0
MM1. Print and Paper Use Reduction	\$115,000	\$0
MM2. Sustainable Procurement Policy	\$27,000	\$0
MM3. Waste Audits at City Facilities	\$10,000	\$10,000
PE1. Hybrid Work Policy	\$148,000	\$0
PE2. Sustainability Data Management and Reporting	\$0	\$65,000
LT1. EV Fleet Transition	\$214,000	\$231,937
LT2. Propane Fleet Transition	\$154,000	\$196,000
LT3. Fleet Efficiency Upgrades	\$164,000	\$62,277
LT4. Optimize Fleet	\$50,000	\$54,578
EO1. Address Food Deserts	-\$82,000	\$85,000
EO2. Employee Sustainability Training	\$3,000	\$31,500
Total to City and Community (10-year NPV at 4.5% discount rate)	\$4,860,000	\$3,360,000
Total to City (10-year NPV at 4.5% discount rate)	\$3,232,000	\$1,950,000



Portfolio Benefits - GHG Reduction

Avoided GHG Emissions





- Total Local Government Avoided GHG Emissions:
 - 1-year savings: 2,040 MTCO₂e



- GHG reduction benefits of 2,040 metric tons of CO₂ equivalents are equal to:
 - Taking 474 cars off the road
 - Or, protecting 2,600 acres of forest for a year
 - And amount to 71% of the City's 2030 LGO GHG emissions reduction goal



Portfolio Benefits – Resource Conservation

Electricity Savings	<ul style="list-style-type: none">Total Electricity Savings (kWh):<ul style="list-style-type: none">10-year: 15,387,848 	Water Savings	<ul style="list-style-type: none">Total Water Savings (Gallons):<ul style="list-style-type: none">10-year: 14,013 
Fuel Savings	<ul style="list-style-type: none">Total Fuel Savings (GGE):<ul style="list-style-type: none">10-year: 289,067 	Avoided Waste	<ul style="list-style-type: none">Waste to Landfill Avoided or Recycled (Tons):<ul style="list-style-type: none">10-year: 2,491 

Implementation Plan

- » Includes recommendations for:
 - Management strategies
 - Budget
 - Schedule
 - Metrics and reporting
 - Overcoming barriers
 - Funding recommendations
 - Alignment with other City plans, programs and policies



Implementation Plan

SPP Investment Schedule

ID	Project	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
CR1	City-owned Solar PV	\$15,000	\$1,000,000								
CR2	Streamline Community Solar Permitting**										
RC1	Energy Audits and Retro-commissioning	\$3,000	\$2,000								
RC2	Update Sustainable Development Standards	\$125,000		\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
RC3	Water Audits at Selected City Facilities	\$25,000									
RC4	Optimize Use of Recreational Facilities										
MM1	Print and Paper Use Reduction										
MM2	Sustainable Procurement Policy										
MM3	Waste Audits at City Facilities	\$10,000									
PE1	Hybrid Work Policy										
PE2	Sus. Data Management and Reporting	\$65,000									
LT1	EV Fleet Transition	\$51,518	\$36,463	\$43,285	\$47,620	\$36,533	\$16,517				
LT2	Propane Fleet Transition	\$49,400	\$35,226	\$36,071	\$36,937	\$37,823					
LT3	Fleet Efficiency Upgrades	\$16,860	\$3,077	\$12,604		\$29,736					
LT4	Optimize Fleet	\$25,580	\$16,394	\$12,604							
EO1	Address Food Deserts	\$35,000	\$50,000								
EO2	Employee Sustainability Training		\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500
	<i>Total Estimated Annual Investment</i>	<i>\$421,358</i>	<i>\$1,146,660</i>	<i>\$113,064</i>	<i>\$93,057</i>	<i>\$112,593</i>	<i>\$25,017</i>	<i>\$8,500</i>	<i>\$8,500</i>	<i>\$8,500</i>	<i>\$8,500</i>



Next Steps



Thank you!

BEN MOORE, AICP, LEED
AP O+M
*PROJECT DIRECTOR & RS&H
SUSTAINABILITY LEADER*

*BEN.MOORE@RSANDH.COM
(954) 236-7379*

RS&H