



# 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, September 13, 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

Rabbi Tzvi Dechter Chabad of North Broward Beaches offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

#### APPROVAL OF MINUTES

[22-418](#) Regular City Commission Meeting Minutes of July 26, 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 Items 5, 6, 7, and 10, would be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION****22-534 Broward County Premium Mobility Plan Presentation**

Presentation by Broward County Transit on the Broward County Premium Mobility Plan.

Barney McCoy, Assistant General Manager for Service and Strategic Planning for Broward County Transit, as well as Scott Pringle, Project Manager, WSP made an overhead presentation to update the City on a project that will be very big for the County in the coming years. He indicated that approximately 18 months ago they gave a notice to proceed for a System's Plan, which will be the County's version of the Miami Dade Transit Smart Plan. It will define a vision for transit in Broward County. This will identify a network of premium and high capacity transit corridors, many of which surround the City of Pompano Beach. Consequently, they have hired a national consulting firm, WSP that has extensive experience in these types of projects. He then introduced the Project Manager Scott Pringle who provided a detailed presentation.

Scott Pringle, WSP, provided a definition of Premium Mobility Plan (PREMO) which is the intent to develop the vision for a premium transit for the entire County. Premium Transit is high capacity transit corridors, which they are making sure are efficient, convenient, attractive, modern and reliable. They will meet the objectives of the MAP Broward program and beyond developing that vision a big part of the PREMO plan is creating a pipeline of how these projects can be sequenced that gets to the long-term vision. The process being used to develop the PREMO plan is based on National best practices. Currently, they are going through a very transparent tiered screening process, working with stakeholders, working with the public and to find out the answers to the following questions:

First where is a good place for a premium transit investment?

- A) How do these corridors potentially support and connect to communities for growth?
- B) How well does this corridor provide mobility or equity benefits?
- C) How much ridership could this investment potential generate along that corridor.

Next step is what type of Transit are they talking about:

- A) Is it light rail?
- B) Is it bus rapid transit or some other motor technology?

Next Step is How:

- A) How do you move the project towards implementation?
- B) What partnerships are required?
- C) How do they fund it to get that service in the ground?

He then provided the steps and schedule they plan to take to get the program going to include outreach within the communities.

Mr. McCoy concluded the presentation by outlining what the Broward County Transit (BCT) is doing Countywide as it relates to PREMO.

Comr. McGee asked if they would be open to meet on a one on one basis with the Commissioners for feedback and briefing, as well as getting the ideas on what they want to do and where the Commission can provide direct feedback.

Mr. Pringle responded definitely. Also, he will leave the direct contact information with Mr. McCoy for the City Manager and staff.

Mayor Hardin inquired if they are still in the gathering of information phase of the project.

Mr. Pringle responded that is correct.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**22-594 Hauling Services Update**

Russell Ketchem, Environmental Services Director for the City of Pompano Beach gave an update on the transitioning of the City's hauling services.

Russell Ketchem, Environmental Services Director, provided an update on where the City is in the hauling services transition. Last year the City went out for an RFP (Request for Proposals) and they received many proposals from both national and international haulers. The hauler chosen was Coastal Waste and Recycling to start the hauling process in October 2022. They have been transitioning very smoothly with Waste Management, the current haulers in the City. Commercial dumpsters have already been transitioned out, and they are working on any condominiums that have dumpsters. The information material has been mailed out. He reminded everyone that the information received in the mail is for start up on October 1, 2022. There are a couple of areas that have been slightly modified specifically for recycling and bulk services, which additional literature will be provided to every residence. He concluded that the rates will be controlled and adjusted in October.

Luigi Pace with Waste Management Inc., stated that last year when they were present as the Commission awarded the contract to Coastal Waste and Recycling, he promised that the City could count on them to be the professional partner they have known for over 50 years, to assist with a smooth transition and have a minimal

impact to the customers. Based on the report Mr. Ketchem made that has happened. He said it has been an honor to serve the community, and they are still partners as they have a different disposal contract together, which still keeps the business relationship in place. He ended with "I will return."

John Casagrande, Vice President, Coastal Waste and Recycling, stated that the contract they entered into with the City is for 25 years. He reiterated that Waste Management Inc. has been a great partner with Coastal as well as with the City. They have allowed them to start exchanging the commercial containers, compactors and things like that. He concluded that Waste Management has worked very well with them.

Continuing Mr. Casagrande indicated that they are continuing to get ready for their start date of October 1, 2022. Their trucks and supplies are all ready to roll out. They also conducted a job fair, which yielded 6 new employees. So far, 8 employees hired are all Pompano Beach residents. He thanked the City for the opportunity and is looking forward to serve the City.

Mayor Hardin stated that he is looking forward to the start up date of October 1, 2022, which Mr. Ketchem confirmed. He also confirmed that no employee was let go during this transition period from one company to the next.

**This matter was READ AND PRESENTED INTO THE RECORD**

## **B. PROCLAMATIONS**

### **22-593 Proclamation for Suicide Prevention Month**

Mayor Hardin proclaimed September as Suicide Prevention Month in the City of Pompano Beach. Laura Seiler-Anstett, Representative of the League of Women Voters of Broward County accepted the proclamation.

**This matter was READ AND PRESENTED INTO THE RECORD**

## **C. 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:**

**Endangered Burrowing Owls** - Nancy Schaut, 3281 NW 63rd Street, Fort Lauderdale, FL, stated that she is concerned with what is going on at Pompano Park Raceway and Casino. She mentioned that Caesars Entertainment bought the Isle and stopped Standardbred racing forever in Florida, which has caused a domino effect to trainers, drivers, grooms, vets, dentists, etc. They have acquired over 200 acres of land which has

been home to several wildlife species to include the endangered burrowing owls. She was told that there was no evidence of the owls, but she mentioned that there were owls in the infield, the paddocks, the barns, the last turn on the track, and on the other acreage. In sum, Ms. Schaut said Caesars Entertainment owners could do the right and good thing to create a refuge for the wildlife burrowing owls.

**Florida Burrowing Owl Project Perch** - Paul Kragh, Director of Burrowing Owl Conservation, Project Perch, 10488 SW 49th Place, Cooper City, FL, stated that he works with volunteers who are dedicated to help the threatened Florida Burrowing Owl. He provided the names of the persons serving on their Board, as well as information on their mission to observe, protect and nurture the Florida Burrowing Owl. He then provided an overview of what Project Perch does for the Burrowing Owl. In sum, he is appealing for the Owls that are being displaced at the Isle Casino property.

**Ordinance to address Stormwater Flood Plan at Noble Point Condominiums** - Steve Macia, 500 SE 10th Avenue, Pompano Beach, FL, stated that in the 1970's and early 1980's no flood plan was required, or filed during the development of Noble Point Condominiums, a property with 100 units. In the summer of 2015 the Noble Point Homeowners Association (HOA) applied for a Building Permit to replace carport canopies. The permit only covered structural fire and trees and per the plans no specific direction of the roofs was defined. During the actual construction the original direction was reversed. The HOA never received formal permission to make this change, so during the inspection process this should have triggered some sort of need for a stormwater flood plan in order to confirm the rainwater would flow to an approved runoff area that would adhere to current regulations. He mentioned that rainwater from 4 of the carports are now directed into an area of grass between the 6 neighboring houses to the west instead of onto the asphalt driveway where the storm drains are located. For the past 7 years during any weather system that brings a measurable amount of rain, the water from the grassy area overflows into the backyard of these houses and cause considerable damage to the yards, pools and floods at least 2 of the houses. The cleanup is a long and disgusting process and becomes a breeding ground for mosquitoes for several weeks.

Continuing, Mr. Macia indicated that the City's Flood Plain Manager, no ordinance exists for the City to regulate or require the HOA to contain the rainwater and to direct it to an approved drain, and that an ordinance to address this issue has been proposed but has not passed. These 4 homeowners need to do the right thing to get their stormwater drain into the approved designated area.

He thanked Comr. McMahon, Assistant City Manager Brian Donovan and Code Compliance Director, Mario Sotolongo for their help and their effort for trying to do the right thing. He publicly acknowledged the ladies in the Building and Permit Departments, Vernessa Stanislas and Susan Anthony who have honestly been kind and helpful to him.

**Homelessness in Northwest Area** - Tundra King, 124 NW 15th Street, Pompano Beach, FL, stated her concern with the homelessness situation. She mentioned that her family owns a business in the northwest and every morning if they do not get there an hour prior to opening the business, they have a hard time moving the homeless people. They come so close from the homeless shelter and from the jail, they make their way in the northwest neighborhood everywhere and particularly to her family business area. She has not seen any help and the landlord for the business indicated to her that she would have to hire a Broward Sheriff Office (BSO) officer. While BSO officers, especially Captain Stallings have been amazing in assisting them, but they were told

they would have to pay for an officer and the charge divided among the tenants of that area. She believes the City should have a place for people who are in a downward space in their life to go, and it cannot be in front of her family's business. Her parents are fearful of these people who hang out in front of the business.

In sum, Ms. King is hoping the City will find the dollars while building and doing great development throughout the City, to get a place for the homeless people that are down trodden for whatever reason so they will have a place to eat, shower and sleep. She urged the Commission to help with this endeavor.

Mayor Hardin mentioned that Ms. King made some good points and asked City Manager Harrison to get Ms. Rhett to contact Ms. King. Also, could the BSO provide a patrol each morning to check and see what is happening. If this is repetitive recurring issue in this area. He understands that this homeless issue is all over the City.

**Broward County Taxes** - Shakeda Williams, 2771 NW 1st Street, Pompano Beach, FL, complained that her taxes are being increased to include taxes to the School Board. She believes in some instances there need to be an itemized tax bill because they are under scrutiny for the money that has not been accounted for. She is already a low-income single parent that cannot afford these tax increases.

**Homelessness in the Northwest Area** - Ms. Williams also mentioned her concern with the homelessness in the northwest community. She also has in her community a tedious problem to get the homeless people from in front of their homes. They understand the predicament of the homeless but her kids are afraid to go outside and there are times she has to go get them to go away from doing drugs in front of her home. She indicated that they need police presence at night time as the homeless seem to do crime in the community. She urged the Commission to assist in this endeavor as well.

**Support for Vice Mayor Perkins** - Ms. Williams indicated that she also wants to support Vice Mayor Perkins. Last month the Commission spoke on potentially removing her title and wanted an update on this matter.

Mayor Hardin responded that on this particular matter, nothing took place.

Ms. Williams wanted to inform the Commission that the northwest residents appreciate Vice Mayor Perkins who goes out into the community and assist them in so many different ways. She concluded that they need someone in the City that will hear their concerns and channel them through to the right person.

**Update on Homeless Situation** - Mark Berman, City Attorney, pointed out that on September 29, 2022, the City is initiating a Community Court, where the homeless are given opportunity for housing, hearing on all homeless charges with minor violations, and those that need assistance. They have been doing some "dry runs that will help take some of the homeless off the street" and give them medical care, housing, bus passes, training, and clothing so they can get jobs. The goal is to get the homeless off the street, otherwise it is just repetition. Hopefully, the Community Court will have an impact on the homeless population in the City.

Comr. Eaton mentioned that the City hired a homeless coordinator and she is working with the Sober Homes, the Pier Program with BSO making sure if someone is "kicked out" from a Sober Home they get help and are

not left to relapse. She mentioned that she has heard from a BSO lieutenant that “Homelessness is not a crime.” She provided an example of someone who does not qualify for some of the programs that the City has for the homeless, even though she is employed. She believes the City is forward thinking to assist these people, and thanked all of BSO and staff for working in this regard. It is a problem everywhere but the City Commission is concerned with how they can help to be part of the solution, instead of ignoring it.

Comr. McMahon mentioned that he and Mayor Hardin toured the shelter a few months ago and there were some concerns on the conditions. He asked if the City Manager’s Office could reach out to the County and have someone come in to explain to the Commission what is going on at the shelter. Perhaps the City could pressure them to increase the bed counts which were reduced due to COVID-19. There needs to be a place where these people can go and feel welcome and helped. There are millions of dollars made available through COVID-19 for these people, so the City staff should work with the County to get them to respond. He mentioned that Broward Partnership is doing a good job but they also came into the City when they took over the shelter and made a lot of promises such as not a lot of trash in front of the shelter, people would not be sleeping on the sidewalks in front of the shelter, and they would welcome all in need. When he drives by the shelter on a regular basis there are several people sleeping on the sidewalk. Let us work with these agencies to see what assistance they can give as these people need help.

Mayor Hardin agreed with Comr. McMahon's suggestion to have the City Manager contact the people at the County and perhaps get a presentation from them for the next meeting as to what is happening with the homeless center and the current procedures they have in place for the homeless.

Vice Mayor Perkins indicated that she had mentioned to the City Manager that it would be a good idea for the City to consider coming up with a program to hire some of the homeless people to maybe clean up the community or trash, as Miami has a program such as this. There are homeless people that want to work. Perhaps the City could piggyback with Miami’s program that is currently working.

**Cultural Arts Event** - Sarahca Peterson, President, The Round Table Project & Profitcy Society, 1451 SW 7th Terrace, Pompano Beach, FL, expressed thanks to the City of Pompano Beach. She mentioned that they had an event on August 28, 2022, which was a big success. Kudos to the Cultural Affairs department staff who were the best staff she has worked with. She gave a shout out to the sponsors that came in and assisted. People came in to help making this event free to the residents. There were 175 people in the building and they all loved it. She thanked the City for sponsoring this as it has always been her dream to bring the arts and cultural arts to Pompano Beach. Her being a former employee with the Creatives that opened the Cultural Center when it first started, and to be back there producing an event that included film, music, art and spoken word was very meaningful to her.

In sum. Ms. Peterson stated that she is looking forward to working more with the Cultural Affairs department. Mr. Bosworth has been very helpful with moving forward with the initiatives that they want to do. Pompano Beach really stepped up and assisted her to bring this vision to life, and she reiterated her thanks to the City.

**Invocation** - Steph Stein, 1167 FL-A1A, Fort Lauderdale, FL, mentioned that her topic is sensitive but she feels strongly about addressing, which is about the issue of invocation. She then provided her reasons where she does not support a prayer for invocations. She said approximately 77% of Broward County Cities do not

do invocations. There is no praying whatsoever and thinks this is something great to aspire to. In sum, Ms. Stein is advocating that there be a separation of church and state. She said the bible is not the only religion in the world. She urged the Commission to consider separating the church and state.

**Response to suggestion on Invocation** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that “as for me and this house we are going to serve the Lord. You do not tell us what to do.” He mentioned that Ms. Stein’s parents did not come to the City to pick beans in the fields when the City was just Pompano. So, he does not agree with her suggestion to do away with what the parents and grandparents of the citizens of the City did to make the City what it is today, which was done on something called faith.

**Basketball** - Mr. Thrower stated that the City needs to put some more money in developing the basketball programs in the City. A lot of money is being spent to develop the football programs, which is good, but a lot of kids want to learn basketball. Therefore, he is asking if the City could look over the next budget cycle to see what can be done to enhance the City’s basketball programs.

**Response to Invocation** - Jocelyn Jackson, Pompano Beach, FL, agreed with Mr. Thrower’s comments. She stands on God’s purpose and his promise and she believes in Jesus who is the Messiah.

**City’s Promotion of Events** - Ms. Jackson thanked City of Pompano Beach staff, Assistant City Manager Earl Bosworth, City Manager Greg Harrison and the entire squad with Scott Moore, the Fire department and BSO has been outstanding with them as it relates to first class promotions. She mentioned that there is another event on September 24, 2022, the Voter’s Registration Block Party. The ratio has declined in voters, so they want to get people to come out to vote for leaders for purpose. She mentioned that several events are planned to move the City forward. She concluded “One City One Sound.”

Vice Mayor Perkins indicated that she invited Lisa Livingston, the new Principal of Pompano Beach Middle School to introduce herself to the City.

**Pompano Beach Middle School New Principal** - Lisa Livingston, Principal of Pompano Beach Middle School, 310 NE 6th Street, Pompano Beach, FL, stated that she is the proud principal of the Pompano Middle School. She thanked Mayor Hardin and Vice Mayor Perkins for coming out to welcome her to the City. She mentioned that she has some years as Assistant Principal at Pompano Beach Middle School and was recently appointed at the Principal. She is excited about the opportunity to serve in that capacity, as well as excited to work with the Community members as well as other business partners. She looks forward to the transformation of leadership and teaching and learning at Pompano Beach Middle School that re-engages students into a whole school, "I Can" magnet program, which is integrated careers and academic networks.

Mayor Hardin thanked Ms. Livingston for all they do in serving the students in the City and turning out great citizens, and welcomed her to her new position.

Comr. McMahon also welcomed Ms. Livingston where the school is in his District 3. He has heard some amazing things from Vice Mayor Perkins about Ms. Livingston and he is excited to having her take the role of



**D. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 1-4, 8, 9, and 11-15, without City Commission discussion.

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, TO APPROVE/ADOPT THE CONSENT AGENDA. The motion carried unanimously.**

1. [22-463](#) Approval to award ITB E-20-22, Cartridge Filters., to the lowest responsive and responsible bidder, American Melt Blown & Filtration, Inc., at a cost of \$118,560.00.  
(Fiscal Impact: \$118,560.00)

(Staff Contact: A. Randolph Brown )

**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.**

2. [22-572](#) Approve the recommendation of the Selection/Evaluation Committee for RLI E-19-22, Design Maintenance and Repair of Chemical Feed Systems, and authorize staff to negotiate a contract with the sole proposer: Odyssey Manufacturing Company.  
(Fiscal Impact: No cost at this time)

(Staff Contact: A. Randolph Brown)

**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.**

3. [22-586](#) Approval to piggyback Lake County Florida's Contract 22-730 for the as-needed purchase of Bunker gear, various brands of parts, supplies, equipment, and services used by the Fire Department, from Henry Schein, Inc., Medline Industries, Inc., Municipal Emergency Services, Inc. (MES), Municipal Equipment Company, LLC., North America Fire Equipment, Co., Inc. (NAFECO) and Ten-8 Fire Equipment, Inc., in an amount not to exceed \$325,000.00.  
(Fiscal Impact: \$325,000.00)

(Staff Contact: Chad Brocato)

**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.**

4. [22-570](#) Request of Ratification by the City Commission for the appointment of Andrea McGee to the Broward MPO's Metropolitan Transportation and Engineering Construction Cooperative (MTECC).

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

**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.**

5. [22-591](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE MAYOR'S EXECUTION OF A FORM LETTER APPROVING THE DISTRIBUTION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS FOR FEDERAL FISCAL YEAR 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Vice Mayor Perkins pulled the item for City Commission discussion and inquired what are the activities in place to prevent and control the crime for this particular item. She mentioned that listed in the backup are Anti violence camp for \$88,000, Mentoring program for \$244,000, the Security enhancement for \$10,000, and she wanted to get a brief breakdown of what these consist of.

Greg Harrison, City Manager responded that this is a Broward County Grant, and this is a formality for the participating Mayors in Broward County to sign off on the Grant to allow it to come into the Broward Sheriff's Office (BSO).

Vice Mayor Perkins mentioned that this item is on the Agenda each year, and she wanted some clarification on how this program is working, as well as how the funds are expended. Perhaps someone from BSO can explain how the programs are helping crime prevention in the City of Pompano Beach.

Major Wayne Adkins, Chief of Police, BSO, mentioned that this particular item is to allow moving the Grant forward for each year, which is a formality that the Department of Justice (DOJ) through the local JAG grant requires to show that the Cities are willing to continue to participate in the local JAG grant. There is no program on this particular item. This is just a signature page that will go back to DOJ to move the future local JAG grant forward.

Vice Mayor Perkins explained her reasons why she is inquiring about this item. This is on the Agenda every year and they never see a follow-up or update on activities on what actually transpired after the Commission approves it. Therefore, she was trying to get some justification as to what took place last year and what is expected this year.

Major Adkins reiterated that this is not a Grant, but a formality for DOJ to move the Grant forward. This is brought to the Commission each time a Grant is available. For example, they are just at 2018, because DOJ is behind. The City has requested a 2022 local JAG grant which will address gun violence and gun education to the community, which is put together and submitted to the Commission at a later date for approval. Thereafter,

they would provide a progress report as they move along. He explained that when the City receives approval to submit to each local Grant, then they put together a package to be presented to the DOJ with a budget, and to ensure they are within the parameters of what DOJ requires on the local JAG grants.

Vice Mayor Perkins asked to be updated on what is going on with this Grant and how the City is trying to prevent crime.

**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. 2022-212**

6. [22-451](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STUDENT RIDE SHARE BETWEEN THE CITY OF POMPANO BEACH AND EMERGENCY EDUCATION INSTITUTE, LLC TO PROVIDE EDUCATIONAL AND TRAINING OPPORTUNITIES FOR PARAMEDIC AND EMT STUDENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

Vice Mayor Perkins pulled the item for Commission discussion and stated that this has been on the Agenda before, and wondered if Broward College is not a part of this program. In other words, she asked if there is a similar program set up for Broward College.

Chad Brocato, Fire Chief, responded that they have the same type of program set up for Broward College as well. This is to add a couple of additional institutions so that the City can offer students an opportunity to ride with the City, also this offers the opportunity for them to evaluate some of those students whether or not they will be of quality for hiring in the future.

**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  
 McMahan  
 Perkins  
 Hardin

**Enactment No: RES. No. 2022-213**

7. [22-547](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STUDENT RIDE SHARE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HEALTH CAREER INSTITUTE LLC TO PROVIDE EDUCATIONAL AND TRAINING OPPORTUNITIES FOR PARAMEDIC AND EMT STUDENTS; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: N/A)  
 (Staff Contact: Chad Brocato)

Vice Mayor Perkins pulled the item for Commission discussion and stated that this was her same question as mentioned in the prior Agenda item, if Broward College is participating in this opportunity.

**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  
 McMahan  
 Perkins  
 Hardin

**Enactment No: RES. No. 2022-214**

8. [22-562](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-200 TO AUTHORIZE THE MAYOR, AS THE PROPER CITY OFFICIAL, TO EXECUTE THE CLEAN WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION FOR NE 3RD STREET AND NE 4TH STREET STORMWATER DRAINAGE IMPROVEMENT PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

**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:**

**Enactment No: RES. No. 2022-215**

9. [22-551](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT NO. 3 TO THE GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RELATING TO THE GRANT IN THE AMOUNT OF \$287,500.00 FOR THE POMPANO BEACH DRINKING WATER INTERCONNECTS REHABILITATION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Grant Revenue - \$287,500)

(Staff Contact: A. Randolph Brown)

**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. 2022-216**

10. [22-512](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION BUILD ALTERNATIVES FOR THE WIDENING OF FLORIDA'S TURNPIKE FROM SOUTH OF ATLANTIC BOULEVARD TO WILES ROAD AND THE IMPROVEMENTS TO THE COCONUT CREEK PARKWAY INTERCHANGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

Mayor Hardin and a couple of Commissioners pulled the item for Commission discussion and stated that some people from the public would like to speak on the item. Therefore, he asked John Sfiropoulos, City Engineer to provide a brief update on what this is.

John Sfiropoulos, City Engineer stated that Florida Department of Transportation (FDOT) the Turnpike Enterprises is proposing to widen the Turnpike from 595 to Wiles Road, which is approximately 17 miles. They are proposing to expand to 10 lanes to accommodate the traffic demands through the year 2045. Currently, the project is in the early development stage, and FDOT reached out to the City for support. The next steps, FDOT will be having a public hearing early next year, and the project still has to be funded and designed.

Mayor Hardin mentioned that there are a number of diagrams in the backup material for various projects throughout the route, a couple of which are in the City of Pompano Beach. There are a couple of versions for the MLK Boulevard Turnpike, which there is a Option 1 and 2. It appears that since they have 2 options they are looking to the City for directions as to which option would be best.

Mr. Sfiropoulos responded that they selected the one with the round-about and basically directing the traffic from Blount Road for direct Turnpike access. As of now the vehicles travelling southbound on Blount Road from Copan's Road there is a lot of stacking and queuing at MLK Boulevard, so this will relieve that congestion.

Fred Stacer, 2501 SE 9th Street, Pompano Beach, FL, stated that there are a couple of different issues he wanted to discuss. He is glad to hear FDOT is pursuing the second alternative, which is far superior for the connection back. However, he thinks the Commission should think how important this is to the City of Pompano Beach in that area. If the City is going to try to get MLK Boulevard in that area to become more of a retail oriented area, and not so much truck traffic, if those 2 functions can be separated, the second alternative of getting the truck traffic instead of coming down on Henry's extension and coming across MLK Boulevard to get to the Turnpike, but they could "shovel back up" because it is so much easier with the potential new alternative round-about system, the traffic would come down Copan's Road, and Blount Road, they would separate the heavy truck traffic from the residential car traffic going into the future. This is really important for the Planning Board and the future of the City and what they are trying to accomplish.

Continuing, Mr. Stacer asked if FDOT will be using Alternative 2 on Atlantic Boulevard.

Mr. Sfiropoulos does not recall.

Mr. Stacer stated that it is important that the Commission advocate for Alternative 2 on Atlantic Boulevard and provided his reasons for this. He suggested that the Commission write a letter to FDOT to state the importance of Alternative 2 for the City's future planning.

Comr. McMahon stated that when he went through the plans he found it exciting and part of why these plans are coming through is because people are noticing what is happening in Pompano Beach. The intersection at MLK Boulevard and the Turnpike is a messy situation, and the County has tried countless times to try to fix that. He is looking forward to the new design and the definite improvement to the community.

Comr. McGee echoed Mr. Stacer's thoughts on the Atlantic Boulevard interchange, and if possible to move forward with sending a letter to show the City's support to have the southbound northbound and making it into a full interchange for the Turnpike.

**MOTION: A motion was made by Comr. Eaton, seconded by Comr. McGee that the City Commission direct staff to support Alternative 2 in both the intersections, and compose a response to FDOT accordingly. The motion carried unanimously.**

**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. 2022-217**

11. [22-588](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE MAYOR AND CITY MANAGER'S EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR SURTAX-FUNDED TRANSPORTATION IMPROVEMENTS ALONG BAY DRIVE FROM STATE ROAD A1A TO DOW STREET; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE ANY NONMATERIAL AMENDMENTS TO THE INTERLOCAL AGREEMENT WITH NOTICE TO THE CITY COMMISSION AND COPIES PROVIDED TO THE CITY CLERK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Tammy Good/John Sfiropoulos)

**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. 2022-218**

12. [22-589](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND YULIY KLEBAN AND TETYANA MELAMED FOR THE MAINTENANCE OF AN EXISTING FENCE AND GROUND COVER LANDSCAPING AT 1890 SE 5TH COURT WITHIN THE CITY'S RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**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. 2022-219**

13. [22-590](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF MUNICIPAL LIEN BETWEEN THE CITY OF POMPANO BEACH AND SALVATORE AND CECILIA D'ANDREA TO RESOLVE CITY'S PENDING FORECLOSURE ACTION AGAINST 5248 NE 20th AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Revenue to city: \$338,652.15)

(Staff Contact: Fawn Powers)

**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. 2022-220**

14. [22-596](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA TO INCREASE FUNDING FOR SCHOOL RESOURCE OFFICERS FOR EVERY SCHOOL WITHIN BROWARD COUNTY, FLORIDA; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

**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. 2022-221**

15. [22-584](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF A WORK AUTHORIZATION FOR A UTILITY UNDERGROUNDING FEASIBILITY ASSESSMENT IN THE AMOUNT OF \$99,409.00 PURSUANT TO THE CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR OVERHEAD UTILITIES CONVERSION TO UNDERGROUND; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$99,409.00)

(Staff Contact: Jennifer Gomez/John Sfiropoulos)



**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. 2022-222**

#### **E. REGULAR AGENDA**

16. [22-548](#) **P.H. 2022-80: (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 9.02 GROSS ACRE SITE LOCATED SOUTH OF ATLANTIC BOULEVARD, EAST OF THE FLORIDA TURNPIKE, WEST OF NW 31 AVENUE AND NORTH OF THE POMPANO CANAL; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 27, 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 next 3 items are all companion items for 3100 West Atlantic Boulevard. The first 2 deal with the Local-Only Land Use Plan Map and Future Land Use Element Text Amendment from Open Space Recreation (OR) to Commercial Recreation (CR). Please see **Exhibit 1** attached for the presentation made by Ms. Dolan. She mentioned that the Agenda item following this one will be for the Text Amendment, which will put in the Land Use Element the special district just for their property, which makes it CR but limits the amount of square footage.

Continuing, Ms. Dolan mentioned that at the July 27, 2022, Planning and Zoning Board meeting they recommended approval and staff recommended approval as well. She mentioned after Second Reading on September 27, 2022, this will go through the State and County process before this becomes effective.

Ms. Dolan outlined the steps that will follow after the presentation. There will be questions, followed by the applicant making their presentation and they will include all 3 items into 1 presentation, and when the next 2 items come up they will bring their previous presentation into the record. There are 3 items and the third one is a quasi-judicial item.

Mayor Hardin directed the applicant to go ahead and make their presentation and then he would open the floor for questions.

Matthew Scott, Zoning Attorney with the law firm of Dunay, Miskal, Backman LLP, 14 SE 4th Street, Boca Raton, FL, stated he is presenting on behalf of the applicant, 3100 West Atlantic Inc., prior owner of the property in conjunction with the current owner who recently closed on the property, which is the developer of

the Tennis Center. Prior to making his presentation, he mentioned that his team failed to reach out to Comr. Floyd and he apologized to her for the oversight. He said they plan to meet between now and the Second Reading to address her concerns and questions. He said this is not the Site Plan hearing so they will not be talking about some of the specifics of the use as much as the complicated land use and zoning principles. This is a complicated application for 2 simple reasons, the Tennis Center needs a little more height for it to be enclosed, and a little more lot coverage. He then summarized the process through his overhead presentation attached as **Exhibit 2**.

Mr. Scott mentioned that at a later date the project will be returning to the City Commission on platting. They need to figure out the access to the property, and because the site is undeveloped the County is requiring that the site be platted. After the presentation, Ms. Scott asked for any questions.

Comr. McMahon indicated when he saw the presentation he was impressed and thinks this is a much needed facility in South Florida. The Tennis Center is booming and if the game can be played all year round this is a unique piece of property of where it is positioned, so this would be a great addition to the City especially the location of it. He asked what would be the membership cost and if it would be an affordable option for residents. Also, do they already operate centers like this one.

Mr. Scott responded that the developer has a facility in the Northeast that has been very successful, but he would have to get the membership fee amount. He said they are over 1 year away from opening so they have not set the fees yet. However, they will have a hybrid membership only, which will be determined and then a daily open to the public type of thing where you can pay as you go, which will be much more affordable.

Comr. McMahon stated this looks like a great project, and the land is much needed for development and this will be a great addition to the community.

Comr. Eaton concurred with Comr. McMahon's statements. This will be a recreational destination and add to the City's attraction of a place to visit. Great project.

Comr. McGee likes the idea of providing pickleball court and having heard more people requiring more pickleball court access. The tennis is also very popular. She mentioned that she has also received feedback for racquetball, which they may want to consider as well.

Comr. Floyd mentioned that she has been getting good feedback as well. She had not heard from the developer's team nonetheless, this is a good idea and suggest that perhaps they may want to offer pickleball lessons.

**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

**Enactment No: ORD. No. 2022-65**

17. [22-549](#) **P.H. 2022-79: (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 3100 WEST ATLANTIC BOULEVARD PROJECT AREA LOCATED SOUTH OF ATLANTIC BOULEVARD, NORTH OF THE POMPANO CANAL, EAST OF THE TURNPIKE AND WEST OF NW 31ST AVENUE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 27, 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 this is the second companion item to the item that was just discussed. It is to limit the project to the amount of square footage analyzed in their application, which is approximately 982,000 square feet. This Text Amendment will be placed in the Future Land Use Element to limit future development of that property.

Matthew Scott, Esq., of Dunay, Miskal, Backman LLP, 14 SE 4th Street, Boca Raton, FL, stated that they did not have any additional comments on behalf of the applicant.

**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

**Enactment No: ORD. No. 2022-66**

**QUASI-JUDICIAL PROCEEDING**

**Mark E. Berman, City Attorney, advised that Items 18-22 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.**

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

**18. [22-550](#) P.H. 2022-81: (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 ATLANTIC BOULEVARD, EAST OF THE FLORIDA TURNPIKE, NORTH OF THE POMPANO CANAL AND WEST OF NW 31ST AVENUE FROM PR (PARKS AND RECREATION) TO CR (COMMERCIAL RECREATION); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that this is the third of the 3 companion items for 3100 West Atlantic Boulevard to rezone the property from Parks and Recreation (PR) to Commercial Recreation (CR). This is the same property that was previously discussed for the Land Use Plan Amendment. She then made a presentation as outlined in **Exhibit 3** attached.

Ms. Dolan concluded that the Planning and Zoning Board recommended approval on July 27, 2022, and staff also recommends approval. In addition, she mentioned that the applicant's presentation from the previous Agenda Item will be incorporated by reference into this Agenda Item.

Mark Berman, City Attorney, advised that the applicant should ask to adopt the prior presentations.

Matthew Scott, Esq., on behalf of the applicant asked that their presentation from the prior items be adopted for this item. The presentation made applies equally to the rezoning application.

**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

**Enactment No: ORD. No. 2022-67**

19. [22-555](#) **P.H. 2022-84: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING 9.09 NET ACRES OF VACANT LAND LOCATED BETWEEN NW 18TH AVENUE AND NW 19TH AVENUE, NORTH OF NW 6TH STREET AND SOUTH OF NW 9TH STREET, FROM RS-3 (SINGLE-FAMILY RESIDENTIAL) AND RM-12 (MULTI-FAMILY RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: Daniel Keester-O'Mills/David Recor)**

Daniel Keester-O'Mills, Principal Planner with Development Services, presented this Item noting the applicant was requesting approval to rezone 2 properties from Single-Family Residence (RS-3) and Multiple-Family Residence (RM-12) to Residential Planned Unit Development (RPUD). He stated if approved, the Master Plan would allow for the construction of 59 single-family houses, a community amenity in the northwest corner of NW 7 Street and NW 19th Avenue, and a pedestrian connection from the north end of the development to the south end (leading to Hunters Manor Park to the south). He stated when compared to the adjacent single-family zoning district standards (RS-3), the RPUD standards would: reduce the minimum lot width, reduce the minimum lot area, reduce the yard setbacks, and increase the lot coverage. He explained the deviations were more fully described in the PD Narrative and Plans, which were included as Exhibits to the Ordinance. He reported the Planning and Zoning Board recommended approval of the rezoning with a vote of 6-1 at its July 27, 2022 meeting. He indicated the applicant Scott Backman was present.

Scott Backman, representing the applicant D.R. Horton, reported the property was owned by the Community Redevelopment Agency (CRA) and was the subject of a Request for Proposal (RFP) which was awarded to

his client just before COVID, and as such has taken a little longer to get to this stage in the process. He discussed the rezoning request noting if approved, it would enable flexibility to develop the property in accordance with the RFP and the prior approved plat by the CRA. He displayed and discussed a map of the land and proposed zoning changes. He noted in 2016/2017 the plat was approved for 65 single-family homes and he was proposing 59 homes. He briefly reviewed the applications which had gone through the City regarding the project up to this point. He displayed and discussed a color rendering of the site plan including amenities, lot placements and sizes, etc. He mentioned the various community outreach activities in general with the surrounding homeowners. After a few meetings with the residents a number of items were discussed after the meeting in the lobby and he understands any open issues remaining the majority would relate primarily to the park itself to the south and not as much related to this particular piece of property.

Fred Stacer, 2501 SE 9th Street, Pompano Beach, a member of the Planning and Zoning Board, discussed some of the concerns regarding the overflow parking near the park, traffic speeds through the neighborhood, and how this development would affect the area. He suggested increasing parking near the park and installing traffic calming devices in the area. He concluded that this is a good project that can result in a great project for this community.

Continuing. Stacer added that if the density was calculated as zoned today, they could fit 64 units on the lot.

Tundra King, 124 NW 15th Street, Pompano Beach, a member of the Planning and Zoning Board, indicated she was elated about this project. She stated a traffic light on 18th Street would help alleviate traffic and would ensure the safety of school children crossing the road in this location.

Comr. McGee asked if this would be a gated community.

Mr. Backman responded in the negative.

Comr. McGee asked about the single point mail area.

Mr. Backman explained the Post Office required single point mail areas in all new developments.

Comr. McGee asked if Pod B would pick up mail in Pod A.

Mr. Backman responded in the affirmative. He explained this was one of the reasons extra care and attention was given to designing pedestrian connectivity. He noted the mail area was relatively centrally located in the community.

Mayor Hardin indicated the City (CRA) platted this for 65 homes. He noted through the PUD there was reduction after reduction in lot sizes and setbacks, etc., and he asked how it had been thought possible 65 homes would fit on this land.

Mr. Keester-O'Mills explained when the plot was calculated, only the land was calculated; streets were not taken into consideration.

Mayor Hardin stated while he was not happy with the reductions, he understood the reasons. He noted development today was different than it was 20 years ago, and in order to fit single family homes today, the restrictions on lot size and setbacks and such would have to be a bit relaxed.

Vice Mayor Perkins stated she supported this project. She noted this was the first single family home development project in her district; there were four or five different apartment developments upcoming; and single-family homes were needed. She stated D.R. Horton was an excellent company. She stated she had been trying to get a traffic light at the intersection of 18th Street and Martin Luther since before the Marquis Apartments were constructed. She asked the City Manager to send a letter to Broward County to work to get a traffic light at the intersection of Martin Luther King Boulevard and 18th Street. She asked if all the homes would be four- and five-bedroom homes.

Mr. Backman responded in the affirmative.

Vice Mayor Perkins stated the price of the homes, starting at \$350,000 dollars, was a good fit for the area. She discussed home pricing in the area.

Mr. Backman discussed the home pricing market and noted this community would be an affordable marketable product.

Vice Mayor Perkins stated she was concerned about parking in the area as it was already a bit overcrowded. She noted these homes would be going up very near the public park. She stated it would be good to send notices to the surrounding residents of any park in the City whenever a special event was planned for the parks to ensure residents were aware and could plan accordingly. She stated she supported this rezoning and this project.

Comr. McGee asked about the parking for each unit.

Mr. Backman responded each unit would have a minimum of three parking spaces between the garage and driveway; some homes would have four spaces.

Horacio Danovich, Stegia LLC and prior CIP Engineer, indicated there was a traffic signal at 18th Street, approximately 60 feet east of the intersection, which was installed to provide a pedestrian crossing. He reported the City asked if this traffic signal could be relocated to the intersection; however, there was an alignment issue at this intersection, which made it difficult to relocate the signal and have it function correctly. He explained Broward County Traffic Engineering continually declined to support relocation of the signal.

Mayor Hardin noted the signal located 60 feet east of the intersection was not actually a traffic signal; it was strictly a pedestrian crossing signal.

Mr. Danovich agreed.

Vice Mayor Perkins noted she avoided this intersection as there many accidents at the intersection. She suggested obtaining a survey from BSO indicating the number of accidents at this intersection.

Mr. Danovich stated he asked Broward County Traffic Engineering (BCTE) to conduct a traffic analysis to justify the need for a traffic signal at this intersection. He stated Broward Sheriff's Office (BSO) was instrumental in providing data showing the number of accidents which occurred at this intersection, including fatalities, and still BCTE would not approve the traffic signal.

Vice Mayor Perkins stated there had to be something which could be done to prevent accidents at this intersection. She suggested appointing a Staff member to remain on top of the situation, evaluating the situation, to find possible solutions. She suggested going back to the County to make them aware of the development in the area, including the Marquis Apartments.

Mr. Danovich stated with Commission and City Manager direction Staff could go back and revisit with BCTE and see if a collective solution could be found.

Mayor Hardin agreed traffic would only worsen with the new development in the area, and it was worth going back to BCTE to see if anything could be done. He noted it was possible BCTE would not be receptive to the idea, but it should be attempted.

Comr. Eaton agreed this was a good idea.

Mayor Hardin called for a five minute break.

Meeting went into Recess

**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

**Enactment No: ORD. No. 2022-68**

20. [22-561](#) **P.H. 2022-85: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TEN-FOOT UTILITY EASEMENT AND A TEN-FOOT SECTION OF THE PLATTED 120 FOOT INGRESS/EGRESS ACCESS



EASEMENT LOCATED ON THE WEST SIDE OF SW 23RD AVENUE SOUTH OF SW 3RD STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

### Meeting Reconvened

Jean Dolan, Development Services Department, presented the item and stated this was a request to abandon a 10-foot utility easement and 10-foot-wide portion of the platted 120-foot ingress/egress access easement, within the Live! Resort Pompano Park project. She noted the easements are located along the western side of the parcel used as a private access roadway constituting SW 23rd Avenue south of SW 3rd Street. She noted the abandonment would allow for the construction of proposed development of retail uses consistent with the Live! Planned Commercial Development Master Plan. She reported the Planning and Zoning Board recommended approval unanimously at the June 22, 2022 hearing, and all conditions of approval were met. She stated Staff recommended approval.

The applicant was available for questions only.

**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

### **Enactment No: ORD. No. 2022-69**

21. [22-556](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE GOLDEN FARMS REDEVELOPMENT 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 Pompano Beach Housing Authority proposed to add 3, two-story buildings, consisting of 100 senior residential dwelling units to the

Golden Farms redevelopment plat. She indicated the project required the current plat to be amended to add 100 multi-family units to the plat note. She stated the plat note was also being simplified as a part of this amendment. She stated the only substantive change in the updated plat note was the 100 additional multi-family units; the other uses described in the plat note were either existing or planned for future development.

Vice Mayor Perkins asked how the name Golden Farms came to be.

Mike Vonder Meulen, Keith, 301 E. Atlantic Blvd., Pompano Beach, responded he was unsure how the name Golden Farms was selected.

Vice Mayor Perkins asked if there would be elevators in the apartment buildings.

Mr. Vonder Meulen responded in the affirmative.

Vice Mayor Perkins noted senior housing was needed in this area. She asked the exact location of the buildings.

Mr. Vonder Meulen displayed and discussed a map illustrating where the apartment buildings would be constructed.

Vice Mayor Perkins asked if there would be a security gate.

Mr. Vonder Meulen responded in the negative.

Vice Mayor Perkins asked about the day care center.

Mr. Vonder Meulen indicated the day care center was already present.

Vice Mayor Perkins asked if the project was receiving any seed money from the City.

Mr. Vonder Meulen responded in the negative; there were funds coming in from the State and Broward County for this project.

**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:**

22. [22-557](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE COLOR FACTORY PLAT LYING ON THE NORTHWEST CORNER OF NW 16TH STREET AND DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated this was a proposed plat for a 1.6-acre vacant property, located at 1621 North Dixie Highway at the northwest corner of NW 16th Street and Dixie Highway. She indicated the plat included two parcels: A and B, plus a right-of-way parcel for the purpose of dedicating 5 feet of right-of-way for NW 16th Street. She stated the plat note restricted the property to a maximum of 8,000 square feet of office use on parcel A, which had a land use designation of Commercial and zoned B-3, as well as 35,000 square feet of industrial use on parcel B which had a land use designation of industrial and was zoned I-1. She stated parcel A shared a portion of its western boundary with an RS-2 single-family zoning district; therefore, the ultimate site plan for this project must include a type C buffer along that property line. She reported the Planning and Zoning Board recommended approval of the plat on July 27, 2022 and Staff recommended approval.

Vice Mayor Perkins asked what a Color Factory was.

Paula West, Principal and Senior Land Planner with Plan West, 10152 Indian Town Road, Unit 159, Jupiter, FL, stated the Color Factory was by the previous owner who started this process, and when ownership shifted, it was decided to keep the name.

Vice Mayor Perkins noted this was located east of Comcast and there were no homes in the area. She asked if this was currently a vacant lot.

Ms. West responded in the affirmative.

**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  
 McMahan  
 Perkins  
 Hardin

**Enactment No: RES. No. 2022-224**

**END OF QUASI-JUDICIAL PROCEEDING**

23. [22-473](#) Approval to award ITB E-22-22, N.E. 3rd Street & N.E. 4th Street Storm Drainage Improvements (State Revolving Fund), to the lowest responsive and responsible bidder, Southeastern Engineering Contractors, Inc., at a cost of \$940,846.60.  
 (Fiscal Impact: \$940,846.60)

**(Staff Contact:** A. Randolph Brown/Tammy Good)

Tammy Good, CIP Manager, Engineering Department, presented the item and reported this was a request to award the construction bid to Southeastern Contractors in the amount of \$940,846.60. She noted this was a state revolving fund at zero percent interest. She indicated the project consisted of installing a storm drainage system on NE 3rd Street and NE 4th Street, just east of Harbor Drive.

Comr. Eaton stated this was another worthwhile stormwater system which would alleviate flooding in the area. She stated it was a good project.

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

**Yes:** Eaton  
 Floyd  
 McGee  
 McMahan  
 Hardin

**Absent:** Perkins

24. [22-498](#) **P.H. 2022-75: (PUBLIC HEARING 2ND READING)**  
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MARLIN ENGINEERING, INC. FOR CONSULTANT SERVICES FOR COUNTY SURTAX FUNDED TRANSPORTATION STREETSCAPE

IMPROVEMENTS ALONG RIVERSIDE DRIVE FROM ATLANTIC BOULEVARD TO NE 14th STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$699,762.10)

**FIRST READING: JULY 26, 2022**

(Staff Contact: Fernand Thony/Horacio Danovich)

Horacio Danovich, Stegia LLC, presented the item and stated approval of this project would pave the way for improvements on Riverside Drive. He indicated there were no changes from the First Reading of this Item.

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

**Yes:** Eaton  
Floyd  
McGee  
McMahan  
Perkins  
Hardin

**Enactment No: ORD. No. 2022-61**

25. [22-511](#) **P.H. 2022-74: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING TO TAMPA ELECTRIC COMPANY FOR THE BENEFIT OF ITS NATURAL GAS DIVISION, PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS- OF-WAY OF THE CITY OF POMPANO BEACH, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 26, 2022**

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the Item and indicated there were no changes from the First Reading of this Item.

Comr. McMahon asked about the process of obtaining natural gas lines in a neighborhood which did not have natural gas lines.

Mr. Sfiropoulos responded TECO could be contacted directly in this regard, or he himself could be contacted; he would be happy to help coordinate the process.

**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. 2022-62**

26. [22-552](#) **P.H. 2022-87: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO CREATE AN EXPEDITED APPROVAL PROCESS FOR PROJECTS USING COUNTY POLICY 2.16.3; AND AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated this was the flex code amendment to implement the policy recently adopted to promote the use of Policy 2.16.3. She explained this policy required anyone eligible to use County Policy 2.16.3 or 2.16.4 to generate entitlements to use said policies. She noted the process was made easier by enabling the Planning and Zoning Board to issue the flex units whenever rezoning was not required. In order to accomplish this, they had to tweak Chapter 154. She stated the Planning and Zoning Board recommended approval on July 27, 2022, and Staff recommended approval. She noted this item may not return for a Second Reading as the County Commission, on September 8, began considering adding policy in their language, which might preclude the City Commission from conducting 2 Readings. She noted the matter would be settled on September 20, 2022.

Comr. Eaton noted County Policy 2.16.3 was not included in the Staff Report.

Ms. Dolan indicated she thought she included Policy 2.16.3 as an attachment.

Comr. Eaton indicated she was unable to find it, but perhaps she missed it.

Ms. Dolan reviewed the basics of Policy 2.16.3. She explained the Ordinance would extend the life of the flex units while procuring at least 15 percent committed to the moderate level of affordable housing, but not enough to push the projects into a “no-go” situation. She was proud to report Pompano Beach had more subsidized housing units than any city in Broward County. It was the only city which adopted a mixed income housing ordinance to implement this policy, and the only city which adopted this type of incentive into code.

**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

27. [22-558](#) **P.H. 2022-78: (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 CORRECT A SCRIVENER'S ERROR CONTAINED IN ORDINANCE NO. 2022-50 RELATED TO GROSS ACREAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated this would correct an error in the acreage listed in the Comprehensive Plan Text Amendment Ordinance No. 2022-50 approved on June 28, 2022, for the Festival Flea Market property. She indicated Staff recommended approval.

**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

**Enactment No: ORD. No. 2022-70**

28. [22-564](#) **P.H. 2022-90: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO PROVIDE AUTHORIZATION FOR THE SALE OF USED LUXURY AUTOMOBILES IN THE B-3 (GENERAL BUSINESS), B-4 (HEAVY BUSINESS), I-1 (GENERAL INDUSTRIAL) AND PCD (PLANNED COMMERCIAL/INDUSTRIAL) ZONING DISTRICTS. PROVIDING REQUIREMENTS AND STANDARDS FOR SUCH SALES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY PROVIDING A DEFINITION FOR USED LUXURY AUTOMOBILE SALES WITH INDOOR/OUTDOOR DISPLAY; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Daniel Keester-O'Mills/David Recor)

Daniel Keester-O'Mills, Principal Planner Development Services Department, presented the item and stated the proposed text amendment was presented to the Planning and Zoning Board on August 24, 2022. He noted the applicants were present. He stated the applicants were proposing a new zoning use designation called "Used Luxury Automobile Sales" defined as a vehicle advertised and sold for no less than \$60,000 dollars. He stated the applicant requested the proposed use be permitted by right in B-3, B-4, I-1 and the PCD zoning districts. He noted the Planning Board approved some of the recommendations. He explained the Planning Board recommended the use be permitted by Special Exception in B-3, but the applicant did not agree with this recommendation. He noted the CRA mentioned a preference for a more substantial definition and special exception use.

The applicants were John Voight, Attorney with Doumar, Allsworth, 1177 SE 3rd Avenue, Ft. Lauderdale, and James Kahn with Keith Engineering, 301 E. Atlantic Blvd.

Mr. Voight stated the specific site in mind for this business was the old Firestone location, 3051 N. Federal Highway. He discussed how this project had gotten to this point. He stated B-3 did not permit selling used cars as a use; however, this was not an ordinary used car lot. He explained the used vehicles would be



Bentleys, 700 Series BMWs, customized Teslas, etc. He reported he approached the City and worked with Staff on the language to make selling luxury used cars restrictive as a use. He noted there were requirements for minimum lot size, minimum interior showroom size, minimum exterior landscaping standards, no permitted use in the Overlay District or CRA, and a two-mile distance separation requirement between the uses which would prohibit overpopulation of this use. He explained this was why he did not feel it was necessary to require a Special Exception for the use in B-3. He noted the \$60,000 minimum sale price would regularly increase according to CPI with time.

James Kahn, Keith Engineering, stated he was taking used car sales one step further by only offering Lamborghini, BMW, Bentley, etc. He stated he felt the list of criteria included made this a unique business which most used car lots could not meet. He stated this use was appropriate for Federal Highway. He noted only two others could meet this criteria, H. Greg, and CarMax. He stated with the two-mile radius requirement, no similar car lots would go up along Federal Highway in Pompano Beach. He stated he felt requiring a Special Exception for the use in B-3 was not needed.

Tom Johnston, 633 E. Atlantic Blvd., Pompano Beach, FL, stated there used to be a luxury used car lot near Holiday Park on Sunrise Blvd, called the Auto Toy Store; this business was sold to a client of his who moved the business to Pompano Beach in an I-1 District, on a dead-end street without much foot or automobile traffic. He stated his client serviced North America with a virtual salon; the vehicles were stored on the second floor of a concrete building where the public was not permitted; videos were taken of the pricey vehicles and 95 percent of business was conducted online. He stated he was present in support of this Ordinance as he believed his client might benefit from this Ordinance in the future. He asked the Planning and Zoning Board to permit this as a use in the I-1 district and added a P next to it for permitted. He requested that the City Commission consider the Planning and Zoning Board's recommendation to put a P next to the I-1.

On a separate note Mr. Johnston responded to Vice Mayor Perkins' question on the Golden Farms, and recalled that the property used to be outside of City limits. In the 1930's housing for farm laborers was built and the original name was the Pompano Farm Labor Camp, later it was changed to the Golden Acres and now it is the Golden Farms.

Ronald Beale, 1685 NE 31st Street, Pompano Beach, stated he lived next to this property, and he spoke in favor of this new business. He discussed the beautiful cars for sale, how much quieter this business was, as opposed to the preexisting Firestone, and the potential income to the City through this business. He discussed the applicant's investments in this building and property. He stated the business would be beautiful, profitable, and beneficial for the City.

Comr. Eaton spoke in favor of this project. She noted Pompano Beach had a lot of car dealerships on US1, but this meant Pompano Beach was an excellent place to come purchase a vehicle. She agreed typical used car lots were crowded, but a \$600,000 Rolls Royce was a different breed of used car. She noted the Comprehensive Plan was approved in 1973 and times have changed. She stated the text amendment to the code was written so specifically it would not open the door to used car facilities and a Special Exception seemed superfluous. She stated she met the owners, visited the facility, and the applicants had heavily invested in the property. She noted there was a market for this business. She discussed similar businesses. She indicated she liked the idea of adapting zoning code to these niche markets.

Mark Berman, City Attorney, referred to the Zoning Code Chapter 155.2402 for text amendments, the review standards that the Commission should weigh the relevance and consider to what extent the proposed amendment: 1) was consistent with the Comprehensive Plan; 2) did not conflict with any provision of this code or the Code of Ordinances; 3) was required by changed conditions; 4) addressed a demonstrated community need; 5) was consistent with the purpose and intent of the zoning districts in this code or would improve compatibility among uses and would ensure efficient development within the City; 6) would result in a logical and orderly development pattern; and 7) would not result in significantly adverse impacts on the natural environment, including but not limited to water, air or noise, stormwater management, wild life vegetation, wetlands and the natural functioning of the environment.

Mayor Hardin and Mr. Keester-O'Mills discussed the map provided in the Staff Report which showed the possible locations for this type of business on Federal Highway; it was noted once the business was established, the two-mile radius distance requirement would limit possible locations for future businesses of similar type. Based under the current Ordinance before the Commission they would be permitted under the I-1 designation.

Mayor Hardin asked if the existing luxury car business mentioned by Mr. Johnston would be affected by this Ordinance amendment.

Mr. Keester-O'Mills responded in the negative.

Comr. McGee asked what parameters would be used to increase the \$60,000 minimum price.

Mr. Voight responded the \$60,000 would be increased by CPI (Consumer Price Index) standards every 5 years; however, if the City preferred to increase this number annually, he was not opposed. He stated he would be happy to provide proof of sales to the City.

Comr. McGee indicated a CPI increase every 5 years was reasonable.

Mayor Hardin noted recently the City of Pompano Beach approved the sale of rental fleet cars within City limits. He asked if it was possible to include something in the Ordinance requiring the luxury car sales business to submit records to the City regularly as opposed to the City having to request records.

Mr. Berman responded in the affirmative; a requirement for the business to submit its records to the City could be included in the Ordinance, but how would the City require the standards to be enforced.

Mayor Hardin asked for this to be included in the Ordinance.

Comr. Eaton noted the business's zoning certificate was required to be renewed annually. She asked how often the business should be required to submit records.

Mr. Berman suggested a monthly or quarterly sales report.

Mr. Voight stated title transfers included the value of the sale; copies of this could be provided to the City. He noted these stringent requirements would benefit his business as well by preventing other businesses from coming in and undercutting prices.

Mayor Hardin stated he did not wish to overtax code enforcement.

Discussion ensued regarding the \$60,000 minimum price; how luxury car sales was defined in the Ordinance; and the possibility of increasing the minimum price requirement for luxury car sales.

Comr. Eaton stated monthly record submission seemed too frequent; however, she would like to ask Mario Sotolongo's opinion in this regard. She asked if the applicant would consider raising the minimum luxury car sale price.

Mr. Khan responded in the affirmative; the applicant would be amenable to increasing the number to \$75,000. He noted a sales spreadsheet could be provided quarterly.

Mario Sotolongo, Code Compliance Department, stated perhaps the sales spreadsheets could be provided upon request. He noted Avis was being reviewed quarterly and this was quite a lot of work, so perhaps enabling the Code Compliance Department to decide when the information was provided it would be more efficient.

Mr. Berman indicated this could be included and he asked how much time for response to the Code Compliance Department's request was reasonable. He noted he wrote the Ordinance allowing room for these types of adjustments, so this would not need to be readvertised.

Mr. Sotolongo indicated 14 days to respond to the request was reasonable as they could also do spot checks.

Greg Harrison, City Manager noted in between this First Reading and the Second Reading, if a list of concerns were provided by the Commission, he would ensure the concerns were addressed prior to the Second Reading.

Comr. Eaton stated the applicant was willing to work with the City, this was a niche market, new to the City, and she felt it was an excellent addition to the City.

Mayor Hardin stated the list of concerns should include increasing the price of luxury vehicles, and some type of verification of sales upon request.

**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

**Enactment No: ORD. No. 2022-71**

29. [22-583](#) **P.H. 2022-88: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.26, "PUBLIC NUISANCES," TO CLARIFY CERTAIN DEFINITIONS; AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO PROVIDE ADDITIONAL STANDARDS FOR APPROVAL, AND BY AMENDING SECTION 155.8402., "CIVIL REMEDIES," TO PROVIDE ADDITIONAL GROUNDS FOR REVOCATION OF ZONING USE CERTIFICATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Development Services Director, indicated that Development Services, Code Compliance Department and the City Attorney's Office worked to prepare this text amendment, which provided the City with additional tools related to the Zoning Use Certificates. She stated this would help the City respond to new business uses established typically without City approval and had significant code enforcement issues. She reported the text amendment amended the definition of "blighting influence," and allowed the City the ability to deny Zoning Use Certificate applications when a business was deemed a blighting influence and/or chronic nuisances. She reported the ordinance also proposed a Cease and Desist procedure which would give the Development Services Director the authority to require a business or commercial operation to cease a use, activity, or conduct.

Mark Berman, City Attorney, noted there was an upcoming sister Ordinance related to this Ordinance which would change standards to make the process easier.

**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

**Enactment No: ORD. No. 2022-72**

30. [22-568](#) **P.H. 2022-86: (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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FLORIDA INLAND NAVIGATION DISTRICT FOR MSA 726/EXCHANGE CLUB PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Rental amount of \$100 per year payable to FIND)

(**Staff Contact:** Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator presented the item and stated while this was a new agreement, the history of this dated back to 1981. He stated this was a terrific partnership with FIND and allowed the City to use MSA 726 (Exchange Club Park) as a passive park. He indicated this was a 5-year agreement with 2 5-year extensions.

**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

**Enactment No: ORD. No. 2022-73**

31. [22-530](#) **P.H. 2022-82: (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 OF COMMERCIAL VEHICLES IN THE CITY’S RIGHTS-OF-WAY; AND AMENDING CHAPTER 71, “TRAFFIC RULES,” BY AMENDING SECTION 71.07, “COMMERCIAL VEHICLES STORED IN RIGHT-OF-WAY,” TO MODIFY PENALTIES FOR UNLAWFUL PARKING OF TRACTOR-TRAILER RIGS IN THE CITY’S RIGHTS-OF-WAY; 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 pursuant to direction from the Commission he worked with Major Wayne Adkins, Police Chief, to modify the parking violations for tractor trailers based on unlawful parking specifically in the northwest district and other areas of the City. He stated this Ordinance increased illegal parking fines to \$150 for commercial vehicles, including tractor-trailers; in addition to the higher fines, tractor-trailers illegally parked in residential districts were deemed to constitute a hazard to vehicular traffic and pedestrians and may be immediately towed away at the owners’ cost. He indicated tractor-trailers parked in violation in areas not zoned residential were subject to towing if not removed from the rights-of-way within 24 hours after being cited. He explained in residential areas, as parked tractor-trailers were deemed a hazard, said tractor-trailers could be towed immediately at the owners’ expense, while in non-residential areas, the tractor-trailer owners would have 24 hours after being cited to remove the vehicle prior to being towed.

Major Wayne Adkins, Police Chief, Broward Sheriff’s Office (BSO), indicated specific signage was created to be posted in the ingress to residential areas warning tractor-trailers of this type of violation. He discussed the current Ordinance and the difficulty policing illegally parked tractor-trailers with the current Ordinance. He indicated the new Ordinance would be easier to enforce.

Mr. Berman explained the impetus was, under the current Ordinance, it was cheaper to pay the \$45 and park than to move the tractor-trailer. He explained the fee had to be increased to a point where it was still reasonable but was at a considerable cost for each day the vehicle was illegally parked to discourage this activity.

Tundra King, 124 NW 15th Street, Pompano Beach, stated she was excited about this new Ordinance; she has seen these trucks in her neighborhood often. She asked for the next step to be preventing the trucks from driving down her mother’s residential street as it was prohibited, but often trucks ignored the prohibition and used this road. She asked about the proper procedure to get a vehicle towed.

Vice Mayor Perkins asked for clarification regarding towing in residential areas versus commercial areas.

Mr. Berman explained because the Commission was making a finding under the Ordinance that tractor-trailer trucks unlawfully parked in residentially zoned areas it constituted a hazard to vehicular traffic and pedestrians crossing the street, immediate removal was enabled. He explained as this was not necessarily the case in non-residentially zoned districts, tractor-trailer trucks unlawfully parked and cited would be towed within 24

hours; the City was giving the truck owner time to move the vehicle. He noted this could be changed. He explained originally the Commission requested he adjust the Ordinance for residential areas, and he added the non-residential area portion as he felt it was needed. He noted the hazard finding was necessary to enable immediate towing and to show immediate towing was necessary in the courts.

Vice Mayor Perkins asked if Code Compliance had an individual devoted to monitoring tractor-trailer parking throughout the City.

Major Adkins responded the Commercial Vehicle Enforcement Deputy was directed to specifically enforce tractor-trailer code; however, road patrol deputies would continue to enforce tractor-trailer code as well. He noted in the commercial areas tractor-trailers were finding city owned lots and right-of-ways to park, where it was not an immediate hazard, and 24-hour notice was given prior to towing. He stated he was completely in favor of the Ordinance as it pertained to the residential areas as this was the most concerning for public safety.

Vice Mayor Perkins asked if other cities' policies regarding tractor-trailers were considered when developing this Ordinance.

Mr. Berman responded in the negative.

Vice Mayor Perkins stated she contacted the Pompano Farmer's Market and found tractor-trailers were not permitted to park and disconnect at the Farmer's Market but were permitted to come in for 24 hours as a rest stop.

Discussion ensued regarding different areas where trucks tended to park in the City.

Comr. McGee suggested creating a page on the City's website listing where tractor-trailer trucks could legally park within the City and include a reference to this list on all pertinent signage. She stated if the City helped truckers understand where they could park it would alleviate illegal parking.

Comr. Eaton stated she was in favor of immediate towing from residential areas. She asked about truck parking at the Walmart. She asked whether Walmart was cooperating with the City as truck parking at the Walmart was a nuisance to the residents nearby.

Mayor Hardin asked if a truck parked in a residential area in the swale area would be subject to immediate towing.

Major Adkins responded in the affirmative; with this new Ordinance, trucks parked in a residentially zoned area, in the roadway or on a swale or on any type of City right-of-way, were subject to immediate towing.

Mayor Hardin asked if trucks parked on a vacant lot in a residential area was subject to immediate towing.

Major Adkins responded if it is in the residential zoned area and they are on the roadway or on the swale area or any type of City right-of-way it would be in violation. However, if it were a privately-owned lot then it was a code enforcement issue and code enforcement would have to be called in; however, if the property owner

made a complaint, then the police could take immediate action. He stated this new ordinance gave the police more ability to address public safety concerns regarding illegally parked tractor-trailers. He stated any truck parked on private property was taking a chance of being towed by the property owner or cited by code enforcement.

Mayor Hardin stated it was important to understand what police and code enforcement were empowered to do in regard to tractor-trailers.

Discussion continued regarding unlawfully parked tractor-trailers parked in residential versus commercial areas, penalties applied to each, and towing of each.

Vice Mayor Perkins asked where the truck parking lot was located in Pompano Beach.

Major Adkins responded there was a truck lot on NW 31st Avenue. He noted there were also parking areas at the exit ramps of Sample Road and the Turnpike. He stated there was a truck stop on the Turnpike just south of Atlantic Blvd.

Comr. McGee asked if there were any land within the City which might be used for parking tractor-trailers. She stated making a place where trucks could park would deter truck parking where it was not permitted.

Mayor Hardin stated he appreciated Commissioner McGee's sentiment, but respectfully disagreed. He stated he would like to see the truck stop on NW 31st go away.

Comr. McGee stated truck deliveries were important, especially with the supply chain issues, and designating a parking area in an area near the turnpike, out of the way of residents, would be helpful to truck drivers. She asked what a truck driver who lived in Pompano Beach was supposed to do.

Mayor Hardin stated truck drivers would hopefully park at a truck stop, or in the designated areas, and have a friend or relative come and pick them up. He discussed the difficulties caused by unlawfully parked trucks throughout the City.

Discussion ensued regarding areas where truck drivers could lawfully park in Pompano Beach: the truck stop on NW 31st, near the exit ramps of Sample Road and the Turnpike, and the Farmer's Market rest stop (24 hour parking only).

Major Adkins stated it was important to keep in mind the environmental impacts of parked tractor-trailers as well; dripping fluids and oils and other such pollutants left behind by tractor-trailers could impact the environment. He noted tractor-trailer lots also had a history of drawing prostitution and drugs.

Comr. McGee stated she was thinking more like long-term storage, for example where could a Pompano resident leave a tractor-trailer in the City if they had a week off of work.

Mayor Hardin stated there were outdoor storage places which could accommodate trucks.



Comr. McGee stated she was in favor of this Ordinance, but she felt part of the problem might be there was no place for the tractor-trailers to park. She stated it might be a good idea to look into using an old brownfield, or an empty dry cleaner lot, etc., for truck parking.

Comr. Eaton stated at her last Cresthaven Civic Association Meeting a long haul truck driver mentioned he has had to spend nights out west in the Everglades, as the truck stops and Turnpike lots filled up fast and it was becoming more and more difficult to find a place to park overnight. She stated it was difficult for the truck drivers, but she could see the concerns of running a private lot for semitrucks. She wondered what a truck lot would be zoned, truck storage or parking lot.

Comr. McGee stated she was just planting the seed to begin considering there might be more to this problem. She stated Pompano Beach was not the only city trying to get rid of outdoor storage and beautify areas, but then problems arose with landscape business owners and others who had signage and equipment, etc., also.

Vice Mayor Perkins stated it might be a good business for someone to buy a piece of land and let truckers park for a fee.

**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

**Enactment No: ORD. No. 2022-74**

32. [22-554](#) **P.H. 2022-91: (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 FIRST AMENDED INTERLOCAL AGREEMENT FOR THE CREATION OF THE METRO TRANSPORTATION ENGINEERING & CONSTRUCTION COOPERATIVE AMONG THE CITY OF POMPANO BEACH, BROWARD METROPOLITAN PLANNING ORGANIZATION, AND SEVERAL LOCAL MUNICIPALITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager presented the item and stated this was an amendment to the Interlocal Agreement which included some language changes, which was done during the Commission's hiatus in August.

**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

**Enactment No: ORD. No. 2022-64**

33. [22-559](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD J. LEYS** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Richard J. Leys, *Incumbent* - District 3  
Richard Dally, *Incumbent* - District 3  
Phillip J. Schulte, Alternate 2 - District 3  
James Daisey - District 1  
Carlton Gillespie - District 1  
Tanya Manfredi - District 1  
Joseph Cerquozzi - District 3  
Marko Dragojevic, District 3  
Monifa Aruwajoye - District 4  
Lucretia Hicks - District 4  
Marcus A. McDougle - District 4  
Karen Moreland - District 4  
Shelton Pooler - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name RICHARD J. LEYS. Commissioner Eaton nominated Richard J. Leys. The motion carried**

**unanimously.**

**Enactment No: RES. No. 2022-225**

34. [22-560](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **PHILLIP J. SCHULTE** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2022-559 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name PHILLIP J. SCHULTE. Commissioner Eaton nominated Phillip J. Schulte. The motion carried unanimously.**

**Enactment No: RES. No. 2022-226**

35. [22-575](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **LAMAR "PAUL" FISHER, JR.** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH AS ALTERNATE #1; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Marianne Q. Edge, **Alternate 1/Incumbent** - District 3

Justin Cromartie - District 1

Carlton Gillespie - District 1

Keriann Worley - District 1

Joseph Cerquozzi - District 3

Richard Dally - District 3

Marko Dragojevic - District 3

Lamar "Paul" Fisher, Jr. - District 3

Derek Lewis - District 3

Lynne Mitchem - District 3

Carmen Jones - District 4

Marcus A. McDougle - District 4

Andy Cherenfant - District 5

Luciene Gomes - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be **ADOPTED** and to insert the name **LAMAR "PAUL" FISHER, Jr.** Commissioner Eaton nominated Lamar "Paul" Fisher, Jr. The motion carried unanimously.

**Enactment No: RES. No. 2022-227**

- 36. [22-576](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MARIANNE Q. EDGE** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS ALTERNATE #3, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 22-575 FOR APPLICANTS AND OTHER INFORMATION.**

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be **ADOPTED** and to insert the name **MARIANNE Q. EDGE.** Commissioner McGee nominated Keriann Worley and Commissioner Eaton nominated Marianne Q. Edge. The motion carried by the following vote:

- Yes:** Eaton  
Floyd  
McMahon  
Perkins  
Hardin

**No:** McGee

**Enactment No: RES. No. 2022-228**

**F. ADDITIONAL AUDIENCE TO BE HEARD**

Asceleta Hammond, City Clerk confirmed that there were no additional speakers for Audience to be Heard.

**G. NEXT SCHEDULED MEETING**

Mayor Hardin announced the next scheduled meetings are as follows:

September 19, 2022 at 5:15 p.m. - Final Public Budget Hearing - Special City Commission/ EMS Taxing District Meetings

September 27, 2022 at 6:00 p.m. - Regular City Commission Meeting

## **H. REPORTS**

**Greg Harrison, City Manager - Promotion** - Mr. Harrison announced Nate Watson was promoted to Utilities Field Superintendent.

Mayor Hardin along with the other Commission members commended Mr. Watson.

**Fire Chief elected as President** - Mr. Harrison announced Fire Chief Chad Brocato was elected President of the Fire Chief's Association of Broward County, which would be a two-year term. He commended Fire Chief Brocato.

Mayor Hardin along with the other Commission members commended Fire Chief Brocato.

**Hometown Heroes Housing Program** - Mr. Harrison discussed the Florida Hometown Heroes Housing Program which Pompano Beach would be administering through the OHUI Department. He explained the program was for those in law enforcement, fire fighters, educators, healthcare professionals, childcare employees, active military, or veterans.

**Mark Berman, City Attorney - Report on Community Court** - Mr. Berman stated he presented a condensed version of his report about the Community Court earlier. So, he wanted to add to the condensed version of his report that in addition to mental health services, health services in general, providing food, obtaining jobs, bus passes, clothing, and housing, one of the most important projects they assisted with was obtaining birth certificates to help obtain much needed identification. He indicated this project would help break the chain of homelessness.

**Asceleta Hammond, City Clerk** - No Report.

**Commissioner Rhonda Eaton** - No Report.

**Commissioner Cyndy Floyd - Updates on Truck Stops** - Comr. Floyd thanked the City Attorney for the updates on the truck stops. She noted there was a truck stop at 1101 NW 31st Avenue, next to the Travel Lodge.

**Campaigning Activities** - Comr. Floyd stated she had some questions regarding campaigning. She indicated she believes she was wrongly accused of a violation when she attended an event in the District where she served as City Commissioner and was asked to leave. She stated she felt disrespected. She stated it was said she was campaigning by greeting folks and indicating she was up for reelection, which was not true. She stated she had no buttons, pins, flyers, nothing to say she was up for reelection, and she wished to put on the record that she was falsely accused.

Vice Mayor Perkins asked who falsely accused Commissioner Floyd.

Comr. Floyd responded her opponent, former Vice Mayor and Commissioner, Barry Moss. She discussed the legitimacy of her presence at the event and indicated she had witnesses to her actions being completely appropriate.

**Commissioner Andrea McGee - Beach and Pier Clean Up Event** - Comr. McGee thanked Dixie Divers for the pier and beach cleanup event over the Labor Day weekend, and they picked up over 1,000 pounds of trash. She discussed the event which she hoped would become an annual event.

**Fire Fighters Golf Tournament** - Comr. McGee thanked the Fire Fighters who had their First Annual Golf Tournament last Friday, which was a great event.

**Florida League of Cities appointment** - Comr. McGee announced she was appointed to the Florida League of Cities Land Use and Economic Development Legislative Committee.

**Commissioner Tom McMahon** - No Report.

**Vice Mayor Beverly Perkins - Response Expected from City Manager Harrison** - Vice Mayor Perkins asked City Manager Harrison to read her emails and respond in a timely manner. She noted she sent City Manager Harrison an email two months ago for which she was awaiting a response.

**Mayor Rex Hardin - 911 Ceremony** - Mayor Hardin thanked and commended the Parks and Recreation Department and the Fire Department and Broward Sheriff's Office (BSO) for organizing the 911 Ceremony at Founders Park held this past Sunday morning. It was a great ceremony.

**Demise of Andy Buglione** - Mayor Hardin sadly reported the passing of Andy Buglione who was the oldest Boy Scout the City knew, he helped with organizing the Westview Ceremony for Memorial Day, a stand-up citizen, and a great man.

**Follow-up on Comr. Floyd's Campaigning Activities** - Mayor Hardin stated in regard to Commissioner Floyd's report, he understood campaigns becoming heated. He stated he often wore shirts which read Rex Hardin, Mayor, around town and to events. He stated Commissioners were expected to attend events regardless of campaign season; Commissioners should feel free to be with the public whom the Commissioners represented. He noted this involved shaking hands, saying hello, and helping constituents, and it was acceptable to note whether one was running for reelection. He stated as long as a Commissioner was not conducting a campaign speech there was nothing wrong with Commissioners attending events during campaign season or otherwise. He asked the City Attorney to produce a policy regarding private and public events and Commissioners. He noted there was some confusion regarding who could do what when. He stated City Commissioners should be proud of who they were and wear their Commissioner attire as they pleased. He requested that City Attorney Berman come with a policy to address the concerns expressed by the Commission.

Comr. Floyd noted she spoke with City Manager Harrison. She stated she used to have a meeting at the Skolnick Center prior to Saturday meetings to discuss Agenda items pertaining to her District. She asked if she was permitted to continue holding these meetings.

Mark Berman, City Attorney, stated if this was what she did as a Commissioner, she had the right to continue to do so. He stated Commissioner Floyd was not making campaign speeches at these meetings, was not wearing campaign shirts, and was not taking funds; all Commissioner Floyd was doing was her job as a City Commissioner and should continue to do so.

Comr. Floyd indicated she was told she would have to rent her own facility to hold these meetings.

Mr. Berman stated this was not necessary; Commissioner Floyd could hold meetings at the Skolnick Center.

Vice Mayor Perkins noted this conversation began because former Commissioner Barry Moss was disrespectful to Commissioner Floyd. She stated she did not feel the City Attorney should have to do anything; the City Commission understood how to behave appropriately. She stated this was only being discussed because Barry Moss had a problem.

Mayor Hardin stated he only mentioned this as he wanted to have some clarity going forward. He noted there had been confusion in the past, not on the part of Barry Moss, just in general.

**Lynne Warrick honored by Senior Hall of Fame** - Mayor Hardin commended Lynne Warrick, a resident of Pompano Beach, who was 99 years young, and was selected for the Senior Hall of Fame, by the Agency on Aging for Broward County.

Mr. Berman asked if he was to continue with Mayor Hardin's request regarding policy.

Mayor Hardin responded in the affirmative.

Greg Harrison, City Manager stated he misspoke earlier. He indicated housing applications for the new Housing Program should go directly to the Florida Housing Authority at the State level, not through OHUI.

## **I. ADJOURNMENT**

The meeting adjourned at 5:23 p.m.

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Rex Hardin, Mayor

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Asceleta Hammond, City Clerk

# EXHIBITS





Exhibit 1

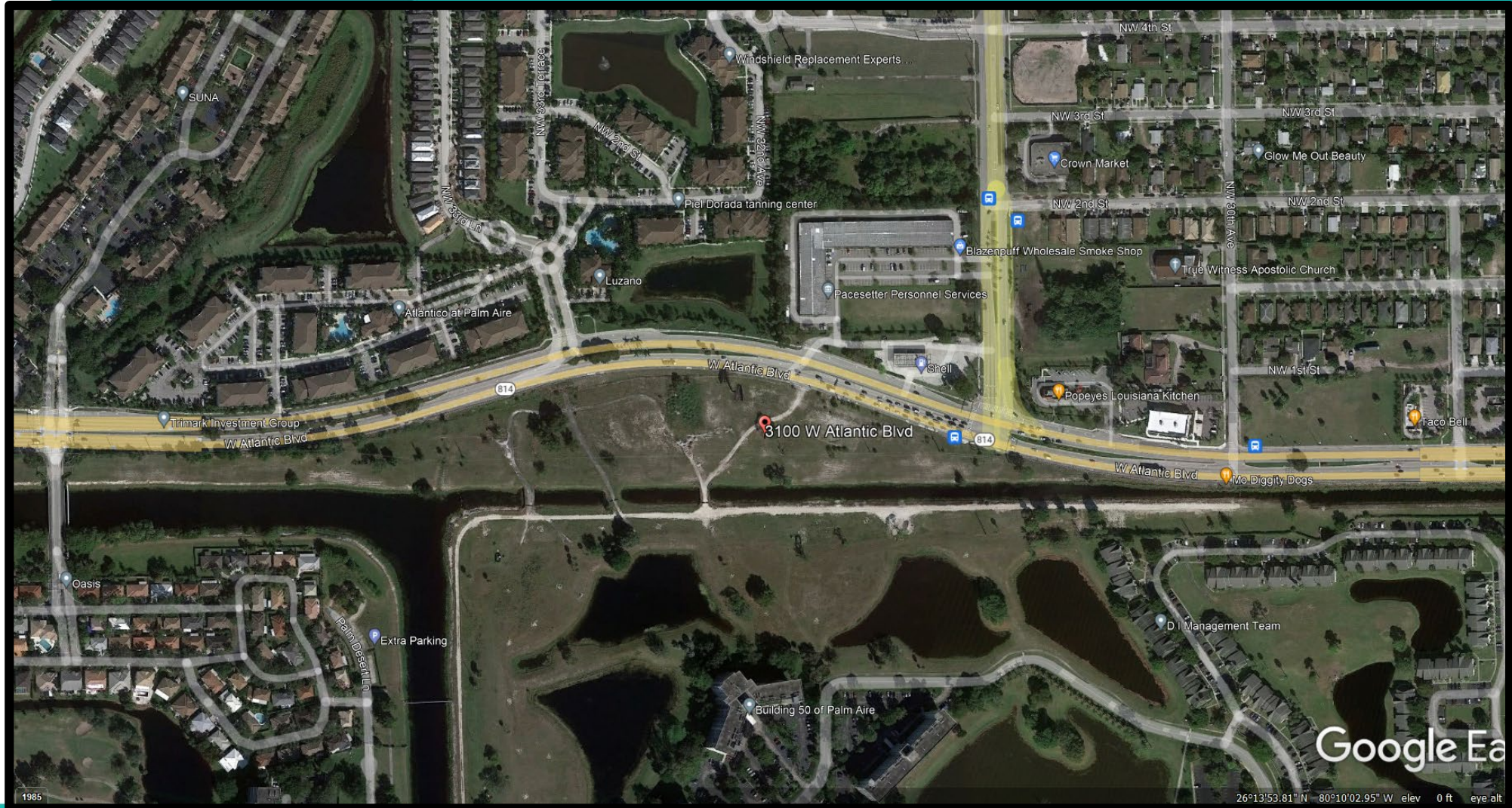
# 3100 W. Atlantic Blvd.

Local-Only Land Use Plan Map and Future Land  
Use Element Text Amendment From Open  
Space / Recreation to Commercial Recreation  
Land Use

September 13, 2022



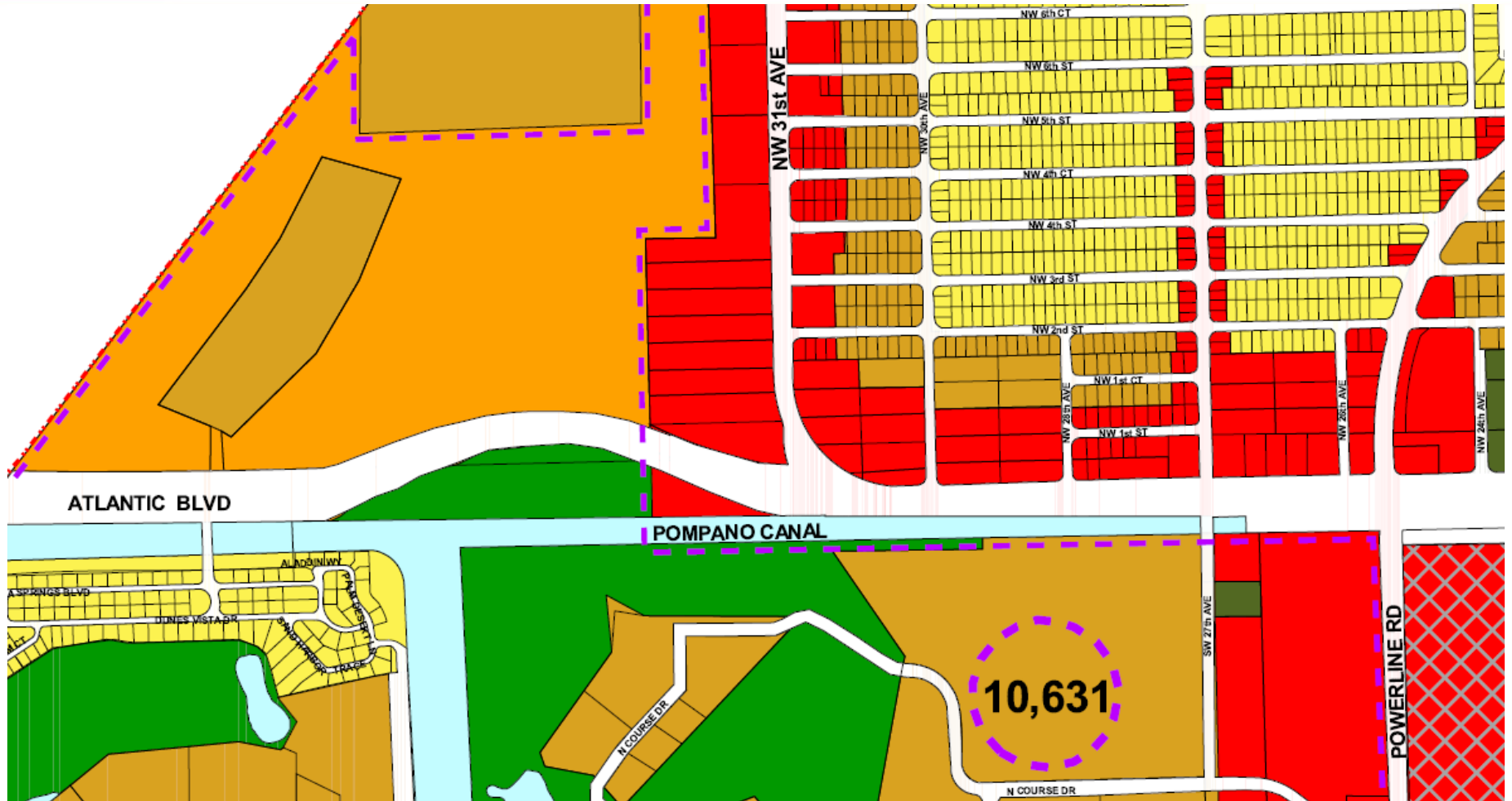
# General Location/Context Aerial





# Adjacent Land Use Map Designations

West: Atlantic Blvd/Turnpike  
South: Pompano Canal  
North: Atlantic Blvd/ Dashed Line  
East: Commercial





# City Only Land Use Plan Map and Text Amendment Change in Entitlements: Open Space/Recreation (OR) to Commercial Recreation (CR)

Current Land Use	Current Entitlements Per City Open Space Recreation (based on zoning) Intensity Standards	Proposed Entitlements by Applicant for Commercial Recreation Land Use	Net Change
Former golf course	117,873 SF	982,278 SF	+864,405 SF
<p>1,964,560 SF of commercial recreation use is allowed by the City's intensity standards assuming the 105' height could allow for 10 stories which increases the net change to 1,846,687 SF. The Applicant, however, is assuming all their needs can be met with the 982,278 square footage analyzed in the LUPA Application. A text amendment will be adopted to limit their development rights accordingly.</p>			

# Text Amendment in Future Land Use Element

## Future Land Use Element Land Use Plan Implementation Requirements

... 3.02 City zoning as to permitted uses and densities shall be in compliance with the City's Land Use Plan if the following requirements are met:

... **C. Commercial Recreation Land Use**

...

**(b) 3100 West Atlantic Boulevard Project**

The 3100 West Atlantic Boulevard project is located south of Atlantic Boulevard and north of the Pompano Canal, between the Florida Turnpike and NW 31st Avenue and is approximately 9.02 gross acres. The area encompassed by this project will be zoned in the Commercial Recreation (CR) zoning district and will be limited to the intensity below based on the impact analysis submitted for the land use plan amendment for the Commercial Recreation land use:

<u>Type of Use</u>	<u>Square footage</u>
<u>Commercial Recreation Land Uses</u>	<u>982,278 SF</u>

# NET CHANGE - IMPACT ANALYSIS

Infrastructure	Net Impact At Buildout
Water	+0.036 MGD
Sewer	+0.029 MGD
Solid Waste	+1,915 MGD
PM Peak Hour Trips	+48

The City and Waste Management have adequate capacity to serve this increase in public facility demand.



# Comprehensive Plan Goals, Objectives and Policies

## **Policy 01.01.02**

Review all proposals for development or redevelopment and base the approval of same on the continued maintenance of all adopted Level of Service Standards which may be adjusted over time to address the impacts of sea level rise and climate change.

## **Policy 01.01.11**

Require that all future land use map amendments ensure the availability of potable water supplies and water supply facilities, and reuse where available.

## **Policy 01.03.04**

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

## **Policy 01.03.11**

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

## **Policy 01.06.01**

Consider and minimize the impacts that land use amendments, rezonings or site plan approvals have on natural resources, including wetlands, and culturally, historically, archaeologically and paleontologically significant resources.

## **Policy 01.06.12**

Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient wastewater collection and treatment facilities, potable water resources available and if reuse water is available, require it be used, and that they pose no noxious impacts to the Biscayne Aquifer.

## **Policy 01.14.01**

The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

## City of Pompano Beach Local-Only LUPA Process

- Planning & Zoning Board                      July 27, 2022 (recommended approval)
- City Commission 1<sup>st</sup> Reading                September 13, 2022
- City Commission Second Reading        September 27, 2022
- DEO/BCPC Recertification                  October-November, 2022
- City Land Use Plan becomes effective after BCPC Recertification



Questions and Comments For Staff

Next: Applicant Presentation for Map and Text Amendment  
Then: Vote on Map Amendment

If approved: Staff presentation on text amendment  
Then: Questions and Comments for Staff and Applicant  
Last: Vote on Text Amendment

3100 W. Atlantic Boulevard Local-Only Land Use Plan Map and Text Amendment  
City Commission  
September 13, 2022

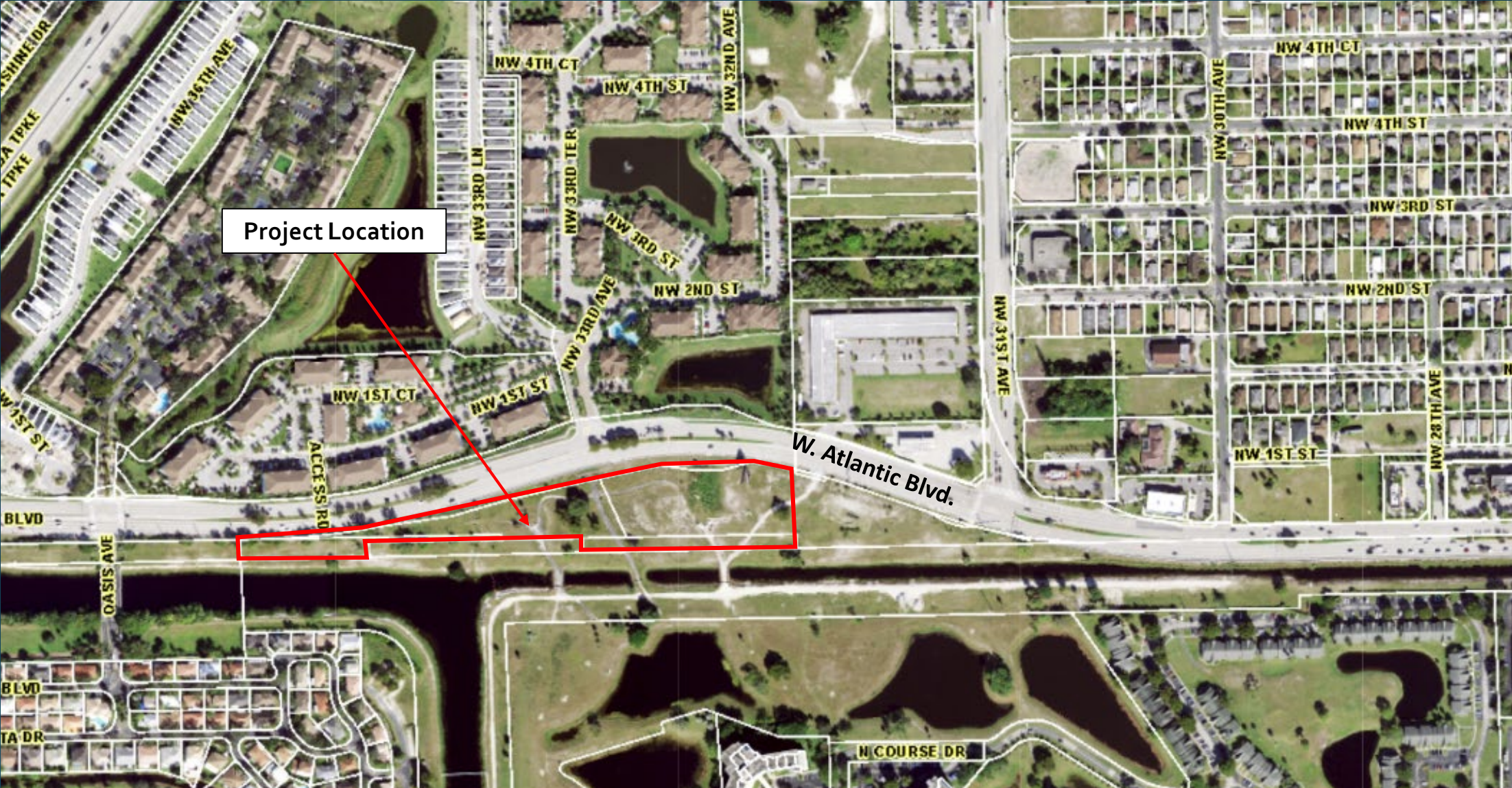


3100 W. Atlantic, Inc.  
3100 W. Atlantic Blvd.  
Land Use Plan Amendment  
& Rezoning

City of Pompano Beach  
City Commission Meeting  
September 13, 2022



# Project Location





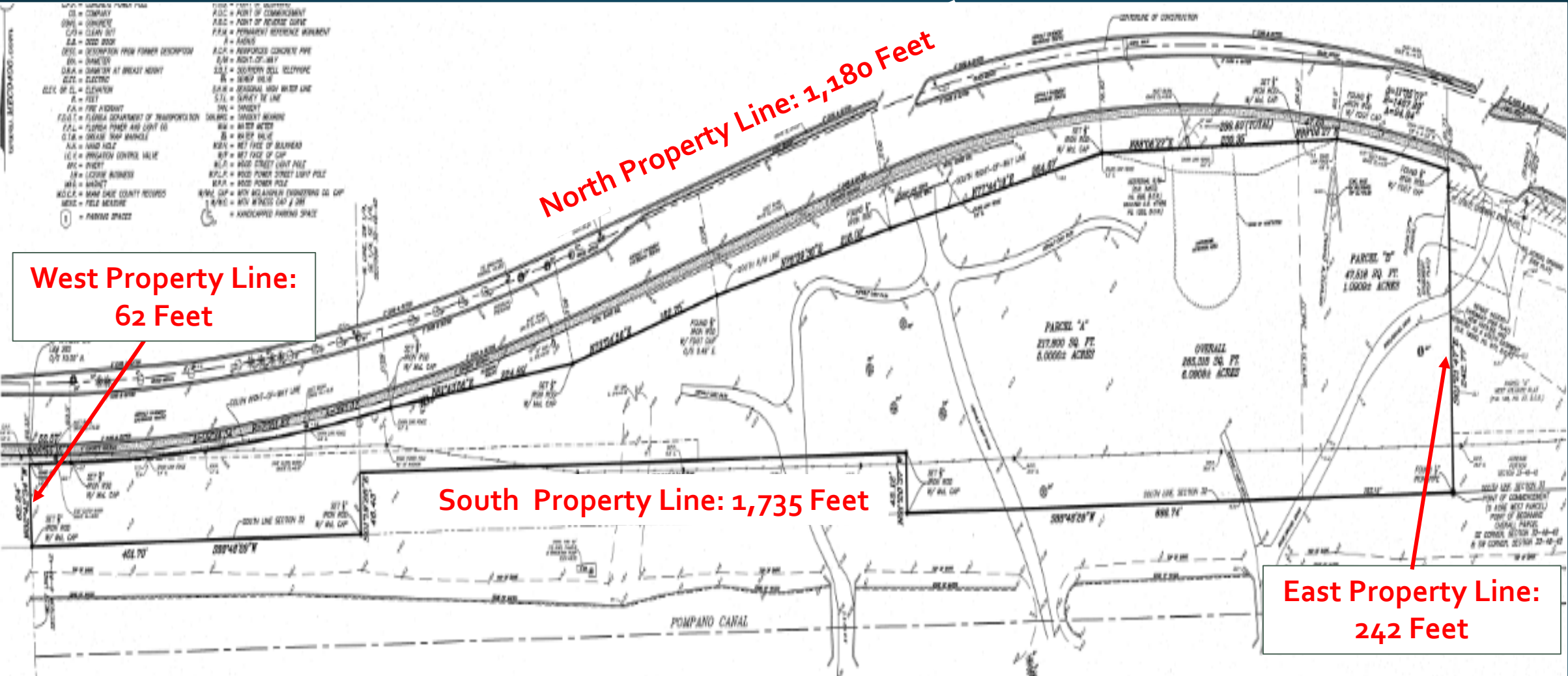
# Project Location



# Street Views from W. Atlantic Blvd.







- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>DA = COMPANY</li> <li>DB = COMPANY</li> <li>DC = COMPANY</li> <li>DD = COMPANY</li> <li>DE = COMPANY FROM FORMER DESCRIPTION</li> <li>DF = SMOOTHER</li> <li>DG = SMOOTHER AT BREAK IN HEIGHT</li> <li>DH = ELECTRIC</li> <li>DI = ELEVATION</li> <li>DJ = FEE</li> <li>DK = FIRE ALARM</li> <li>DL = FLORIDA DEPARTMENT OF TRANSPORTATION</li> <li>DM = FLORIDA POWER AND LIGHT CO.</li> <li>DN = DRAIN SWAMP MANHOLE</li> <li>DO = ROAD SIDE</li> <li>DP = PROVISION CONTROL MARK</li> <li>DQ = SHED</li> <li>DR = CONC. BUSINESS</li> <li>DS = MOUNTAIN</li> <li>DT = MAIN LINE COUNTY RECORDS</li> <li>DU = FIELD MEASURE</li> <li>DV = PARKING SPACE</li> </ul> | <ul style="list-style-type: none"> <li>EA = PART OF SURVEY</li> <li>EB = POINT OF COMMENCEMENT</li> <li>EC = POINT OF REVERSE CURVE</li> <li>ED = PERMANENT REFERENCE MARK</li> <li>EE = ANCHOR</li> <li>EF = REINFORCED CONCRETE PIPE</li> <li>EG = RIGHT-OF-WAY</li> <li>EH = SUSPENSION TELEPHONE</li> <li>EI = WADSWORTH</li> <li>EJ = SEASONAL HIGH WATER LINE</li> <li>EK = SURVEY RE LINE</li> <li>EL = SHED</li> <li>EM = SHED</li> <li>EN = SHED</li> <li>EO = SHED</li> <li>EP = SHED</li> <li>EQ = SHED</li> <li>ER = SHED</li> <li>ES = SHED</li> <li>ET = SHED</li> <li>EU = SHED</li> <li>EV = SHED</li> <li>EW = SHED</li> <li>EX = SHED</li> <li>EY = SHED</li> <li>EZ = SHED</li> </ul> |
|---|--|

**West Property Line:  
62 Feet**

**North Property Line: 1,180 Feet**

**South Property Line: 1,735 Feet**

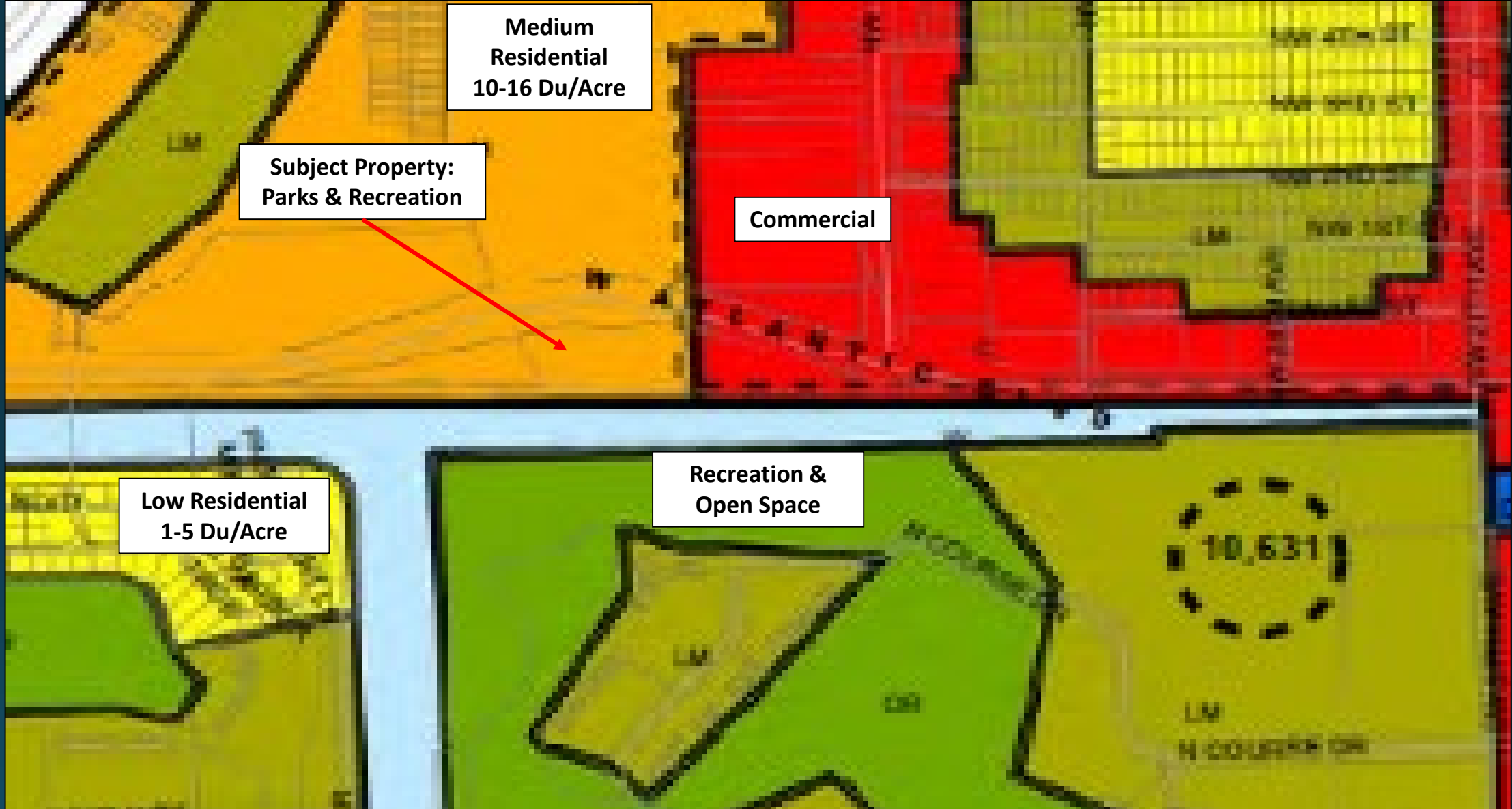
**East Property Line:  
242 Feet**

# Request

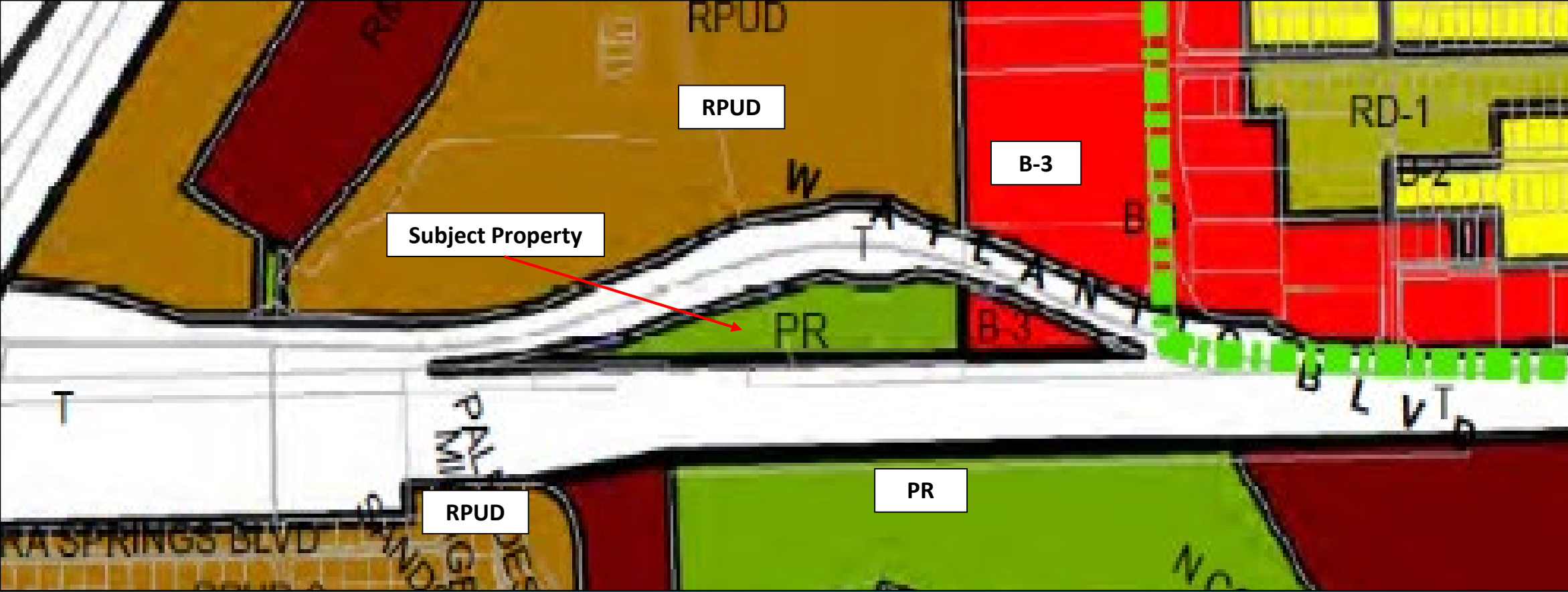
- To change the future land use and zoning designations on the Property from Parks & Recreation to Commercial Recreation to allow the future development of an indoor tennis facility with 8 tennis courts on the Property.



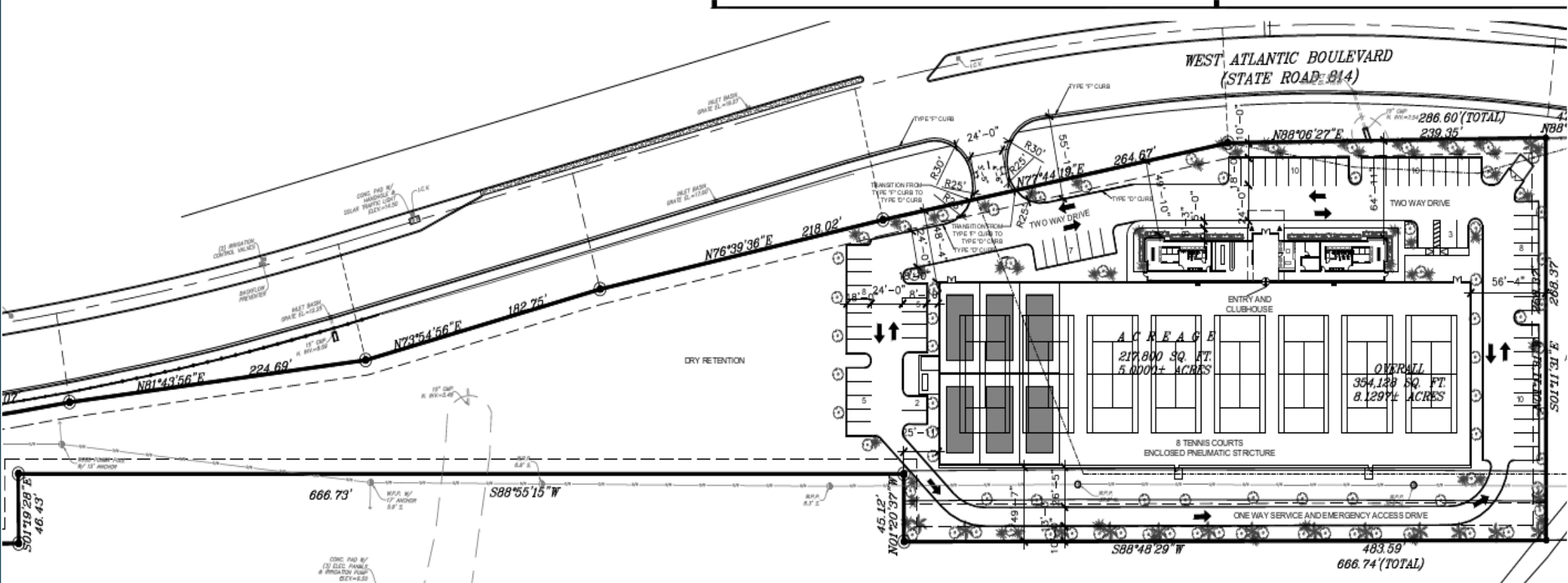
# Future Land Use Map



# Zoning Map



# Conceptual Site Plan



# Rezoning Criteria

- Per Section 155.2404 of the City Zoning Code, the City shall find that the Applicant has shown compliance with the following criteria for a rezoning request:
  - The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use category and any applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans.

# Questions?



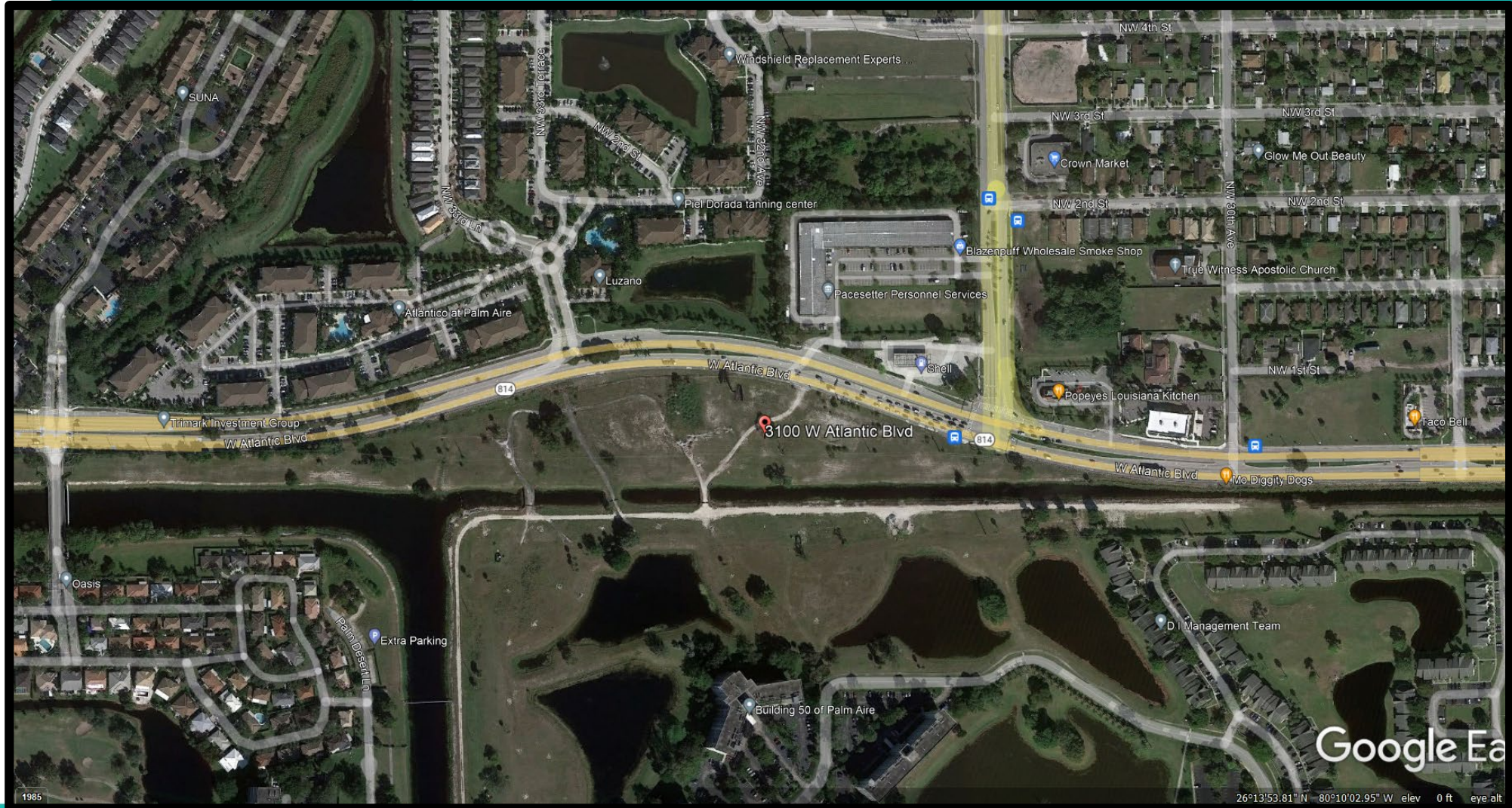


# 3100 W. Atlantic Blvd. Rezoning From Parks and Recreation (PR) to Commercial Recreation (CR) Zoning

September 13, 2022



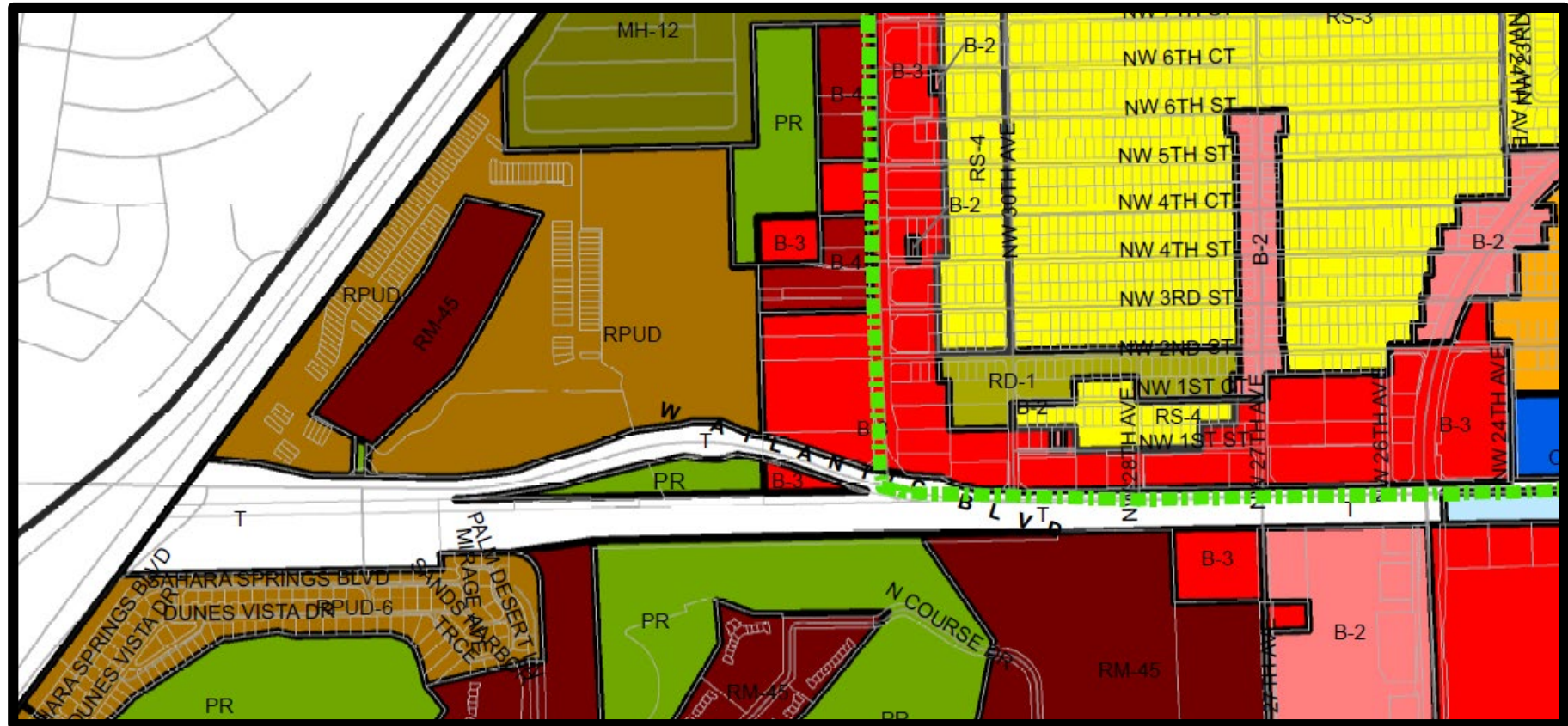
# General Location/Context Aerial





# Adjacent Zoning Map Designations

West: Atlantic Blvd/Turnpike  
 South: Pompano Canal  
 North: Atlantic Blvd/ RPUD  
 East: B-3





# Comprehensive Plan Goals, Objectives and Policies

## **Policy 01.01.02**

Review all proposals for development or redevelopment and base the approval of same on the continued maintenance of all adopted Level of Service Standards which may be adjusted over time to address the impacts of sea level rise and climate change.

## **Policy 01.01.11**

Require that all future land use map amendments ensure the availability of potable water supplies and water supply facilities, and reuse where available.

## **Policy 01.03.04**

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

## **Policy 01.03.11**

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

## **Policy 01.06.01**

Consider and minimize the impacts that land use amendments, rezonings or site plan approvals have on natural resources, including wetlands, and culturally, historically, archaeologically and paleontologically significant resources.

## **Policy 01.06.12**

Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient wastewater collection and treatment facilities, potable water resources available and if reuse water is available, require it be used, and that they pose no noxious impacts to the Biscayne Aquifer.

## **Policy 01.14.01**

The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

## City of Pompano Beach Rezoning Process

- |   |                                      |
|---|--------------------------------------|
| - Planning & Zoning Board                 | July 27, 2022 (recommended approval) |
| - City Commission 1 <sup>st</sup> Reading | September 13, 2022                   |
| - City Commission Second Reading          | September 27, 2022                   |
| - Rezoning becomes effective              | Upon BCPC Recertification of LUPA    |



# Questions and Comments For Staff

Next: Applicant Presentation

3100 W. Atlantic Boulevard Rezoning  
City Commission  
September 13, 2022