

# **City of Pompano Beach**

**City Commission Meeting**

**Commission Chamber**

*100 West Atlantic Blvd.*

*Pompano Beach, FL 33060*



## **Agenda**

**Tuesday, May 28, 2024**

**6:00 PM**

## **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*

## **GOVERNMENT IN THE SUNSHINE**

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

## **PROCEDURE**

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

## **CITY COMMISSION MEETING TIMES**

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

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

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

## **ADDRESSING THE CITY COMMISSION**

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

## **ACCESSIBILITY**

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

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

**CALL TO ORDER**

*The Honorable Rex Hardin  
Mayor, Presiding*

**ROLL CALL**

*Kervin Alfred, City Clerk*

**INVOCATION**

*Minister Jamal McLamore  
Jesus Supernatural Life Center*

**PLEDGE OF ALLEGIANCE**

*Led by Kervin Alfred, City Clerk*

**APPROVAL OF MINUTES**

[24-386](#)      Regular City Commission Meeting Minutes of May 14, 2024

**APPROVAL OF AGENDA****CONSENT AGENDA DISCUSSION**

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

**A. SPECIAL PRESENTATION**

[24-347](#)      Legislative Update

State Senator Jason Pizzo, District 37, will provide a legislative update to the Commission and residents.

**B. PROCLAMATION**[24-387](#)**Proclamation Honoring Captain Martin W. Hedelund, Sr.**

Mayor Rex Hardin will honor Captain Martin W. Hedelund, Sr. for 36 years of service with Broward Sheriff's Office and for his service to the City of Pompano Beach.

**C. AUDIENCE TO BE HEARD**

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

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

**D. CONSENT AGENDA**1. [24-385](#)

Consideration of a request by Diane DeForge to transfer ownership of Block 67, Lot 4, Plot 32 in North Lawn back to the City of Pompano Beach.

(Fiscal Impact: \$1,020)

**(Staff Contact:** Robert McCaughan)

2. [24-384](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC BEACH ACCESS EASEMENT AND DEDICATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND 1380 OCEAN ASSOCIATES LLC, ACCEPTING A GRANT OF A PERPETUAL NON-EXCLUSIVE PUBLIC BEACH ACCESS EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Max Wemyss/David Recor)

3. [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)

**(Staff Contact:** Scott Reale/David Recor)

4. [24-381](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA INDICATING THE OFFICIAL INTENT OF THE CITY TO ISSUE ITS TAX-EXEMPT WATER AND WASTEWATER REVENUE BONDS IN ONE OR MORE SERIES FROM TIME TO TIME, IF AUTHORIZED BY SUBSEQUENT PROCEEDINGS OF THE CITY, AND TO USE A PORTION OF THE PROCEEDS OF BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, SUCH BONDS TO BE PAYABLE FROM THE NET REVENUES OF THE CITY'S COMBINED WATER, WASTEWATER AND REUSE UTILITY SYSTEM, AND TO BE USED TO FINANCE (INCLUDING THROUGH REIMBURSEMENT), THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING ALL OR A PORTION OF CERTAIN PUBLIC CAPITAL IMPROVEMENTS TO THE UTILITY SYSTEM THAT ARE INCLUDED IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN RELATING TO THE UTILITY SYSTEM, AS ADOPTED AND IN EFFECT FROM TIME TO TIME, AS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Allison Feurtado/A. Randolph Brown)

5. [24-368](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RATIFYING STAFF'S SUBMISSION OF A GRANT APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES FOR THE PURPOSE OF OBTAINING FUNDS FOR CYBERSECURITY TECHNICAL ASSISTANCE; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Gene R. Zamoski)

6. [24-388](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK 2.0 (NIST) TO PROVIDE CYBERSECURITY STANDARDS FOR THE MUNICIPALITY AS SET FORTH IN SECTION 282.3185 FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Gene Zamoski)

## **E. REGULAR AGENDA**

7. [24-374](#) **P.H. 2024-40: (PUBLIC HEARING)**  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING 1.1 ACRES OF NONRESIDENTIAL FLEXIBILITY TO ALLOW A COMMERCIAL USE IN A RESIDENTIAL LAND USE CATEGORY ON PROPERTY LOCATED NORTH OF AND CONTIGUOUS TO 2201 WEST ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

**QUASI-JUDICIAL PROCEEDING**8. [24-375](#)**P.H. 2024-41: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF AND CONTIGUOUS TO 2201 WEST ATLANTIC BOULEVARD FROM RM-12 (MULTI-FAMILY RESIDENCE 12) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

9. [24-376](#)**P.H. 2024-39: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING FOUR NONCONTINUOUS 25-FOOT WIDE RIGHT-OF-WAY LOCATIONS ON LOTS CONTIGUOUS AND NORTH OF 2201 WEST ATLANTIC BOULEVARD AND EAST OF NW 23RD AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

**END OF QUASI-JUDICIAL PROCEEDING**10. [24-370](#)**P.H. 2024-42: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO MODIFY DISTANCE SEPARATION REQUIREMENTS IN THE CITY'S CODE OF ORDINANCES TO CORRESPOND WITH CHANGES IN STATE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

11. [24-371](#)**P.H. 2024-43: (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 BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," BY MODIFYING REQUIREMENTS FOR STORED MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS OR TRAILERS ON RESIDENTIAL PROPERTY AND PROVIDING FOR EXEMPTION; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO PROVIDE APPROVAL OF SURFACING MATERIALS FOR OFF-STREET PARKING AND LOADING AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: n/a)

(Staff Contact: Max Wemyss/David Recor)

12. [24-296](#)**P.H. 2024-35: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4209., "INSTITUTIONAL HEALTH CARE USES," TO MODIFY THE STANDARDS FOR AMBULATORY SURGICAL CENTERS (ASC); AND BY AMENDING ARTICLE 9, PART 5, "TERMS AND USES DEFINED," TO PROVIDE A DEFINITION FOR AMBULATORY SURGICAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: APRIL 23, 2024**

**POSTPONED FROM MAY 14, 2024**

(Staff Contact: Jean Dolan/David Recor)

13. [24-310](#)**P.H. 2024-36: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE XXV, SECTIONS 250, 251 AND 253 TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, TO MODIFY REQUIREMENTS AND RESTRICTIONS RELATING TO CONTRACTS AND LEASES AND TO REVISE LANGUAGE TO BE CONSISTENT WITH STATE LAW AS TO USE OF ORDINANCES AND RESOLUTIONS; TO AMEND CRITERIA FOR TRANSFER OF CITY-OWNED PROPERTY TO OTHER GOVERNMENTAL AGENCIES; PROVIDING THAT IF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE GENERAL ELECTION OF NOVEMBER 5, 2024, THEN SUCH AMENDMENTS SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Tax dollar savings unknown at this time)

**FIRST READING: MAY 14, 2024**

(Staff Contact: Mark E. Berman/Claudia McKenna/Suzette Sibble)

14. [24-382](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 26 IN THE AMOUNT OF \$284,928.08 PURSUANT TO THE CONTINUING CONTRACT FOR ENGINEERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. FOR WATER AND REUSE TREATMENT PLANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$284,928.08)

(Staff Contact: A Randolph Brown)

15. [24-377](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 29, 2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Donald McNeil, <b>Incumbent</b> - District 1	0
W.P. Davis, Jr., <b>Incumbent</b> - District 1	0
Philip DeSantis, <b>Incumbent</b> - District 3	0
Russell Reichmann, <b>Incumbent</b> - District 3	0
Jason Smith - District 3	0

(Staff Contact: Kervin Alfred)

16. [24-378](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 29, 2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 24-377 FOR APPLICANTS.**

(Staff Contact: Kervin Alfred)

17. [24-379](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 29, 2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 24-377 FOR APPLICANTS.**

(Staff Contact: Kervin Alfred)

18. [24-380](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 29, 2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 24-377 FOR APPLICANTS.**

(Staff Contact: Kervin Alfred)

19. [24-319](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF SPENCER FLORY, ALTERNATE 1; SAID TERM TO EXPIRE ON MAY 24, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**Applicants**

Tashawna Thomas - District 3  
Melissa Banner - District 4  
Carolyn Rhone - District 5

**Other Board Memberships**

0  
0  
0

**POSTPONED FROM MAY 14, 2024**

(Staff Contact: Kervin Alfred)

20. [24-320](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DURWARD WOMACK, ALTERNATE 2; SAID TERM TO EXPIRE ON MAY 24, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 24-319 FOR APPLICANTS**

**POSTPONED FROM MAY 14, 2024**

(Staff Contact: Kervin Alfred)

**F. ADDITIONAL AUDIENCE TO BE HEARD**

**G. NEXT SCHEDULED MEETING**

June 11, 2024 at 1:00 p.m. - Regular City Commission Meeting

June 25, 2024 at 5:00 p.m. - City Commission Budget Workshop

June 25, 2024 at 6:00 p.m. - Regular City Commission Meeting

**G. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**H. ADJOURNMENT**

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

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

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

COMPANY:

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

STATE: ZIP: EMAIL:

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

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

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

**SUBJECT YOU DESIRE TO SPEAK ON:**

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