



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

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

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

Tuesday, July 11, 2023

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Rev. Dr. Greg Fitch Psychology and Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

APPROVAL OF MINUTES

[23-629](#) Regular City Commission Meeting Minutes of June 27, 2023

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

[23-630](#) City Commission Budget Workshop Minutes of June 27, 2023

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

APPROVAL OF AGENDA

Mayor Hardin announced that a presentation by Broward County Mayor Lamar Fisher will be added to the Agenda and will be heard first under the Special Presentation segment. Also, he said the second presentation by the Lynne Warrick Leadership Institute was stricken from the Agenda due to a scheduling conflict.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Agenda be APPROVED AS AMENDED. 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 Items 1, 3 and 7 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[23-654](#) Presentation by Broward County Mayor Lamar Fisher

Broward County Mayor Lamar Fisher thanked the Commission and said his goal this year is to visit all 31 cities, with Pompano Beach being the 26th city. He stated he understands the dynamic of the County and the cities, and they want the communications to be open. He informed Comr. Moss that, as of yesterday, Broward County is the proud owner of the Motel 6 on NW 31st Avenue and they look forward to developing it with affordable housing. He said his door is always open and his theme this year is “Community, Collaboration, and Community.” He intends to tackle Pompano Beach’s items; however, he acknowledged the misunderstanding about the Coastal Community Rail and Local Preferred Alternative Initiatives. Nevertheless, he fought hard for a station in Pompano Beach and nearby cities, and he will continue to ensure the County will maximize surtax dollars for future projects in Pompano Beach. In closing, he thanked the City Commission and commended the members for their service. He encouraged them to work together in making Pompano Beach the best it has ever been.

Mayor Hardin thanked County Mayor Fisher for his service.

Vice Mayor McGee said she is ecstatic to hear the update on the North Corridor train lines. County Mayor Fisher stated the focus has been a 25-foot bridge over the New River with cut and covers. He said there are federal grants available, but it is imperative to secure funding

now.

Mayor Hardin said the cut and cover being discussed with Fort Lauderdale is an interesting concept.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

[23-584](#) **Lynne Warrick of Lynne Warrick Leadership Institute**

This presentation was stricken from the Agenda due to a scheduling conflict.

The Special Presentation was STRICKEN.

[23-594](#) **Legislative Update**

Giniah Moncrieffe, Intern Specialist from the Office of U.S. Representative Sheila Cherfilus-McCormick, introduced herself and thanked the Commission. Ms. Moncrieffe spoke about Representative Cherfilus-McCormick efforts of creating economic opportunity, transportation safety improvements, housing funding and stability, as well as protecting children, veterans and seniors in the State of Florida.

Mayor Hardin acknowledged Representative Cherfilus-McCormick's service and said they look forward to welcoming her to their July 17th ribbon cutting for the Pompano Beach Senior Center.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

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

Amaury Ortiz, 1889 NE 53rd St., Pompano Beach, stated he discussed with the City Manager and Comr. Eaton the illegal group homes operating in the community. He said they bring in drug dealing and patients that need mental care. He noted one of these homes is located next to his property and he has experienced unannounced visits from the occupants. He believes these illegal group homes are putting families in danger. He said Code Compliance has done what they can, therefore he recommended the City to address the issue or remove the illegal group homes.

Mayor Hardin said he agrees and acknowledges it is a big problem. He stated if Code Compliance has exhausted all their options, it may be time for the City Attorney to get involved in their findings against the property. He asked Mr. Ortiz to connect with City Attorney Mark Berman.

Mr. Berman stated Ms. Lyons in his office is already looking into the manner. They will also explore every possibility and will continue to monitor the location.

Comr. Eaton stated she empathizes with Mr. Ortiz and noted that there is a sober home a few houses down

from her home. Nevertheless, she said the City is confined by other regulations and spoke about the efforts to address the matter. She assured Mr. Ortiz that city staff will follow up with him.

Mr. Ortiz said he understands the federal protections when sober homes are legally operating.

Comr. Eaton said it may be time for a formal resolution to enact a policy.

Pat Anderson, Pompano Beach, said she has been attending City Commission meetings for six years. She displayed on the speaker podium an award she received. She said she loves her community, however she referred to an incident that occurred at her property and now the Army Corps of Engineers is involved. She displayed images of her property that was damaged and could not be used for three years. She reported the incident, but no one listened and the problem got worse. Also, she presented an illustrated diagram regarding zip code changes within her community. In closing, she concluded by reiterating that the incident is being reviewed by the Army Corps of Engineers.

Paul Livingway, 812 N. Ocean Boulevard, Pompano Beach, stated upon return from his son's house on the 4th of July the police had a blockade at the intersection of 14th and A1A. He attempted to show his ID to the police to go home but was told to move his car or he would go to jail. He moved the car and walked home. He requested that those who live in the restricted area, who can show proper ID, to be permitted access. He also asked about the parking lot on the corner of Atlantic Boulevard and A1A. He asked if the plans have been finalized.

Mayor Hardin stated the property is privately owned and the project was previously approved many years ago, and the development orders still exist.

Mr. Livingway recommended the area be squared off with a 25-foot sidewalk and a roof that extended to the curb. He said the first floor should be retail and the second deck could be for parking and the other decks for high rises. He said it would revitalize the area similar to the Town of Lauderdale-by-the-Sea.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 2,4-6 and 8-10 without City Commission discussion.

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

1. [23-600](#) Approve the recommendation of the Selection/Evaluation Committee for RFP E-18-23, Canal Cleaning Boat and authorize staff to negotiate a contract with the sole proposer: Elastec, Inc. (No cost at this time.)
(Fiscal Impact: No cost at this time)

(Staff Contact: Russell Ketchem)

Comr. Fournier said she wants to ensure this is the most cost-effective strategy. She asked if this is a replacement boat or an additional boat.

Russell Ketchem, Director of Environmental Services, stated this will be an additional boat. He said they are replacing the older spare boat so the current boat will become the secondary boat, and the additional one will become the primary.

Comr. Fournier asked about the fully loaded costs versus the cost of outsourcing the activity.

Mr. Ketchem provided examples from Deerfield Beach and Boca Raton and the bids they received. He said their costs run under \$100K annually and that includes the boat as an asset. He confirmed they completed an analysis, and this option is more cost-effective.

Comr. Fournier said it is important to be able to react to concerns in the canals and she thanked Mr. Ketchem for his response.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Mayor Hardin agreed they receive many calls about the canals in District 3. He said it is important to have flexibility and their own asset.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Approval Request / Consent Agenda be APPROVED. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

2. [23-606](#) Approve the recommendation of the Selection/Evaluation Committee for RFQ H-23-23, Landscape Maintenance Services, and authorize staff to negotiate a contract with the sole proposer: Cutting Edge Industries, Inc. (No cost at this time.)
(Fiscal Impact: N/A)

(Staff Contact: Tammy Good)

A motion was made by Vice Mayor McGee, seconded by

Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

3. [23-604](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY'S 2023-2024 CDBG AND HOME ANNUAL ACTION PLAN AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE LOCAL GOVERNMENT CERTIFICATIONS, SPECIFIC CDBG CERTIFICATIONS, OPTIONAL CERTIFICATION CDBG, SPECIFIC HOME CERTIFICATIONS AND APPENDIX TO CERTIFICATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Grant Revenue-\$1,536,849.00)

(Staff Contact: Alex Goldstein)

Comr. Perkins asked about funding. Alex Goldstein, Program Compliance Manager, said they receive approximately \$1.5M annually between the two programs.

Comr. Perkins asked about the 7 organizations who did not receive funding because they did not attend the meeting.

Mr. Goldstein said the mandatory public hearing was published in the newspaper and on the website. He said they had 13 organizations that show up to the workshop and they gave a presentation. He named the organizations who attended.

Comr. Perkins asked how the prospective organizations were notified. Mr. Goldstein reiterated the same way they always advertise to the subrecipients. He stated they hold multiple workshops for new applicants.

Comr. Perkins noted it appears that some of the same groups receive funding each year. She said last year at least 20% of funding were provided to small businesses. She said there is a different way to reach people in her District, therefore she asked to be kept informed so she can let the community know to apply.

Mr. Goldstein explained the award data. He said they were almost able to give everyone full funding this year.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Comr. Eaton asked if the funds are available beginning October 1st. Mr. Goldstein said yes and noted they recently opened their waiting list for their housing rehabilitation program. The list is open to 200 people and there is a step-by-step instruction manual on the website for people to follow to get their name on the list.

Mayor Hardin asked if a person could stop by Mr. Goldstein's office if they do not have access to a computer. Mr. Goldstein responded absolutely. He said there is a mini kiosk with computers with staff support for those

who do not have a computer or internet.

Comr. Perkins asked for clarification of the waiting list. Mr. Goldstein said it would remain open until 200 people are on the waiting list. He clarified that there is not guaranteed funding for the full 200 potential applicants. He noted many people sign up but are not eligible and described the application process.

Comr. Eaton asked about the funding for the program. Mr. Goldstein said there is approximately \$1.23M for housing rehabilitation. He confirmed they are still accepting applications for the Emergency Rental Assistance Program, which is tied to Covid-19 funding.

Comr. Fournier asked if people who previously inquired and were told the waiting list was closed, will they need to reapply? Mr. Goldstein said they do keep track and reach out to people referred to them by Commissioners or during Audience to be Heard.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-186

4. [23-589](#) 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 COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND TAYLOR SMITH TO DESIGN AN EXPANSION TO THE PREVIOUS MURAL “REEF LIFE” AND INSTALL THE PAINTED MOSAIC MURAL AT THE PIER PARKING GARAGE ON THE THIRD, FOURTH, AND FIFTH LEVELS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$38,000.00)

 **Strategic Plan Initiative**

(Staff Contact: Laura Atria/Ty Tabing)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-187

5. [23-390](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE DESIGN PROPOSAL FOR THE MOSAIC TEAM TERM 3 PROJECT SUBMITTED PURSUANT TO THE AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

**Strategic Plan Initiative**

(Staff Contact: Laura Atria/Ty Tabing)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-188

6. [23-601](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO PIGGYBACK OFF THE CITY OF PLANTATION'S AGREEMENT FOR ELECTRIC MOTOR PUMP AND REPAIR-TERM CONTRACT, RFSP NO. 030-22, AND EXECUTE AN AGREEMENT FOR MOTOR PUMP AND REPAIR SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CONDO ELECTRIC MOTOR REPAIR CORP.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$150,000.00)

(Staff Contact: A. Randolph Brown)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-189

7. [23-618](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT BETWEEN BROWARD COUNTY, THE CITY OF POMPANO BEACH AND OTHER PARTICIPATING MUNICIPALITIES FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM, AND A

SECOND AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

Comr. Fournier asked if this is an extension or a realignment of cities. Chad Brocato, Fire Chief, stated this is more about timing. He said they are always working on communications, therefore with continued monitoring, they will see improvements.

Comr. Fournier said she looked at the data and 2023 has shown improvements from 2022. She said the Call Center seems to be meeting goals.

Chief Brocato said they will likely change the call guideline from one to two minutes on a national level in the next 6-12 months.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Comr. Perkins said there needs to be changes and she described a recent resident situation where no one picked up a 911 call. She asked for someone to follow up with her about the July 10 incident.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-190

8. [23-616](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BRUCE YAMPOLSKY TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-191

9. [23-617](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARMEN JONES TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF LINDA THOMAS, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; SAID TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-192

10. [23-631](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ADA ROGERS TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE APPOINTEE OF COMMISSIONER BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT items under the Consent Agenda that were not pulled for City Commission discussion. The motion carried unanimously.

Enactment No: RES. No. 2023-193

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that Item 11 is listed under Quasi-Judicial Proceeding and is

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

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

11. [23-572](#) **P.H. 2023-69: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN FIFTEEN-FOOT STRIP OF RIGHT-OF-WAY LYING ON THE WEST SIDE OF DIXIE HIGHWAY BETWEEN NW 15TH PLACE AND NW 15TH COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 27, 2023

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated this is a request to abandon a 15-foot of excess right-of-way on Dixie Highway between NW 15th Place and NW 15th Court. Ms. Dolan reported there were no changes since the first reading of the Ordinance and she was available to answer any questions.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

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

Yes: Eaton
Fournier
Moss
McGee
Hardin

No: Perkins

Enactment No: ORD. No. 2023-58

END OF QUASI-JUDICIAL PROCEEDING

12. [23-608](#) Approval to award Bid E-22-23 Runway 10-28 Safety Enhancements to the lowest responsive, responsible bidder, Ranger Construction Industries., at a cost of \$3,659,398.88. (Fiscal Impact: \$3,659,398.88; Air Park cost share is \$182,969)

(Staff Contact: Steven Rocco)

Steven Rocco, Airport Manager, presented the item and noted that the City has applied for a grant and expects to receive 90% funding from the FAA. He recommended approval of the bid so they can begin negotiating the contract.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Comr. Eaton asked how the City is obtaining the funds. Mr. Rocco replied they will receive the grant first prior to expending any funds.

Comr. Fournier asked if the hotspot mitigation plan was discussed with ATC. Mr. Rocco replied the ATC personnel were involved discussing hotspot mitigation one and two.

Comr. Fournier asked about impacts on runway and airport operations. Mr. Rocco replied they anticipate minimal operation impacts but confirmed two runways would need to be closed for approximately 30 days. He confirmed one runway will always remain open.

Comr. Moss asked if the \$183,000 will come from the General Fund, of which Mr. Rocco replied no, it will derive from the Airpark Enterprise Fund.

Comr. Moss asked the balance of the Airpark Enterprise Fund. Mr. Rocco replied it begins each year with approximately \$1.5M.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

13. [23-623](#) 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 PROFESSIONAL/CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR AN ELECTRICAL MASTER PLAN UPDATE AND DESIGN FOR THE CITY'S WATER TREATMENT PLANT 5KV ELECTRICAL SYSTEM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$1,590,941.00)

 **Strategic Plan Initiative**

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director, introduced the item. He said they are looking to increase their redundancy with the program, which will increase dependability.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Comr. Eaton asked if it is repairable. Mr. Brown replied no.

Comr. Fournier asked if Mr. Brown views these projects as infrastructure improvements to increase the lifespan or redundancy. Also, she asked about his thoughts on the future. Mr. Brown replied that as they upgrade it will be for the current and future treatment plants.

Comr. Fournier asked about the life expectancy for the Water Treatment Plant. Mr. Brown said it is well maintained but regulations are changing, making it difficult to meet new regulations.

Comr. Moss asked about funding. Mr. Brown said the funding comes from the water revenues and not taxes.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-194

14. [23-558](#) **P.H. 2023-68: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 152.21, "DEFINITIONS," TO ADD AND DELETE DEFINITIONS; BY AMENDING SECTION 152.27, "VARIANCE AND APPEALS," TO MODIFY A CROSS-REFERENCE; BY AMENDING SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," TO ADD REGULATIONS FOR ACCESSORY STRUCTURES; AND BY AMENDING SECTION 152.32, "MANUFACTURED HOMES," TO REMOVE SURPLUS LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 27, 2023

(Staff Contact: Max Wemyss/Jean Dolan)

Jean Dolan, Development Services Department, stated this is the second reading of a minor clarification being made to Chapter 152. Ms. Dolan reported there were no changes since the first reading of the Ordinance and she was available to answer any questions.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-59

15. [23-574](#) **P.H. 2023-70: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA AND THE CITY OF POMPANO BEACH FOR FIRE RESCUE, SUPPRESSION AND PREVENTION SERVICES, AND EMERGENCY MEDICAL SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: FY 2024 to FY 2028, the net revenue would average \$256,281.00 per year.)

FIRST READING: JUNE 27, 2023

(Staff Contact: Chad Brocato)

Chad Brocato, Fire Chief, introduced the item stating there were no changes since the first reading of the Ordinance and he was available to answer any questions.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

Mayor Hardin stated this is a great idea as it will benefit the Town of Lauderdale-By-The-Sea and the City of Pompano Beach. He commended the Fire Chief and all who were involved in putting the Agreement together.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-60

16. [23-554](#) **P.H. 2023-71: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 92, "CEMETERIES," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 92.01, "DEFINITIONS," BY AMENDING THE DEFINITION OF PLOT SIZE; BY AMENDING SECTION 92.02, "DESIGNATION OF NORTH, SOUTH, AND WEST LAWNS," TO REVISE THE DESCRIPTION OF THE SQUARE FOOTAGE AND ACREAGE OF THE CEMETERY; BY AMENDING SECTION 92.05, "EXEMPTIONS AND MODIFICATIONS," TO REMOVE OBSOLETE LANGUAGE; BY AMENDING SECTION 92.06, "CEMETERY HOURS," TO AMEND THE HOURS FOR THE CEMETERY OFFICE; BY AMENDING SECTION 92.32, "PLOT PRICES AND SERVICE CHARGES," TO DELETE THE TABLE FOR SAME; AND BY AMENDING SECTION 92.42, "INTERMENTS, DISINTERMENTS, AND REMOVALS," TO ADD JUNETEENTH AS A CITY HOLIDAY AND MODIFY THE HOURS OF INTERMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 27, 2023

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, stated this is the second reading of Chapter 92, which governs the Municipal Cemetery. He reported there were no changes since the first reading of the Ordinance.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-61

17. [23-550](#) **P.H. 2023-72: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 70, "GENERAL PROVISIONS," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY FINES FOR UNLAWFUL PARKING IN A TIME LIMITED PARKING ZONE; AND AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," AND SECTION 76.08, "ENFORCEMENT," TO MODIFY LANGUAGE FOR CERTAIN ACTS PROHIBITED IN SUCH ZONES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, introduced the item and gave a brief explanation of the Ordinance.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the

Mayor closed public input and invited further Commission discussion on the motion.

Mayor Hardin asked if they spoke with the merchants. Mr. Lantz said they did, and they agreed.

Mayor Hardin asked how they will enforce unpaid fines moving forward. Mr. Lantz said they will continue to issue violations but hope the more punitive nature of the fine may get more attention than the current \$45. City Attorney Berman added that they have added language to the Ordinance to make it more enforceable, including continued immobilization of vehicles.

Mayor Hardin asked if they tried working with the merchants so they would only accept deliveries during a certain timeframe. Mr. Lantz said they have and noted the merchants have really done all they can to help the issue by pressing their vendors.

Comr. Fournier said immobilizing will probably not do anything to change the behavior. She agreed with Mayor Hardin about vendors accepting deliveries.

Vice Mayor McGee recommended signage with the enhanced fine.

Mayor Hardin asked if it is legal for Parking Enforcement to both issue a ticket and place a sticky paper on the windshield. City Attorney Berman said it is not illegal, but they do not want to cause damage to vehicles.

Comr. Fournier asked if it is possible to fine a merchant for accepting an after-hour delivery. City Attorney Berman said it would be a policy determination and suggested it to be completed before October 1st.

Comr. Eaton said most restaurants will not refuse deliveries since they need them. She agreed with the suggestion to fine the merchant.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

18. [23-391](#) **P.H. 2023-73: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COMMUNITY AESTHETIC FEATURE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FDOT FOR INSTALLATION OF

PAINTED MURALS ON INTERSTATE 95 OVERPASS COLUMNS UNDER DR. MARTIN LUTHER KING BOULEVARD PURSUANT TO THE MOSAIC TEAM TERM 3 PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

 **Strategic Plan Initiative**

(Staff Contact: Laura Atria/Ty Tabing)

Laura Atria, Public Art Program Manager, reviewed the Ordinance and noted the Resolution for the design was on today's Consent Agenda.

Mayor Hardin opened public comment.

Sarahca Peterson, 4354 NW 9th Avenue, Pompano Beach, said it is a huge project and she wanted to see the design. She noted the historical nature of the project, and said the art should have intention. Ms. Atria noted that this item is for the 27 mural columns, but the sidewalks will also include 100 mosaics leading into the project. She said the artist's theme is "Patterns of Pompano Beach."

Sonya Finley, 173 NW 15th Street, Pompano Beach, ask if the design could be pulled up. Mayor Hardin said the design was previously approved under the consent agenda. Ms. Finley said the community should get to see the design and provide some input. She asked Comr. Perkins if she presented the design to the NW community. Comr. Perkins said no.

Comr. Perkins said it was presented before the Art Committee and they approved it. She requested to have input on the design based on the surrounding area, but it was not considered. She noted she has a hard time relating how the pattern is connected to the area and history. She said this project should look to bring back history to the area.

Ms. Finley recommended going back to the community to seek input.

Comr. Perkins asked for the artist to be present at the second reading. Ms. Atria noted the artist was present but departed after the Consent Agenda item was approved. She confirmed she will be present at the next reading.

The Mayor closed public input and invited further Commission discussion on the motion.

Comr. Eaton suggested art at the local parks. She requested public art on the north end of the City. Ms. Atria said she would love to meet with each District Commissioner to place new artwork.

Vice Mayor McGee said it is a great idea to meet with Ms. Atria more often to plan public art for districts. She asked if the area for this project will be pressure-washed. Ms. Atria confirmed it would be.

Comr. Moss stated that District 5 is a donor district, and the northern part of the City is an excellent place to put art.

Comr. Perkins mentioned a wall on Copans Road at Leisureville as an additional location for artwork. Ms. Atria said they did consider that wall, but the surface is challenging for a mural.

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

Yes: Eaton
Fournier
Moss
McGee
Hardin

No: Perkins

19. [23-593](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE POLICY TO REQUIRE PROJECTS IN THE EAST TRANSIT ORIENTED CORRIDOR (ETOC) AND THE DOWNTOWN POMPANO TRANSIT ORIENTED CORRIDOR (DPTOC) THAT CONSIST OF SEVEN UNITS OR MORE IN SIZE TO UTILIZE BROWARD COUNTY MIXED INCOME HOUSING DENSITY BONUS POLICIES AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, noted this item and items 20 and 21 are companion items. She began her presentation by reviewing a brief history, including the updated In Lieu Fee. She reviewed the following: Application of In Lieu of Fee; Policy Package; and Recommendations. Attached as Exhibit 1 is Ms. Dolan's presentation in its entirety.

Mayor Hardin opened public comment.

Sarahca Peterson, 4354 NW 9th Avenue, Pompano Beach, said she loves the recommendation as it holds developers accountable. She is in full support of the item.

The Mayor closed public input and invited further Commission discussion on the motion.

Comr. Fournier thanked city staff for the thoughtful recommendations and hopes this has the intended effect for

developers to include affordable housing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-195

20. [23-598](#) **P.H. 2023-74: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 154.80, "PROVISION OF REQUIRED AFFORDABLE HOUSING," TO AMEND THE IN LIEU OF FEE AMOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, stated as previously mentioned, this is the second package/companion item, which pertains to the increase of fee in Chapter 154.80 to \$10,000 with a 3% annual escalation, for projects approved after September 30, 2023.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

21. [23-599](#) **P.H. 2023-75: (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 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," AND SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," RELATED TO AFFORDABLE HOUSING, IN THE DOWNTOWN POMPANO OVERLAY DISTRICT (DPOD) AND THE EAST OVERLAY DISTRICT (EOD) TO REQUIRE THE USE OF BROWARD COUNTY MIXED INCOME HOUSING DENSITY BONUS POLICIES FOR PROJECTS CONSISTING OF SEVEN RESIDENTIAL UNITS OR MORE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated this is the last of the 3-policy series to implement the use of Policies 2.16.3 and 2.16.4 in the Downtown and East Overlay District.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

22. [23-597](#) **P.H. 2023-76: (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 155.3305. HEAVY BUSINESS (B-4), TO ALLOW RESIDENTIAL AND MIXED USE DEVELOPMENT IN B-4 ZONING ON THE NW 31ST AVENUE CORRIDOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, reviewed recommendations from a Task Force established by the Economic Development Council regarding the NW 31st Avenue Corridor between Dr. Martin Luther King, Jr. Boulevard and Atlantic Boulevard. She said the Task Force presented several recommendations of what they envision for the Corridor, 2 of which the Planning and Zoning Division can implement with the proposed Zoning Code Amendment. Attached as Exhibit 2 is a detailed breakdown of the 2 recommendations.

Mayor Hardin opened public comment. No one came forth to speak. Mayor Hardin closed public comment.

Comr. Moss said this is critical to the development of 31st Avenue. He thanked the Task Force.

Mayor Hardin echoed Comr. Moss' sentiments and thanked the Task Force as well.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

23. [23-613](#) **P.H. 2023-77: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CYPRESS GOLF MANAGEMENT, LLC, TO PROVIDE FOR MAINTENANCE AND MANAGEMENT OF THE POMPANO BEACH MUNICIPAL GOLF COURSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$2,625,649.10)

(Staff Contact: Earl Bosworth)

Earl Bosworth, Assistant City Manager, introduced the item and noted the proposed increase in golf course rates, which would more than offset the cost increases in the contract.

Mayor Hardin opened the floor for public input. No one came forth to speak on the item. Therefore, the Mayor closed public input and invited further Commission discussion on the motion.

Comr. Fournier asked about additional maintenance for the new grass. Mr. Bosworth said they made sure the contract will cover the additional maintenance.

Comr. Fournier asked about offsetting the contract. Mr. Bosworth stated they always looked at a lowball demand of 50,000 rounds and it still covered the contract.

Comr. Eaton asked if we are buying the equipment for a private company. Mr. Bosworth said it is referenced in Page 2 and noted that Cypress Golf will lease the equipment and the City will make an annual payment to them for that amount. He stated the equipment will only be used for Pompano Beach golf courses.

Comr. Eaton said she is uncomfortable purchasing equipment for a private company. Mr. Bosworth stated they could provide the equipment list prior to the next reading.

Comr. Moss asked about the contract funding. Mr. Bosworth provided examples of golf course fees generated in 2021 and 2022 and confirmed the contract will be covered by fees generated by golf course users.

Comr. Fournier asked who owns the equipment at the end of the agreement. Mr. Bosworth said the equipment is on lease so it would be turned back in at the conclusion of the agreement. City Manager Harrison clarified it is a 5-year lease.

Comr. Eaton asked if there is an enterprise fund for golf course profits. Mr. Bosworth replied no. Comr. Eaton said the golf course has not always been profitable, and it is technically funded by taxpayer dollars.

Vice Mayor McGee acknowledged the golf course improvements and thanked city staff for all the work.

Mr. Bosworth said they are confident it will help get the golf course to the next level.

Comr. Eaton said she would support the item, but she said the backup was vague regarding the equipment.

Comr. Moss said he would support the item but wanted to clarify Comr. Eaton's comments. He asked if taxpayer funding would be used if not enough funds were generated by user fees.

City Manager Harrison said, since Covid-19, both golf course operations have been profitable. He said they are creating a signature course. He noted there is always a possibility taxpayer money will need to be spent if not enough funds are generated by user fees.

Mayor Hardin provided an example of parks and said rarely do parks pay for themselves and are underwritten by tax dollars. He noted excess profits for the golf course go into the general fund.

Comr. Fournier said the golf course draws people into the City and provides additional economic benefits.

A motion was made by Vice Mayor McGee, seconded by

Commissioner Eaton, that the Ordinance / Regular Agenda be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

- 24. [23-538](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 12, 2026; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Karen Moreland, **Incumbent** - District 4
Jacqueline Reed, **Incumbent/Alternate #1** - District 2
Carmen Jones - District 4
Quenton Thompkins - District 4
Sarahca Peterson - District 4
Kenneth Stolar - District 3
Jemilah L. Jones - District 5
Willie Brown - Coconut Creek

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED. Comr. Perkins nominated Willie Brown and Mayor Hardin nominated Karen Moreland. The motion passed by the following vote to appoint KAREN MORELAND.

Yes: Eaton
Moss
McGee
Hardin

No: Fournier
Perkins

Enactment No: RES. No. 2023-196

25. [23-539](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, FOR A TERM OF TWO YEARS; SAID TERM TO EXPIRE ON JULY 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS BELOW ARE SAME TO THE LISTING ON FILE ID NO 23-538 .

APPLICANTS:

- Karen Moreland, **Incumbent** - District 4
- Jacqueline Reed, **Incumbent/Alternate #1** - District 2
- Carmen Jones - District 4
- Quenton Thompkins - District 4
- Sarahca Peterson - District 4
- Kenneth Stolar - District 3
- Jemilah L. Jones - District 5
- Willie Brown - Coconut Creek

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED. Comr. Moss nominated Jacqueline Reed and Comr. Perkins nominated Willie Brown. The motion passed by the following vote to appoint JACQUELINE REED.

- Yes:** Eaton
- Moss
- McGee
- Hardin

- No:** Fournier
- Perkins

Enactment No: RES. No. 2023-197

E. ADDITIONAL AUDIENCE TO BE HEARD

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

F. NEXT SCHEDULED MEETING

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

July 18, 2023 at 9:00 a.m. - City Commission Budget Workshop

July 25, 2023 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

City Manager's Report:

Greg Harrison, City Manager, announced the opening of the Senior Activity Center on July 17th at 10:00 A.M. He also announced the budget session will begin promptly at 9:00 A.M. on July 18th. He noted the Clean Streets in the Highlands would be held on July 20th. He recognized Mr. Bosworth who received a 20-year Service Award from the International Management Association.

City Attorney's Report:

No report.

City Clerk's Report:

No report.

Comr. Eaton's Report:

Comr. Eaton reiterated the Clean Streets program on July 20th and noted the Household Hazardous Waste collection would be held on August 12th.

Comr. Fournier's Report:

Comr. Fournier said she met with County Mayor Lamar Fisher, County Homeless Initiative Partnership Administrator Rebecca McGuire, and Pompano Beach Homeless Outreach Manager Casandra Rhett to discuss homelessness issues and needs from the County. She thanked Mr. Donovan and Ms. Rhett for the report they provided on the Community Court. She recently visited the BSO Summer Camp at Crystal Lake Middle School and thanked BSO for their work with the youth. She also recently attended a gun violence vigil at Mount Calvary Baptist Church with Comr. Perkins and Mayor Hardin. She said they need to continue to revisit ways in which the City can make a difference with community stores.

Comr. Moss' Report:

Comr. Moss mentioned he received emails from Congresswoman Sheila Cherfilus-McCormick and former County Commissioner Dale Holness about the ribbon cutting at the Senior Activity Center. He asked if they are sponsoring the event or just sending emails in support.

Comr. Perkins said they are two different events and clarified the groundbreaking event that Mr. Holness would be attending.

Comr. Moss announced he would be sponsoring a Town Hall meeting with BSO on July 26th at the Herb Skolnick Center from 7:00 P.M. - 9:00 P.M.

Comr. Perkins' Report:

Comr. Perkins stated there is now lighting at Weaver Park but noted the pavilions are still not clean. She asked if the park is equipped for soccer or football.

Mark Beaudreau, Recreation and Parks Administrator, said there are open spaces and pickup games are fine. He said there are no athletic fields at Weaver Park.

Comr. Perkins asked if the playground renovation is complete at Weaver Park. Mr. Beaudreau said they are done.

Comr. Perkins inquired about pavilion reservations and electricity. Mr. Beaudreau said electricity is not available for casual occupancy but once a pavilion is rented through the application process, the electricity is turned on.

Comr. Perkins asked what can be done on a regular basis to clean the park. City Manager Harrison said that staff visit the park twice a day. Mr. Beaudreau noted that Environmental Services staff maintains the area. Comr. Perkins said the pavilion needs to be pressure washed and the park needs to be cleaned.

Comr. Perkins spoke about crime and shootings in Pompano Beach. She requested to meet with Chief Adkins about prevention strategies.

Vice Mayor McGee's Report:

Vice Mayor McGee thanked Parliament House Condo Board and Horacio Danovich for last night's Town Hall meeting. She also thanked City staff and BSO for the successful 4th of July event. She noted they would be sinking the Mechan H2O tomorrow, which is the Robot that has been on the beach for the past year.

City Manager Harrison added the Senior Activity Center opening would be a joint venture with MPO. He also noted the budget books are available online now.

Mayor Hardin's Report:

Mayor Hardin clarified the difference between the City's Senior Activity Center ribbon cutting and the groundbreaking supported by Mr. Holness. He congratulated staff on the excellent 4th of July celebration. However, he noted he received some communication from residents about accessing their homes in the restricted area during the celebration and asked that staff to look into the matter ahead of next year's celebration.

H. ADJOURNMENT

The meeting adjourned at 3:25 p.m.

Rex Hardin, Mayor

Kervin Alfred, City Clerk

Exhibit 1

Affordable Housing In Lieu of Fee Increase

City Commission Presentation
July 11, 2023



**pompano
beach**
Florida's Warmest Welcome

History

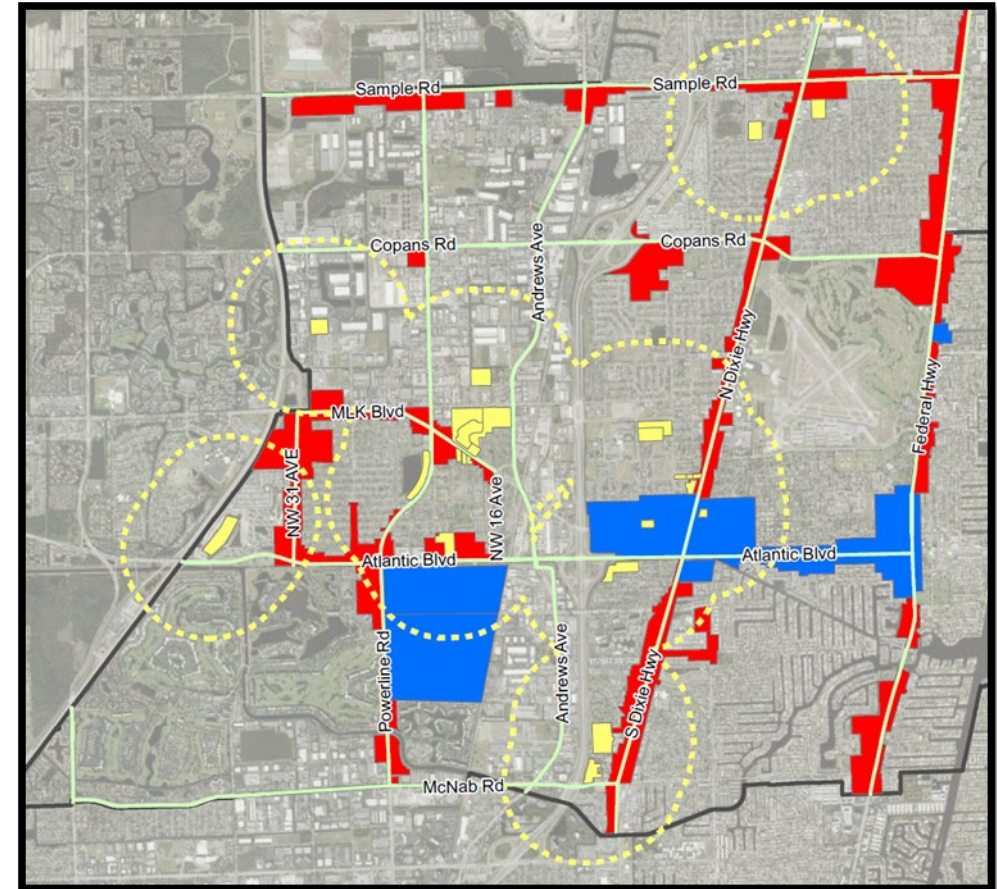
- September 2013 – City Commission directed staff to hire a consultant to develop an in-lieu-of fee methodology for affordable housing requirements.
- February 2014 – City Commission adopted the \$2,333 per unit buy-out fee based on the “gap analysis” methodology developed by our consultant.
- The fee has not been increased since it was adopted.

Updated In Lieu Fee

- 2013-14 methodology is based on a “gap analysis” which looks at the difference between an affordable price and the median price of a for-sale residential property.
- In 2013-14 the gap was \$15,556 (multiplied by the 15% required affordable housing requirement results in the \$2,333 per unit in lieu fee).
- The current gap (based on 2021 housing prices, current interest rates and 2022 median income) is \$184,720 which results in a **\$27,708** per unit in lieu fee.
- The increase in the affordability gap between 2013-2022 results from the following factors:
 - 46% increase in median income
 - 84% increase in median sales price
 - 44% increase in interest rates
 - Increase in the percent of affordable monthly payment that goes to taxes and insurance.

Application of In Lieu of Fee

- Except in Activity Centers (blue), no affordable housing (or in lieu fee) is required within the tax credit project ½ mile buffer areas or anywhere along Dixie Hwy.
- No in lieu of fee allowed if using Policy 2.16.3 which is required wherever a project is requesting more than 50 flex units and is eligible (in commercial land use (red) less than 10-acres and in eligible residential land use where increasing density up to max 50 du/ac).
- County's in lieu fee of \$10,000 per unit applies wherever Policy 2.16.4 is eligible (green roads) and used to create density for a mixed use project in Commercial land use (red).
- In lieu fee still applies to projects asking for 50 flex units or less (if outside circles and not on Dixie Hwy).



- Expand policy to require the use of 2.16.3 and 2.16.4 to include the Downtown and ETOC
- Adopt County's in lieu fee (per 2.16.4) of \$10,000 per unit escalated 3% annually on January 1st of each year
- Apply updated fee to projects approved after September 30, 2023. This makes the rule "prospective" which is legally "safer" than making it retroactive to include already approved projects. This also provides a phasing out of the revenue stream to the AHTF from this source.

RECOMMENDATIONS

- P&Z unanimously recommended approval on June 28, 2023 of the following items:
 1. Item 19: Resolution to adopt a policy that Applicant's use Policy 2.16.3 and 2.16.4 in the DPTOC and the ETOC.
 2. Item 20: Amendment to Chapter 154.80 increasing the in lieu fee to \$10,000 per unit escalated at 3% annually applicable to all projects approved after September 30, 2023
 3. Item 21: Amendment to Chapter 155.3708 (DPOD) and 155.3709 (EOD) to require the use of 2.16.3 and 2.16.4 to generate some or all of the project development rights.

Staff Recommends Approval for all three items which will be considered separately. The first motion will be on the Resolution to adopt the policy to use 2.16.3 and 2.16.4 in the ETOC and the DPTOC.



Adopted Flex Policy – Resolution 22-185

POLICY:

Except for the Dixie Highway Corridor, any property eligible to generate entitlements via policy 2.16.3 or 2.16.4 can be allocated no more than 50 flex/redevelopment units without using policy 2.16.3 or 2.16.4. This policy can be waived at the City Commission's discretion at a duly noticed public hearing. Any project choosing to use policy 2.16.3 will request flex units through the site plan approval process with approval by the Planning and Zoning Board.

Note: Per Broward County policy, properties with a commercial land use over 10-acres must use Policy 2.16.4 or a comprehensive plan amendment to generate the residential entitlements for their project. Commercial properties over 10-acres are not eligible for flex/redevelopment units.



Policy 2.16.3 Density Bonus in Residential Land Use Categories

Projects in residential land use (any size but max 50 du/ac) or commercial land use (parcels less than 10-acres) within or outside the half-mile buffer areas will have access to the density bonus in County Policy 2.16.3.

Summary of Policy:

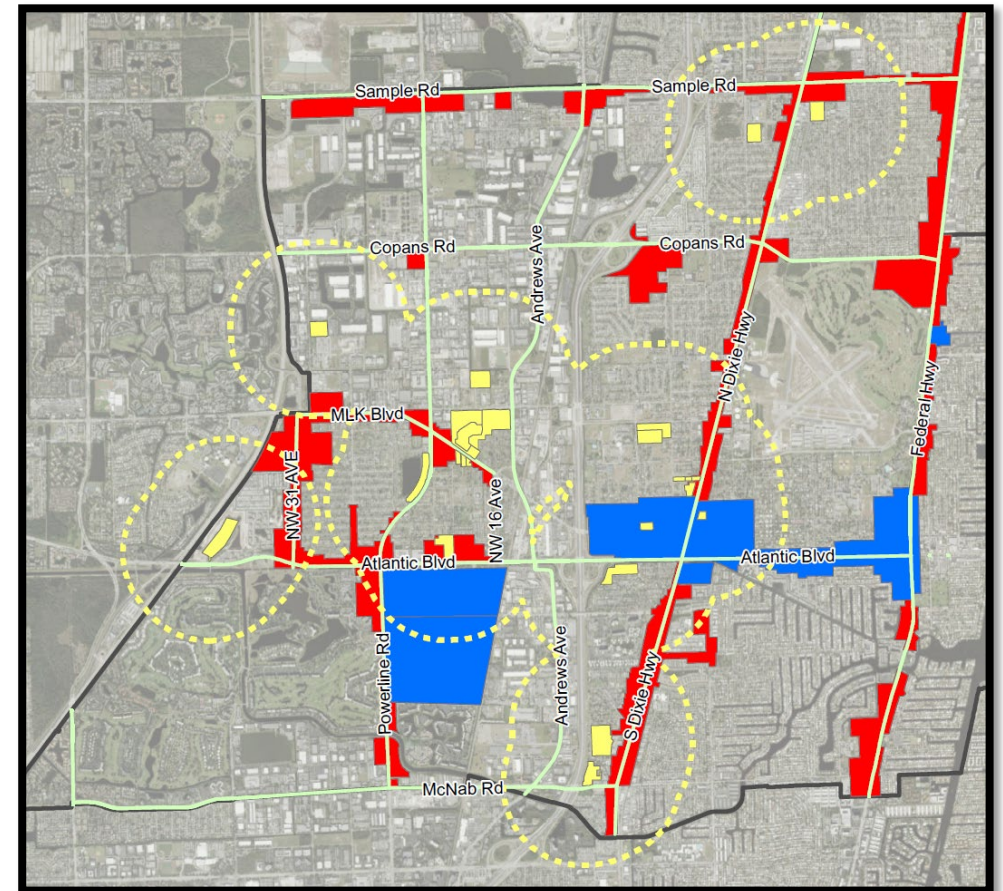
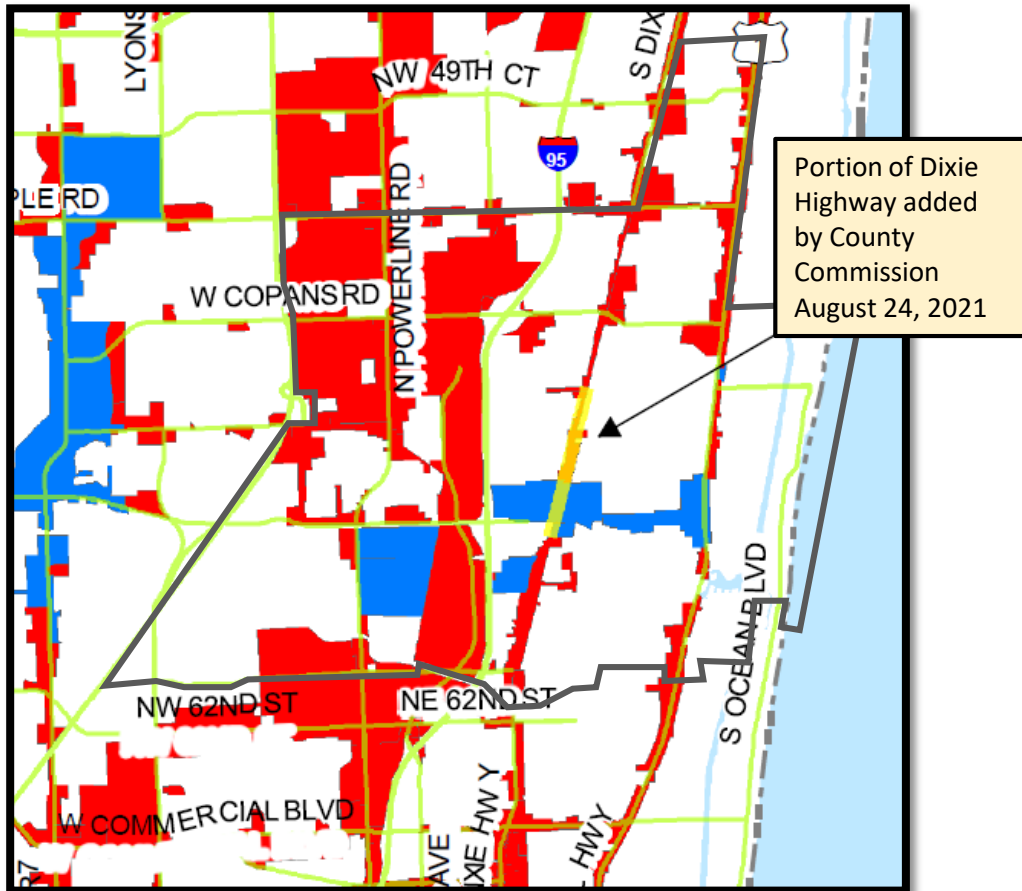
- Allows additional density in residential land use categories for provision of affordable housing up to 50 units per acre or more if on commercial land use parcels less than 10-acres on qualified road:
 - 19 bonus units for every very low income unit (5%)
 - 9 bonus units for every low income unit (10%)
 - 6 bonus units for every moderate income unit (14.3%)
- Deed restricted for 30 years
- Allowed everywhere (except barrier island which is excluded from flex eligibility)
- Density limits do not apply in Commercial land use category on parcels less than 10-acres. Pompano allows 50% B-3 zoning density bonus for residential projects.

Policy 2.16.4 Density Bonus in Commercial Land Use Category

Projects on the County Corridors in commercial land use designations within or outside the half-mile buffer areas will have access to the density bonus in County Policy 2.16.4. Summary of Policy:

- Allows unlimited density in our “Commercial” and “Activity Center” land use category for projects on State Road or County Arterial west of the Intracoastal that include affordable housing:
 - 19 bonus units for every very low income unit;
 - 9 bonus units for every low income unit;
 - 6 bonus units for every moderate income unit.
 - On parcels less than 5-acres, 50% of ground floor (excluding parking garage and ingress/egress) of buildings facing a qualified road must be office or retail which is not accessory to the residential use. For parcels greater than 5-acres, 10% of gross floor area (excluding parking garage) must be non-accessory commercial.
 - Buyout of the affordable requirement is \$10,000 for EVERY UNIT built, escalated 3% annually. City gets half of this amount and County gets the other half.
- Deed Restricted for 30-years
- Density limited by Zoning (Pompano allows 50% density bonus in commercial zoning when this policy is used).

Policy 2.16.4 - County Map of Eligible Roads and land use areas vs. City Map of Eligible Roads and land use areas





2023 Income Limits and Rents by Family Size Broward County

2023 Income Limits and Rent Limits for Broward County (Fort Lauderdale HMFA)

Median Income: \$88,500

Source: Florida Housing Finance Corporation, SHIP and HHRP Programs

Percentage Category		Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
	20%	13,440	15,360	17,280	19,200	20,740	22,280	23,820	25,360	26,880	28,416	336	360	432	499	557	614
Extremely Low	30%	20,200	23,050	25,950	30,000	35,140	40,280	45,420	50,560	Refer to HUD		505	540	648	814	1,007	1,199
Very Low	50%	33,600	38,400	43,200	48,000	51,850	55,700	59,550	63,400	67,200	71,040	840	900	1,080	1,248	1,392	1,536
Low	80%	53,800	61,450	69,150	76,800	82,950	89,100	95,250	101,400	107,520	113,664	1,345	1,440	1,728	1,996	2,227	2,458
Moderate	120%	80,640	92,160	103,680	115,200	124,440	133,680	142,920	152,160	161,280	170,496	2,016	2,160	2,592	2,995	3,342	3,688

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change.

* 20% Limits are based on limits set by FHFC for Multifamily Rental Programs and CWHIP Homeownership Program (which do not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP)

HUD Release and Effective Date: 5/15/2023

<https://www.floridahousing.org/owners-and-managers/compliance/income-limits>

Exhibit 2

NW 31st Avenue B-4 Code Amendment

City Commission Presentation
July 11, 2023

An aerial photograph of Pompano Beach, Florida, showing a mix of residential and commercial buildings along a waterfront canal. The image is partially obscured by a white logo overlay on the left side.

**pompano
beach**
Florida's Warmest Welcome

NW 31st Avenue Task Force

Recommendations

- (1) Prepare a complete street cross-section for key portions of NW 31st Avenue in coordination with FDOT and continue to work on funding options for having the new road constructed. Add the planning and construction of the NW 31st Avenue project into the City's CIP as soon as possible and, if necessary, fund and complete the cross-section as a special project outside of the CIP.
- (2) Work with Broward County to encourage the use of the \$10M set aside from the NW CRA dissolution agreement for the NW 31st Avenue streetscape improvements and to support a "Paint, Plant and Pave" program to be designed and managed by the CRA in conjunction with the Collier City Property Owners Association to beautify the neighborhood.
- (3) Modify the Zoning Code to allow B-4 zoned property on the NW 31st Avenue corridor to be developed as residential or mixed use without rezoning using the same standards as defined in the B-3 regulations combined with the mixed income housing regulations that encourage the use of County mixed income housing policies 2.16.3 and 2.16.4.
- (4) The extensive delays with the Soccer Park and Townhouses is effecting the economic development of the corridor. The Task Force recommendation is to set a strict time limit for the townhomes to go vertical (6-months).
- (5) In context of the 11-acre park site development in the future, consider connections with the existing neighborhoods (Golfview Estates & Palm Aire) and ensure access to the park and residential from the existing gated connection to NW 31st Avenue. The development of any walking or biking trails on the 11-acre site should be thoughtfully planned to consider connections to the existing trail systems in Palm Aire.
- (6) If the B-4 zoned areas adjacent to the park along the NW 31st Avenue Corridor are redeveloped to residential or mixed use, ensure the future site plans for those properties provide access from NW 31st Avenue to the City's wellfield on the 11-acre park site to reduce the need for a perimeter road on the 11-acre site.

- **155.3305. HEAVY BUSINESS (B-4)**

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4. Mixed Use and Multi-Family residential development along the NW 31st Avenue corridor between Dr. MLK, Jr. Blvd and Atlantic Blvd may be permitted in the same manner (intensity and dimensional standards, development standards) as a B-3 (155.3304) zoned property, subject to allocation of flex or reserve units in accordance with Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.3 (if less than 10-acres) or Policy 2.16.4 and Article 3, Use Standards.

If the B-4 zoned areas adjacent to the 11-acre park west of NW 31st Avenue and east of Luzano and the Golfview Estates MHP are redeveloped to residential or mixed use, ensure the future site plans for those properties provide access from NW 31st Avenue to the City's wellfield on the 11-acre park site, as deemed necessary by Water Utilities at the time of site plan approval.

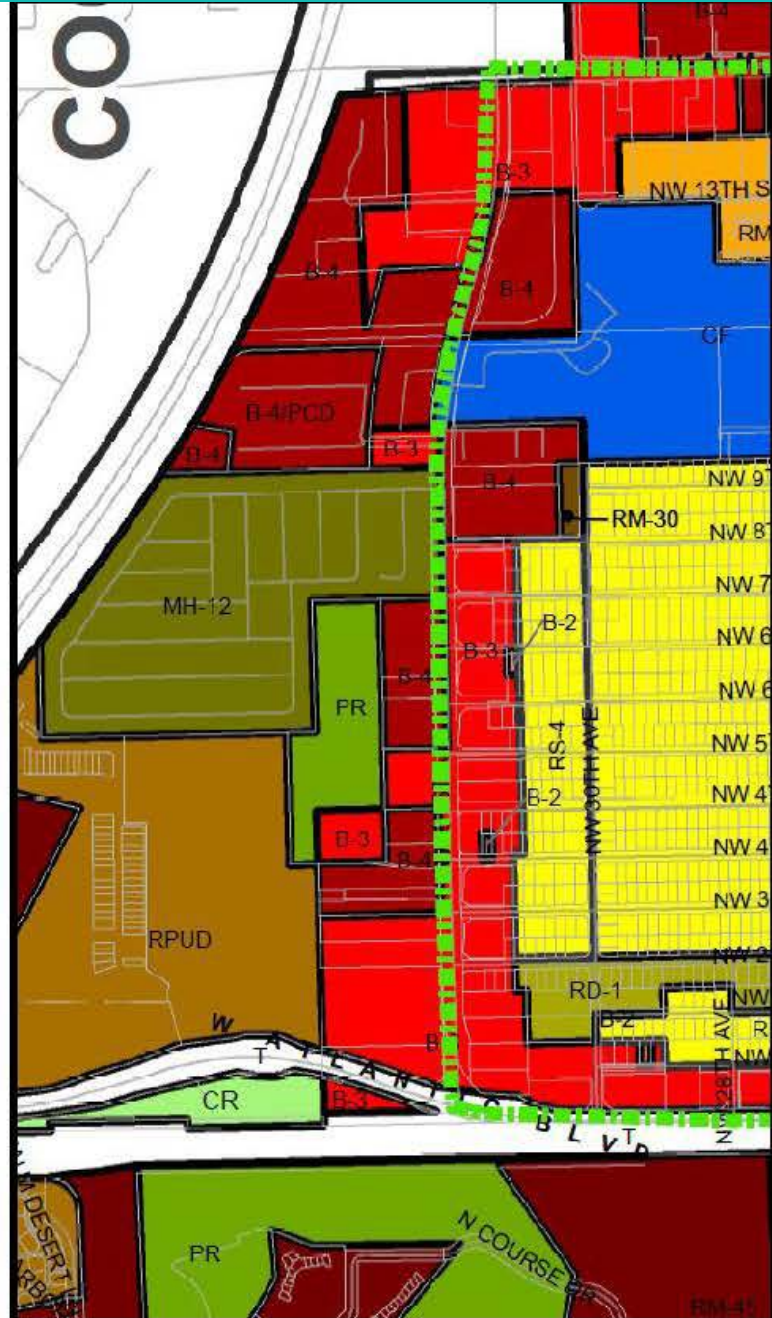
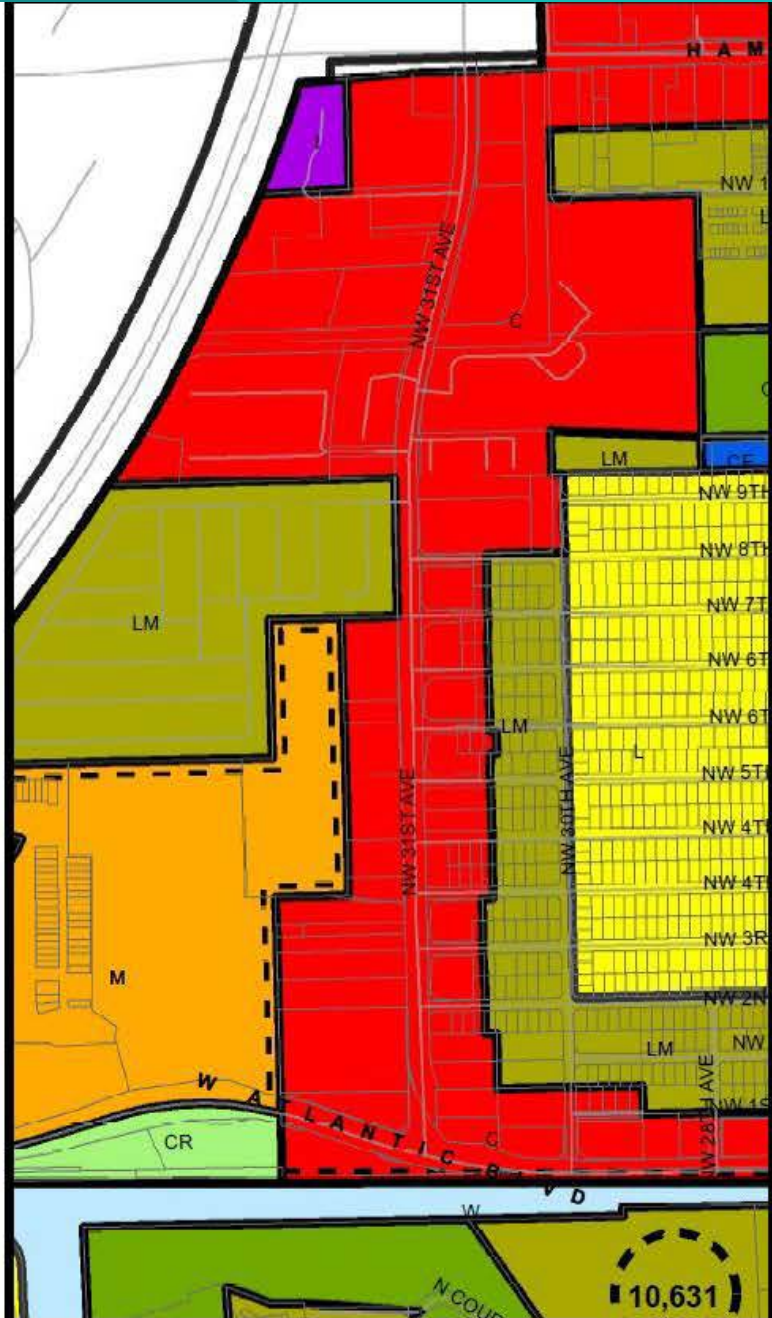


Recommendations

Planning and Zoning Board unanimously recommended approval on June 28, 2023.

Staff recommends approval.

Commission Questions/Comments



Commercial Application

- Phoenix Golf Cart

Industrial Application

- LUPA / Rezoning (Commercial to Industrial)

Residential Applications

- Aviara West | 245 Units, 7,000 sq ft Commercial
- Pompano Pointe (Hus) – 700 NW 31st | 44 Units
- Sports Residence Townhomes
 - 650 NW 31st | 12 Units
 - 600 NW 31st | 14 Units
 - 500 NW 31st | 12 Units
 - 300 NW 31st | 14 Units
- Single Family Flex
 - 3061 NW 4th Ct
 - 3055 NW 4th St

