



# 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, July 13, 2021

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 of Chadbad of North Broward Beaches offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[21-695](#) City Commission Budget Workshop Minutes of June 22, 2021

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

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[21-694](#) City Commission Meeting Minutes of June 22, 2021

**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**

City Manager Greg Harrison requested that the City Commission postpone Item 7 until July 27, 2021 City Commission meeting.

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

#### **CONSENT AGENDA DISCUSSION**

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

There were no items requested to be pulled for City Commission discussion.

#### **A. PRESENTATION**

[21-611](#) Strategic Plan 2020-2025 and Action Agenda 2020-2021 Quarterly Progress Presentation.  
(Fiscal Impact: N/A)

**(Staff Contact:** Ernesto Reyes)

Ernesto Reyes, Strategic Performance Manager, stated the purpose of the presentation is to provide a general update on the progress of achieving the City's Strategic Planning strategies for the fiscal year. Specifically, the progress for the months of January, February and March for fiscal year 2021 Strategic Plan. He stated that to supplement his presentation, the City Commission backup includes a comprehensive analysis for all 241 strategic items in the current Strategic Plan, as well as the comprehensive analysis of the 107 active strategies and 44 active strategies in the fiscal years 2020 and 2019 Strategic Plan respectively. Attached as **Exhibit 1**, is the overhead presentation made by Mr. Reyes.

Mayor Hardin thanked Mr. Reyes for the update and work he has put into the Strategic Plan, as well as City Manager Greg Harrison's following through on the process. He said having milestones along the way such as the Strategic Plan layout, will allow the City to track its progress, and is truly a great tool to have for the City. A number of cities do not have this type of mechanism to assist to stay focused on what are the true goals.

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

**SPECIAL PRESENTATION**

Mayor Hardin stated that City Manager Harrison has been in the City Manager's business for over 20 years. He has been serving the City of Pompano Beach for over 7 years and for the past 4 years as the City Manager. He has been recognized and awarded the prestigious 2021 Public Administrator of the Year Award from the American Society of Public Administration South Florida Chapter. Mayor Hardin congratulated and thanked Mr. Harrison for this achievement. He said it is an honor for him, being the Mayor of the City, as well as the entire City Commission, to have somebody of Mr. Harrison's caliber working for the citizenry in Pompano Beach. Mr. Harrison sets a tremendous example for the City of Pompano Beach and the entire Broward County. He is currently serving as the President of the Broward County City Managers' Association and has guided the association of all Broward County Cities through this worldwide COVID-19 pandemic. There was a lot of extra time on his plate because not only did he have the City of Pompano Beach, but he also had to be involved with all the other Cities in Broward County. Arguably, the most unprecedented of challenges faced by all levels of government.

Continuing, Mayor Hardin mentioned that under Mr. Harrison's leadership, the Broward County City Managers' Association also partnered with the Broward League of Cities in leading a valiant effort in securing funding for the local communities. The partnership resulted in a shared plan whereby Broward County allocated a total of approximately \$102 million to the 31 Cities, thanks to Mr. Harrison's efforts. Mayor Hardin invited everybody to join him in recognizing Mr. Harrison and he presented him with a plaque, he said he could place it in his office for all to see.

Greg Harrison, City Manager stated that he is humbled by the award. He said it has been a long journey, especially since COVID-19. However, he said, "It is always nice to be recognized by your peers." Moreover, he could not have done any of this without his staff, who make him look good. He said he is only as good as they make him look, and thanked everybody.

Mayor Hardin reiterated his congratulations and stated that this is truly an accomplishment and thanked Mr. Harrison for his service to the City of Pompano Beach.

**B. AUDIENCE TO BE HEARD**

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

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

**The following persons spoke:**

**The Secret of Sailfish Canal Packet - Pat Russell Anderson, Pompano Beach, FL**, stated that she has been before the City Commission many times for approximately 4 years. She mentioned that just last month it has come out quite clearly about rebuilding an unauthorized structure at 2640 NE 24th Street, Pompano Beach, which is next door to her residence. This is regarding the case of Nunez vs. Harrison to be set for jury trial May 2, 2022. She mentioned that she will be leaving a packet with the City Clerk called, "The Secret of Sailfish Canal."

Continuing, Ms. Anderson stated that the unauthorized structure at 2640 NE 24th Street, 33064 is in Pompano Beach not in Lighthouse Point. It is not a seawall and a dock, it is a building in Sailfish Canal un-permitted with no code inspections. She mentioned that it has been in deposition to the Florida Department of Environmental Protection (FDEP), File No.: 06-359650-001-002-EE, File Name: Dunn, via e-mail to agent: [Mitchell@qualmannmarine.com](mailto:Mitchell@qualmannmarine.com) <<mailto:Mitchell@qualmannmarine.com>>

For the record, Ms. Anderson stated that all public records in the packet have been sent to each one of the 50 residents with waterfront residential home sites - friends and neighbors on Sailfish Canal with property values from \$2.7 million to \$840,000, with yearly property taxes of \$30,000 down to \$8,000. In addition, Hillsboro Inlet maintains district taxes for these 50 homesites. She mentioned that there are 10 storyboards which include Broward Sheriff's Office (BSO) Smash Damage, Broward County Property Appraiser (BCPA), Catastrophic Damage, and ZBA video Neighbors - Dan Yaffe and James E. Saunders, III against opaque fence over the seawall at 2640 NE 24th Street.

Ms. Anderson indicated that code must be complied and Pompano Beach code does not need to be changed - just enforce what is in place. She requested that the City open all the E-Plans and E-Code inspections for FDEP. She mentioned that the State Attorney General, Ashley Moody, has a team working with her - Rebuild Irene Dunn-Joseph Janusz original land dimensions, return the cul-de-sac at Sailfish Canal to the dimensions of original footprint allowance of 12" to 18." It is documented not 7" or 10" or 18" it is 10' into their waterway and has ruined their turning basin.

**Sea Weed Issues** - Paul Livingway, 812 North Ocean Boulevard, Pompano Beach, FL, stated that the City attracts a lot of visitors because of the beach. He lives directly on the beach and he complained that when the high tides come up because the basic beach is flat, when you get to the water's edge there is a down slope. He mentioned that Beach Raker has been cleaning the beach on the down slope, but during the high tide/king tide/moon tide the sea weeds wash up on the flat part of the surface and Beach Raker has not been cleaning it up for several weeks and months. As more of these tides come in, this will accumulate, it looks messy and it should require some explanation from them. He recalled they used to clean up all of it. Therefore, he requested that the Commission look into this matter, especially Comr. McGee.

Mayor Hardin requested City Manager Harrison to look into the sea weed situation with Beach Raker.

**McNab Road and Overpass** - Mr. Livingway stated that he knows that the City Commission plans to raise the bridge to a new height. However, in the late 1990's there was a move to put McNab Road over the railroad tracks. In the meantime, Fort Lauderdale had widened SW 62nd Avenue from SW 18th Street, to

increase the traffic flow. Former Comr. McGinn at that time, along with someone else, had raised enough awareness to prevent the extension of McNab Road over the railroad tracks. However, the downtown traffic is being increased, which he likes what is being done, but they need a relief that goes east and west, and McNab is the only one. In sum, he desires to see the City with two lanes going east and two going west with the center turn lane from Federal Highway to the bridge, and then extended on over the railroad tracks. This would relieve traffic on Atlantic Boulevard, which will get worse as the proposed projects increases.

**Community Issues** - Jocelyn Jackson, Pompano Beach, FL, commended the kids present in the Chamber for doing an awesome job and they are well mannered.

Continuing, Ms. Jackson complained that they are still struggling with the slum and blight situation in the Northwest District with the trash all over the place. People are standing around and there is the homeless issue, which needs to be addressed. She concluded that since all the development that has been taking place they seem to have lost track, which is a problem. She requested that the City Manager take another ride around the City. The Northwest side is unattractive, however, on the east side, which is the beach side it is beautiful and she likes it.

**Transportation for Schools** - Ms. Jackson stated that the City should be able to provide transportation to the schools to allow the children to have field trips to the Ely Museum.

**Conduct of behavior at meetings** - Ms. Jackson asked if any of the Commission members were aware of any of their constituents, during a meeting, appeared to be under the influence of some type of illegal substance, whether it is alcohol or some type of drug during the time of presiding. She wanted to know if anyone was aware of this. She said she has looked at the videos and has a concern. She asked what does the Commission have in place to assist the respective constituents if they recognize there is an issue with them. Whether it is mentally, physically or perhaps they may have been on medication. If there are no provisions, then the Commission should look into this matter.

**Memorial Day Celebrations** - E. Wegman, Pompano Beach, FL, distributed copies of pictures taken to each member of the City Commission and asked each one to identify where they were in the picture. Comr. McGee responded that the picture is a virtual background, Comr. Eaton responded she was in her office in City Hall. Vice Mayor Perkins responded that this was in her office in City Hall and Comr. Floyd responded that was in her office at City Hall as well. Mayor Hardin responded that it was his office on the 4th Floor and Comr. McMahan responded that was in his office in City Hall. Ms. Wegman commented that the pictures were all so colorful.

Continuing, Ms. Wegman distributed a copy of an Order of Ceremonies for Memorial Day Celebration in Fort Lauderdale. She indicated that the City needs to put some funds together and have a nice celebration for Memorial Day similar to what the City of Fort Lauderdale had this year. She recalled that approximately 10 years ago the City of Pompano Beach used to have nice celebrations, however, the organizers have retired and it has dwindled to a "puny thing." She suggested activities such as dove releases, which most of the stuff is in the City. As well as musical entertainment, which there are several people to include Commissioners who could contribute. In sum, she urged the City Commission to consider doing a very nice Memorial Day Celebration.

Mayor Hardin indicated that due to the COVID situation things were a bit off key. However, he has spoken with City Manager Greg Harrison and Sandra King regarding the City taking a more active role in organizing the Memorial Day activities. Ms. Wegman offered to assist with the planning along with Carolyn Mann from Unity in the Community.

**Youth Under Construction Youth Center Issues with Code Violations** - Delvin King, 178 N, Powerline Road, Pompano Beach, FL, introduced his students who accompanied him to attend the meeting. He stated that he is the Executive Director and Principal of Youth Under Construction Youth Center. He mentioned that there have been some issues regarding the Center's business tax receipt and the shooting that took place at the school. After conducting his own investigation, he found out that there were some people lying, which he wanted to address. He alleged that Ms. Tracey Lyons, Assistant City Attorney stated to him that she had no connection with speaking to his landlord and the landlord's attorney. He has attempted to evict him but nothing happened and Ms. Lyons had indicated she had nothing to do with the situation. However, he has e-mails that indicated communication between her and his landlord's attorney. In addition, he alleged that Mario Sotolongo, Code Compliance Manager has also been working with the attorney by sending documents to him that were not true. BSO had indicated at first that they came to the school and there was alcohol being served. However, another Deputy's e-mail saying, "Thanks Mike, was there alcohol being served?" He then responded that he had to check his body worn camera, and when he rechecked it, he had entered the business, and there were things being cleaned up but he did not observe any alcohol bottles. However, he had stated to his landlord's attorney that there were alcohol bottles and all types of things going on in the school.

Continuing, Mr. King mentioned that the students he brought to the meeting are one third of the students that he teaches, who no one wants to work with them after they have been "kicked out of schools" such as Blanche Ely, Coconut Creek, Deerfield Beach and Dillard. So, he works with the children to make a change. Consequently, he has to work with the drug addicts and dealers. Therefore, he said instead of putting effort to shut down his school, it should be directed to stopping the shooting and putting more funding and programs into places such as his Youth Under Construction, Moreland Academy, and Children in the Spirit. He indicated that he works in the City of Pompano Beach, but while he may go off sometimes on Facebook, his work speaks for him. He has gotten some people graduated and some who went far. Furthermore, he has donated to Blanche Ely High and have sat on their Committee as well as he works with the School Board. He asked the Commission to "please tell them to take their foot off my neck."

Vice Mayor Perkins asked who is actually trying to shut down his school.

Mr. King responded Tracey Lyons, from the City Attorney's office, who is trying to shut him down with false reports. Also, he has seen e-mails that contradict each other with BSO saying one thing and the e-mails saying another thing. Nobody answer the phones, and when he comes into the Chamber, they want to remove him from the Code Compliance hearing. He alleged that the City changed the Code Compliance hearing 8 times and wanted to know why this was done.

Vice Mayor Perkins asked if he contacted the City Manager to discuss his issues.

Mr. King responded that he called Mr. Harrison, but he did not return his call.

Mark Berman, City Attorney stated that he had a meeting with Mr. King, which he responded that is correct.

Further, Mr. Berman told him he would get him the information and that he would call him back, which he did and they had a very nice conversation the next day, which Mr. King confirmed they did. Mr. Berman indicated that they told Mr. King that the violations were in compliance, so they are not trying to shut him down. In fact, any Code Enforcement violation on a property is cited against the property owner. Therefore, what his landlord is doing, it is between he and his landlord. As far as he knows, there is a case against Mr. King. However, he does have a penchant for acting, then getting approvals after taking action.

Mr. King clarified that he did put in his zoning use certificate and everything he needed and the City “lied and said, Oh that was never a school,” but when he pulled public records it was a school before. So the City has put him through a loophole.

Mr. Berman reiterated that no one is trying to shut him down, they are just ensuring that it is safe for the kids and to make sure what is going on at the facility is in the children’s best interest. Any violations have been cited, and will be taken care of at which time he will have an opportunity to participate. The situation has already happened and there are no further efforts as far as he knows regarding the matter. Therefore, the City is no longer involved.

**Back to School Funding** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, inquired what is the City doing for the kids going back to school. He wanted to know if they had started talking to the Henry Crockett Foundation. He said it is serious as the parents are going to blow through their reserves. He asked, if the City is doing anything with the back to school effort.

Mayor Hardin responded yes. City Manager Harrison and Assistant City Manager Bosworth are involved with back to school efforts, funding, and things of that nature. However, he does not have details on this and was unsure if Mr. Crockett was contacted. Nevertheless, he would contact Mr. Crockett directly if that would assist.

**Mental Health** - Mr. Thrower mentioned that as the transition begins to get the children back to school, there are a number of kids that go through the Little League Football team and so forth. He inquired if the City could look into partnering with some type of agency to ensure that the kids are getting their mental health needs met. He stated that the pandemic has taken a toll on the families and the children. Sometimes they do need that extra support. In the past, the guidance counselors were the mental health team for the kids, but it is not that way currently. Guidance counselors just do basic stuff to assist with school relocation and testings. Nevertheless, mental health is a serious issue that is running rampant in the communities. He encouraged and asked the Commission, through the Parks and Recreation Department, to look at how the City could team up with some other agencies to look at the mental health assistance for the kids.

Mayor Hardin agreed that is a great idea.

**Black Art Programs** - Saracha Peterson, resident of the City of Deerfield Beach, stated that it is good to see everyone and this is her first meeting since the pandemic and hope all is well with everyone and their families. She stated that she always approaches the Commission regarding the equity for Black residents in Pompano Beach. Her stance has always been that the arts is not being distributed equally amongst the City. There is a need to put more into the arts, as this has been a way to sustain a lot of people during the pandemic, such as the music being listened to, the movies watched, the ways to relax and to get your mental health where it needs

to be. There needs to be a priority put into maintaining black history and culture. There was a resolution done after the George Floyd killing stating that "We have zero tolerance, and this is done to make equality, and that black lives matter, and all lives matter." She mentioned that the arts matter, and they should be distributed equally but this is not being done. She said she has done countless hours of community service for free with the arts within the City, but she has gone outside the City and received more resources and more help from municipalities that want her services and are paying her for it. Although she had lived in this City, she could not even get in the door of the City of Pompano Beach. She wants to bring stuff to the City of Pompano Beach, so she wants to challenge the City to work more with the black artists and people within the community to bring more art that is cultural significant to the black people. In sum, she would like to see more conversations about how the arts can get more to the youths and how to help get the arts more accessible to the communities. She is willing to work with the City, but it has to be a two-way street. She looks forward to working with the City in the near future.

Mayor Hardin agreed that arts have been toned down during the pandemic and it is time to have a renewed focus on the City arts.

Vice Mayor Perkins agreed with Ms. Peterson that there is quite a bit of talent in the City of Pompano Beach, which is not being utilized, instead a lot is done with the outside and not with the artists inside of Pompano Beach. Therefore, this is something that must be looked into.

### **C. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 1-6, and 8-12, without City Commission discussion.

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

1. [21-684](#) Approve ranking order for RFP P-03-21 Debt Collection Services and authorize staff to negotiate a contract with the highest ranked firm, Transworld Systems, Inc.  
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

**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. [21-678](#) Approve ranking order for RFP P-18-21 Construction Services for Pier Street West and authorize staff to negotiate a contract with the highest ranked firm, MBR Construction, Inc.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)



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**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. [21-679](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING A PERPETUAL EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2021-243**

4. [21-606](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN AN AMOUNT NOT TO EXCEED \$399,122.47 FOR THE LYONS PARK PROJECT, PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND R. J. BEHAR & COMPANY, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$399,122.47)

(Staff Contact: Tammy Good/Matthew Kudrna)

**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. 2021-244**

5. [21-660](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY'S 2021-2022 CDBG/HOME ANNUAL ACTION PLAN FUNDING RECOMMENDATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Grant Revenue- CDBG-\$1,065,438 & HOME-\$452,747)

(Staff Contact: Miriam Carrillo/Alex Goldstein)

**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. 2021-245**

6. [21-683](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY'S 2021-2022 ANNUAL ACTION PLAN AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE LOCAL GOVERNMENT CERTIFICATIONS, SPECIFIC CDBG CERTIFICATIONS, OPTIONAL CERTIFICATION CDBG, SPECIFIC HOME CERTIFICATIONS AND APPENDIX TO CERTIFICATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Grant Revenue- CDBG \$1,065,438 & HOME \$452,747)

(Staff Contact: Miriam Carrillo/Alex Goldstein)

**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. 2021-246**

7. [21-674](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HANSA AND GIRISH PATEL TO PROVIDE PARKING AT SE 2nd STREET ON BRINY AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 50/50 Revenue split)

(Staff Contact: (Jeff Lantz)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until July 27, 2021, City Commission Meeting. The motion carried unanimously.**

8. [21-671](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF THE MEMORANDUM OF UNDERSTANDING FOR DISPOSAL OF HURRICANE DEBRIS BETWEEN THE CITY OF POMPANO BEACH AND WASTE MANAGEMENT INC. OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchem)

**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. 2021-247**

9. [21-649](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, EXPRESSING ITS SUPPORT OF THE BROWARD COUNTY AUDIT OF THE ANIMAL CARE AND ADOPTION DIVISION, REPORT NO. 21-05, DATED DECEMBER 16, 2020; PROVIDING FOR ITS SUPPORT OF THE IMPLEMENTATION OF GUIDELINES AND BEST PRACTICES BY THE ANIMAL CARE AND ADOPTION DIVISION WITH THE GOAL OF PROVIDING BETTER CARE FOR THE DOGS AND CATS MAINTAINED AT THE SHELTER; 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. 2021-248**

10. [21-659](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE ACTION OF THE FORT LAUDERDALE CITY COMMISSION TO MEMORIALIZE AND HONOR RUBIN STACY BY AND THROUGH ITS DESIGNATION OF A ROADWAY PORTION IN HIS NAME; 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. 2021-249**

11. [21-681](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING THE PURDUE PHARMA, L.P. BANKRUPTCY PLAN; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL REQUIRED ACTIONS WITH REGARD TO SUCH APPROVAL; 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. 2021-250**

12. [21-667](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING TUNDRA M. KING TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**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. 2021-251**

#### **D. REGULAR AGENDA**

##### **QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that Items 13 through 15 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

#### **13. 21-595 P.H. 2021-80: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHWEST CORNER OF N. OCEAN BLVD. AND NE 7TH COURT COMMONLY KNOWN AS 723 N. OCEAN BLVD. FROM RM-20 (MULTIPLE-FAMILY RESIDENCE 20) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 22, 2021**

(Staff Contact: Daniel Keester/David Recor)

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated it is an application for a rezoning. This is the Second Reading of the proposed ordinance for rezoning. There have been no changes since the First Reading.

Paola West, Senior Land Planner, Plan West, 10152 Indiantown Road, Unit 159, Jupiter, FL, stated that they do not have any further information to add.

There was no public input on the item.

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

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

**Enactment No: ORD. No. 2021-76**

14. [21-644](#) 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 POMPANO BEACH RESIDENCES 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 it is a request for a Plat Note Amendment for the Plat associated with 723 North Ocean Boulevard. The Plat Note is being changed from 9 townhouse units on Parcel B to 12 garden apartments on Parcel B. This request is being processed concurrently with the rezoning request which was the previous item on the agenda.

Paola West, Senior Land Planner, Plan West, 10152 Indiantown Road, Unit 159, Jupiter, FL, stated that they did not have any further comment to add.

There was no public input on the item.

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

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

**Enactment No: RES. No. 2021-252**

15. [21-643](#) **P.H. 2021-85: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING IN LAKE SANTA BARBARA LOCATED AT 300 AND 400 CIRCLE DRIVE, FROM SINGLE-FAMILY RESIDENCE 1 (RS-1) TO SINGLE-FAMILY RESIDENCE 2 (RS-2); 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 the request on the item is to rezone 2 of the 6 lots on the island in Lake Santa Barbara, which is also called Lettuce Lake, from RS-1 (Single-Family Residence 1) to RS-2 (Single-Family Residence 2), to allow for the lots to split into 4 lots and allow for single-family homes. The current RS-1 zoning would allow 3 units by right. The existing Land Use does provide the entitlements for the rezoning. The land use is low 1-5 and allows up to 5 units per acre. Although the property has approximately 1 acre which they could get 5 units by right, the lot with RS-2 would limit it to 4 lots because they would not be able to get the width on 5 lots.

Continuing, Ms. Dolan provided the difference between the RS-1 and RS-2 lots. Attached is **Exhibit 2**, which is Ms. Dolan's overhead presentation.

Mayor Hardin declared that he has had exparte communications with both the owner and the owner's representatives on this project numerous times. He has also spoken with various members of staff about the matter.

Comr. McMahon declared that he has also had conversations with the property owner, the applicant and staff working with it.

Comr. Eaton declared that she has had communications with the applicant's representative regarding their reason for requesting the zoning change and what their general objective was in redeveloping.

Comr. Floyd declared that she has had communications with the applicant's representative to get clarity on the reason for the zoning change.

Comr. McGee declared that she has had exparte communications with the applicant and their representation about the general idea of what they are going for in this rezoning request. Also, she had a phone call with Mr. Riley.

Vice Mayor Perkins declared that she has had exparte communications and met with the applicant regarding the rezoning of the item on the agenda.

Dodie Keith and Michael Vonder Meulen, Keith, 301 East Atlantic Boulevard, Pompano Beach FL, representing the property owners, indicated that they have been sworn in. Ms. Keith stated that she will provide an introduction after which Mr. Vonder Meulen will make his presentation. Ms. Keith mentioned that the presentation went a little different from how she thought they were going to go. The discussion is about two houses. Ms. Keith stated they are building houses on the waterways every day in the City of Pompano Beach. They are also building big buildings everywhere on the waterways and there is a need to be concerned about sea level rise. However, she reminded the Commission that she represents the Russo family, who have been residents in the City for over 36 years. They have been engaged in the community and in the little league sports. She then provided a brief background history on Mr. Russo's developing activities in building estate homes dating back to the 1990's. The proposed homes he plans to build will meet all the City's codes, as well as the new codes. They are in the process of raising the seawall caps and they are already complying with codes that are not yet in place. In sum, this project will be an asset to the community and enhance the community in that area.

Michael Vonder Meulen, Keith, 301 East Atlantic Boulevard, Pompano Beach, FL, made a presentation of the Santa Barbara Isle rezoning, at lots 300 and 400 Circle Drive. The rezoning will be from RS-1 to RS-2 and this was recommended by the Planning and Zoning Board on June 23, 2021. Mr. Vonder Meulen indicated that they believe that the application is consistent, and compatible with the permitted densities that are in the future land use plan, which staff has confirmed. The application is also consistent and compatible with the goals, objectives and policies of the Comprehensive Plan.

Continuing, Mr. Vonder Meulen provided another visual of the site context, along with a close up of the Santa Barbara Isle. In addition, he displayed an aerial of Federal Highway and the intercoastal waterway as well as Lake Santa Barbara. He showed the subject area as highlighted in his presentation with a eastward view and then the other direction westward. He provided details on how they arrived at a rezoning application. Initially, there was going to be just a minor adjustment to a couple of the lot sizes. The Applicant and his firm had done a lot of research into the project. In reviewing the Broward County Property Appraiser's information, the lots appeared to be much larger than what was actually existing when they received the updated surveys. After receipt of the updated survey there was about a 13% to 16% decrease in the actual lot sizes that are existing. Essentially, they had two lots that they could split into RS-1. However, when the surveys came in they fell below the threshold and consequently the rezoning was necessary.

Mr. Vonder Meulen pointed out that with the size of the property, 5 units are allowed by the Land Use. By the rezoning standards, for the RS-2 there will be 3 permitted, with RS-2 there will be 4 permitted and RS-1 there will be 3 permitted. Mr. Vonder Meulen stated that in their analysis they were looking more at the consistency and distance the similar developments around Lake Santa Barbara. Furthermore, the 2 lots front Lake Santa Barbara, as well as all of the single-family's homes along the north and south of Lake Santa Barbara. All these

properties are zoned RS-2, as well as all single-family homes along the intercoastal waterway. Therefore, they believe that this rezoning is consistent. He then addressed the issue on climate change. They are concerned with this as well. The buildings will be designed and meet the codes that will require the property to be lifted and reach the proper finished floor elevation. The applicant is already in the process and has received building permits to raise both seawalls as required by code.

Continuing, Mr. Vonder Meulen mentioned that they have a community outreach meeting on June 10, 2021, and they also received letters of support from 100 Circle Drive, 200 Circle Drive and 600 Circle Drive, which is made part of the backup material. In sum, Mr. Vonder Meulen stated that they believe that the application is consistent with the permitted density of low 5 in the Future Land Use Map. They also believe that the application is consistent with the goals, objectives and policies in the Comprehensive Plan.

Ms. Keith added that the Commission heard comments on the RS-2 category allowing for 7,000 square foot lots, but they are in no way near this amount. All 4 of the lots will be in excess of 10,000 square feet and they would be at the 12,000 feet had there not been an error at the Broward County Property Appraiser's Office. They are not building small lots and small houses. The houses being proposed to be built will be either equal to or larger than those houses existing on the other 4 lots on the peninsula area. She noted that she objects to the statement made earlier that they declined providing information to staff, because they would never decline. They do not have plans for the house, which they cannot provide a concept of the house rather it is to be designed. This is a single-family house not a development of a multi-family, which requires a site plan and design to show. No design exists for those houses, so they did not decline to prove this. Each home will be a custom-built home with its own design, look and feel. However, they did agree to meet the current standards and the new standards that will come forward. With regard to the drainage issue, the drainage actually just came to light last week. They were not aware of the drainage pipe and its condition. So, they did not decline to assist with the pipe or do anything with it. The challenge with the pipe, as they have researched and found it is a non-permitted pipe through any of the agencies. As engineers they cannot recommend to their client to do anything with the pipe as it must be handled in a different manner. They have no problem partnering with the City in finding solutions to this pipe. However, indicating that the property owner would be responsible for fixing a pipe installed many years ago that is not permitted and does not meet any design standard of today, they cannot take that responsibility. The peninsula does not flood.

In sum, Ms. Keith indicated that they are excited to be appearing before the City Commission regarding the project and the improvement they are looking to make. As indicated earlier, they had unanimous support from the people who came to the community outreach, as well as 3 of the other 4 owners have signed letters of support.

Steve Riley, 500 Circle Drive, Pompano Beach, FL, stated he has lived at this address for the past 26 years and is quite happy there. Unfortunately, this may be coming to an end. He stated that he wrote two letters and he hope they were provided to the Commission in their backup. The first letter was addressed to the Planning and Zoning Board and the other is to the City Commission Board. He briefly described his position on the plans for rezoning. He said there are 6 single-family homes on the property and now they want to sub-divide the 2 into 4. This would not change the nature density design in the entire City, but it would change the desirability of Circle Drive. He heard rumors about the project coming and the plan to subdivide into 4, which he was opposed to and did not think much of it until a sign was posted on the vacant lot to call the City. He did



speak to Maggie Braszewski, who was very helpful and provided him with documents so he could get background information. In sum, after reviewing staff's report most of their concerns mirrored his concerns. Notwithstanding, due to the location of his property being next to the subject property he will be most impacted by the changes. He then displayed a initial picture of the island on the overhead which depicted a unique neighborhood with only 6 houses. However, adding 2 more houses would not change the other surrounding neighborhoods, but to add 2 houses to Circle Drive would change it drastically.

Mr. Riley urged the City Commission to keep this peninsula unique in nature like it was for over the past 26 years or more. Overall, he believes this should be rejected in its entirety, and if not, it should be rejected where it has to be proposed as a rezoning of the entire island.

Comr. McGee inquired about the 2019 Plan and when will the City get that implemented.

Ms. Dolan responded that it is not up to the City but it is up to FEMA. Due to the COVID situation, FEMA is behind. Normally, these would have been adopted by now.

In response to Comr. McGee's question on the updates of the City's Code and its relationship with the FEMA changes to come, Ms. Dolan responded that the seawall is separate from the whole drainage discussion because the drainage is in the street. The seawall is a separate conversation as the County passes those regulations and the City must be compliant with them by March 2022. The Marine Advisory Board is working on that ordinance. The Stormwater ordinance for a single-family home design to accommodate these shifts up in elevation, is something the City is now grappling with.

Comr. McGee mentioned if the City could get a jump start on its code in this regard, then staff should be looking into that and start moving forward on that part of it. Comr. McGee referred to the specific lot and the storm drain situation that was identified. She asked if that is ideally where this would be located, or would it ideally be on the peninsula side to help with moving sediment out of the way.

Ms. Dolan provided a detailed explanation on the issues that only recently were identified on the peninsula. Overall, she stated that the timing of this construction is not good in terms of the City catching up to doing the design work.

Mayor Hardin stated that anything new that gets built on the property will be a benefit to resilience as opposed to what is there currently, and asked if that is an accurate statement.

Ms. Dolan responded that if they build them to the 2019 height standard, which Ms. Keith indicated that they will. She explained that the 2014 standard is the current standard which is the same, 5 NABD.

Ms. Dolan explained the circumstances surrounding the outfall they discovered and the discussions they had with the applicant.

Mayor Hardin understands the complication of these type of issues, which take a lot of time to work out. However, if there is a willing person on the other side it would make it easier, and wondered if there is a willing person at this point in time.

Ms. Keith pointed out that they are willing to have conversations to assist. As indicated earlier to staff, because it is unpermitted they could not commit because they do not know what the County will require. She reiterated that they do not have any plans or architectural drawings yet and will not be going to construction right away. This is just a rezoning request, then they will begin design if the City has the time to review the pipe situation in the next six months or they could assist the City to figure how to replace the pipe and where it should be and the cost. This is independent from zoning. In addition, Ms. Keith stated that the seawall caps are being raised currently. They are going up 2 feet from the original height and they are all going to the 2019 standard. This means the finished floor is going up and it will not be built below the cap.

Greg Harrison, City Manager indicated that the County in this situation is the responsible party for the water quality standards. The County would trump the City in a situation like this. The City is not in the driver's seat in this business. In sum, he does not think this is fair to hold up this transaction for the applicant because the City is not where it should be on these standards.

Mayor Hardin understands staff presentation is to deny this request but Mr. Harrison is taking the position that he does not believe this should be held up. He agrees that the City should jump on the opportunity presented in this situation, and work with somebody who is actually redeveloping the property.

Mayor Hardin stated the RS-1 was a standard that somebody came up with when they created the zoning codes in the 1970's and asked who created the City's RS-1 zoning code because it did not exist until the 1970's. In addition, Mr. Riley made some comments about his concerns of zero lot line, building height, and some other things. In the RS-2 they cannot do zero lot line and still do 3 story for residential construction.

Ms. Dolan responded a 7 ½ foot side setback is required and the 35 feet is the same height for every single-family district.

Comr. Eaton asked what is the setback for the RS-1.

Ms. Dolan responded that the RS-1 has a 35-foot setback and the RS-2 has a 25-foot setback in the front. The side yard setbacks are 10 feet on the RS-1 and 7 ½ feet on the RS-2.

Comr. Eaton asked if they addressed the Future Land Use Map of the Comprehensive Plan.

Mr. Vonder Meulen responded that the Future Land Use Map shows the area being low 5, which is the least dense residential Land Use category in the City of Pompano Beach.

Comr. Eaton inquired about the fencing and the height of the fence compared to the neighboring properties. She understands Mr. Riley's concern regarding his view being impacted. Comr. Eaton indicated that she wanted to understand how the City does process rebuild and how it will address resiliency going forward. Also, she does not believe the City's code matches what is needed to be done with the height elevation, which is an arbitrary height being measured for a building. In sum, she does not see the reason the City Commission should deny this zoning.

Vice Mayor Perkins mentioned that the applicant is only proposing to rezone property and she has never seen an applicant go through such detail. She believes the only thing that needs to work out with this situation is the easement for drainage.

Comr. McMahon stated he believes this is a great project and it will bring great value to the City. He agrees with Vice Mayor Perkins and is a little concerned on how long the presentation was and some things that are not facts but opinions being brought into this. He fully supports the project, which will be a good development for the City.

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

**END OF QUASI-JUDICIAL PROCEEDING**

16. [21-696](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, NAMING DAN HOBBY HONORARY CITY HISTORIAN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Meeting Reconvened

Greg Harrison, City Manager, presented the item and stated that Hazel Armbrister, passed away. She was the City's official historian and after he visited with a few people including the members of the Historical Society, they highly recommended Dan Hobby for the position. The proposed Resolution has all of Mr. Hobby's experience, background and qualifications. Therefore, he recommended that the City Commission authorize a vote for Mr. Hobby to be named the City's Historian.

Mayor Hardin recognized and thanked Mr. Hobby for attending the meeting, as well as his willingness to put his name forth to serve in this capacity.

There was no public input on the item.

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

**Enactment No: RES. No. 2021-253**

17. [21-669](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$292,490.00, PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND KIEWIT INFRASTRUCTURE SOUTH COMPANY FOR SEAWALLS UNDER THE SE 5TH AVENUE BRIDGE PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$292,490.00)

**(Staff Contact: Horacio Danovich)**

Horacio Danovich, G.O. Bond and Innovation District Director, presented the item and stated that this is seeking City Commission's approval to award a Change Order No. 1 to Kiewit, which is a company the City retained to assist with the replacement of the SE 5th Avenue bridge. At the beginning of the project, the City retained TY Lin to help with the design and they surveyed the area and provided the necessary information for Kiewit to proceed to build the bridge and replace the seawall. However, they did not know that the existing seawall was only 9 feet long from the top to the bottom. Overall, it is 25 feet from the top to the bedrock. So, there is 16 feet of clearance from the bottom of the seawall to the bank. Provisions were made to try to replace the seawall in containing the banks, which is the best way they could do it without having to do more. Unfortunately, the backfilling, which is one of the methodologies that Kiewit needed to use could not be done because of the space underneath it. The bank is too brittle and the material is coming apart. So, they have to contain the bank before building the seawall. The best methodology to accomplish this is to use sheet piling. In the backup there are 5 methodologies that Kiewit attempted to do, prior to coming to this point, and none of those were effective. Therefore, sheet piling is the only methodology that is left, which is a proven one. There are 2 options. One, is to remove the sheet piling, which would be a very challenging activity, or they could leave it in place. If left in place, it will provide an additional protection to the canal bank. Therefore, he would recommend that the City take this route.

There was no public input on the item.

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

**Enactment No: RES. No. 2021-254**

18. [21-668](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FORM OF A PRELIMINARY AGREEMENT FOR ISSUANCE OF REVENUE BONDS BY AND BETWEEN THE CITY AND JOHN KNOX VILLAGE OF FLORIDA, INC. AND AUTHORIZING EXECUTION THEREOF; PROVIDING FOR CERTAIN OTHER MATTERS WITH RESPECT THERETO; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that the City received a letter from John Knox Village requesting that the City serves as a conduit. Basically, this would involve the City lending its tax-exempt status for a project that would benefit the public or benefit a segment of the population, which John Knox would qualify. They are asking the City to serve as a conduit for the issuance of revenue bonds not to exceed \$200 million, a maximum amount based on current estimates. Currently, the City has approximately \$104 million in outstanding conduit bond issuance with John Knox, which was done in 2014. Also, last year the City completed an arrangement, which there has not been any issues with them making their payments. Passage of the Resolution as well as the execution of the agreement will outline the roles and responsibilities of both the City and John Knox Village with regards to the proposed conduit bond issue.

Finally, Mr. Jean-Pierre stated that approval of this item does not constitute an approval of formal bond issuance or the approval of official financing documents. These documents will be presented to the Commission as a separate item at a later date this year. Bruce Chittenden, Chief Financial Officer for John Knox is in attendance.

There was no public input on the item.

Mayor Hardin mentioned that this action does not obligate the City in any form or fashion.

Mr. Jean-Pierre responded no. This does not impact the City. The responsibility for paying back the loan is solely on John Knox Village, and it will not affect the City's credit. He also confirmed that the City had taken similar action for Sheltair dating back a few years ago. The active ones are with John Knox Village.

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

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

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**Enactment No: RES. No. 2021-255**

19. [21-662](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN FOR GATEWAY DRIVE, KENDALL LAKE & SOUTH WEST (SW) 2ND STREET STORMWATER IMPROVEMENT PROJECT; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF STORMWATER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$8,846,118 (principal payments only, no interest) - with Stormwater Utilities Fees)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated that this is the State Revolving Fund (SRF) loan grant for the 3 properties of Gateway, SW 2nd Street and Kendall Drive. The City will obtain this with 0% rate on this \$8 million package. Gateway was \$3.7 million, SW 2nd Street was \$740,000 and Kendall Drive was \$3.9 million with some contingencies involved with it. He pointed out that there is 10,500 feet at Gateway, and that project, which is mainly commercial. SW 2nd Street near City Hall is 2,400 feet, and Kendall Drive is 8,700 linear feet of pipe. This will bring a lot of change to the area once it is completed.

There was no public input on the item.

Mayor Hardin stated that the interest rate is nice.

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

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

**Enactment No: RES. No. 2021-256**

20. [21-697](#) **P.H. 2021-87: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

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OFFICIALS TO EXECUTE AN 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: \$100,000 first year for initial fee and \$25,000 per year thereafter)

**FIRST READING: JULY 27, 2021**

**(Staff Contact:** Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that this was brought to his attention by Comr. McGee, who is the City's representative on the Metropolitan Planning Organization (MPO). This is an opportunity for the City to be on the front line of grant programs and situations that involve transportation funds that will have to be negotiated with the County, and in some cases State and Federal agencies. Therefore, he recommended that the City become a part of this coalition to be able to get back some of this money plus some.

Comr. McGee stated that the Metro Transportation Engineering and Construction Cooperative (MTEC) is something they have been working on since 2018, when she was first put on the Mayor and Elected Officials Round Table group. The purpose of the group is to figure out ways to put all the Cities of Broward County into a better position for negotiation and project completion. It helps in two ways for different City types. The smaller Cities that do not have as robust a staff to be able to use the MTEC to help get their projects done. And, for the larger Cities, the benefit is really for the smaller projects that could be put on this to free up staff to focus on the larger projects. The other benefit that comes from the smaller projects is the flexibility with the funding to do regional projects. For example, some Cities' projects could be bundled, which could be more attractive to contractors and be more cost effective to the Cities. In fact, Tampa and Orlando are currently considering surtaxes for transportation initiatives. Based on the size of those, anyone who is doing construction right now knows how hard it is to get a contractor for smaller projects. By bundling these, it will allow one contractor to get the job to do everything, as well as to coordinate those projects in each City, timeline wise. In sum, this is to streamline processes and having one place to go that knows the forms, knows the players and knows how to get things done, at the same time helping the entire County cohesively.

As mentioned by City Manager Harrison this would put Pompano Beach along with the Cities of Dania Beach, Hollywood, Plantation and Tamarac as the founding cities on this to take the lead and help move it forward and become a positive entity for everyone.

There was no public input on the item.

Mayor Hardin thanked Comr. McGee for her representation on the MPO and stated this sounds like a great program and opportunity. This could be a real windfall for the City.

**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. 2021-77**

21. [21-608](#) **P.H. 2021-79: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.06, "CONSTRUCTION DEBRIS MITIGATION AND SCREENING," TO MODIFY REQUIREMENTS AND CONDITIONS FOR TEMPORARY CONSTRUCTION FENCING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 22, 2021**

(Staff Contact: Jennifer Gomez/Michael Rada)

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of an Ordinance to modify the Section 152.06 to allow informative text and art work on temporary construction fencing. There have been no changes since First Reading.

There was no public input on the item.

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

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

**Enactment No: ORD. No. 2021-78**



**22. [21-657](#) P.H. 2021-82: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING THE FUTURE LAND USE MAP BY MODIFYING THE MAP TO REFLECT THE PROPER LAND USE DESIGNATION FOR THE PROPERTIES LOCATED AT 2639 NORTH RIVERSIDE DRIVE AND 1340 SOUTH OCEAN BOULEVARD; 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 a City-sponsored Land Use Plan Amendment. They are using the small-scale procedure to do a correction to the Land Use Map. The 2 properties are Hillsboro Light Towers which is at the north end of the barrier island and the Claridge Condominium which is south of 13 Street, south of Atlantic Boulevard on the island. The current Land Use of both of these condominiums, which were built in the 1970's is commercial. She provided a brief background on getting this corrected. The attached **Exhibit 3** provides all the details on the presentation made by Ms. Dolan.

Ms. Dolan indicated that the recommendation is for the City Commission to approve the Land Use Plan Amendment and Corrections. The County has already taken in the City's application, and the Planning Council is looking to place this on their agenda at the end of August, after the City has done its public hearings on the item.

Andrew Young, 1340 South Ocean Boulevard, President of the Board of Directors of the Claridge Condominium, stated that he will be speaking on behalf of the Board of Directors, also present with him is another member of the Board, Rich Straub. They are supporting the proposed Land Use Amendment. In addition, he stated that they appreciate Ms. Dolan's assistance in getting this matter through to present it to the Commission. He respectfully requested the Commission's approval of the amendment.

Richard Straub, 1340 South Ocean Boulevard, Pompano Beach, FL, Board member of the Claridge Condominium, stated that he appreciates the Commission listening to their request today, and requested their vote.

**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  
 McMahan  
 Perkins  
 Hardin

23. [21-658](#) **P.H. 2021-83: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.730, "RECONSTRUCTION OR REPAIR AFTER DAMAGE," TO MODIFY REQUIREMENTS; 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 is a companion item to the Land Use Plan and Correction that was heard as Item 22. The Land Use is only half the problem because the zoning on the 2 parcels is also commercial. Therefore, the density in heights associated with the 2 existing buildings are non-conforming in the commercial zoning districts. The challenge is they cannot rezone these like they would with the Land Use because it requires a Planned Development District (PCI) in order to achieve these kinds of densities and heights for these existing buildings. Therefore, staff is changing the non-conforming requirements in the code so that buildings that are consistent with their underlying land use, which these will be when that LUPA (Land Use Plan Amendment) goes forward, will be considered conforming with their zoning. They will be allowed to rebuild what they have in place today without any problems of being found to be non-conforming. This will assist in solving the other half of the problem with these 2 existing buildings.

Staff's recommendation is for the Commission to approve the request to change to the non-conforming use section of the code. The Planning and Zoning Board unanimously recommended approval of this code change.

There was no public input on the item.

Mayor Hardin inquired if staff has investigated looking at the entire City, to ensure what impacts this change may have on any other properties outside of the 2 under discussion.

Ms. Dolan responded no. However, they have written the text quite narrowly. If there is a building that is in compliance with their Land Use designation, and the zoning is off, it is technically easy to rezone in most cases. The Land Use is where the entitlements are derived. So, if a building is consistent with its Land Use the City could fix the zoning. However, the challenge with this is when the densities and heights are so great, they would have to do a Planned Development (PD), which is not something the City could do. Therefore, staff has not gone parcel to parcel to see how many buildings there are that would comply with the City's Land Use.

Nevertheless, they are confident that this will not be a problem since the Land Use does rule entitlements.

**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

24. [21-693](#) **P.H. 2021-84: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING SECTION 34.053, "NORMAL RETIREMENT DATE" OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POMPANO BEACH POLICE AND FIREFIGHTERS RETIREMENT SYSTEM, TO ESTABLISH A ONE-TIME EARLY RETIREMENT INCENTIVE FOR ELIGIBLE FIREFIGHTER MEMBERS BASED UPON LENGTH OF SERVICE AND ATTAINED AGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,004)

**(Staff Contact:** Ed Beecher/Peter McGinnis)

Ed Beecher, Human Resources Director, presented the item and stated this is the First Reading of an Ordinance that would amend Chapter 34, City Policy, by amending Section 34.053, Normal Retirement Date of the Police and Firefighters' Retirement System. This will provide some parity between the senior management employees of the General Employees' Retirement System and those of the Firefighters' Retirement System. He provided a brief background information regarding the vesting process of the senior management of the General Employees' Retirement System. This amendment would allow those fire department employees with the same opportunity to vest within 6 years. It would create a onetime early retirement incentive for the eligible firefighter members based on the length of service and attained age to retire. The attorneys for the Police and Firefighters' Pension Board have reviewed this request, as well as the City Attorney's office and they agree with the proposed Ordinance. The State of Florida Office of Local Retirement Systems has also reviewed the proposed amendments and they have concurred with the proposal.

There was no public input on the item.

**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  
 McMahan  
 Perkins  
 Hardin

25. [21-661](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DAVID HALL** TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

David Hall, *Incumbent* - District 3  
 Robert J. Sikorski - District 1  
 Kenneth A. Campbell - District 3  
 Rita Neri - Coconut Creek

(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 DAVID HALL. Vice Mayor Perkins nominated David Hall. The motion carried unanimously.**

**Enactment No: RES. No. 2021-257**

26. [21-680](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **LISA FERRERI** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF HENRY LESBURT AS ALTERNATE #3; SAID TERM TO EXPIRE ON JUNE 11, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Lisa Ferreri - District 1  
 Eve Lewis - District 3  
 Louis Riva - District 3  
 Carmen Jones - District 4  
 Marcus A. McDougle - District 4  
 Daniel P. Diaz - District 5

Danika Jackson - 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 he name LISA FERRERI. Vice Mayor Perkins nominated Daniel P. Diaz and Commissioner McGee nominated Lisa Ferreri. The motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Hardin

**No:** Floyd  
Perkins

**Enactment No: RES. No. 2021-258**

27. [21-621](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LATOYA ALMONORD TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS: SAID TERM TO EXPIRE ON JULY 13, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

LaToya Almonord - District 1  
Mary C. Antoine - District 1  
Carlton Gillispie - District 1  
Donna Russo - District 1  
Eve Lewis - District 3  
Monifa Aruwajoye - District 4  
Marcus McDougale - District 4  
David Miller - District 4  
Tony Parrish - District 4  
Ethel Robinson-Burns - District 4  
Shellie Morrison - 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 LATOYA ALMONORD. Vice Mayor Perkins nominated LaToya Almonord and Commissioner**

**McMahon nominated David Miller. The motion carried by the following vote:**

**Yes:** Floyd  
McGee  
Perkins  
Hardin

**No:** Eaton  
McMahon

**Enactment No: RES. No. 2021-259**

28. [21-682](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID MILLER TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH TO SERVE AS ALTERNATE FOR A TERM OF THREE (3) YEARS: SAID TERM TO EXPIRE ON JULY 13, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2021-621 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 DAVID MILLER. Vice Mayor Perkins nominated David Miller and Commissioner McGee nominated Mary C. Antoine. The motion carried by the following vote:**

**Yes:** Eaton  
Floyd  
Perkins  
Hardin

**No:** McGee  
McMahon

**Enactment No: RES. No. 2021-260**

29. [21-675](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARGARET WHITE TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Margaret White, *Incumbent* - District 3  
 Micah A. Johnson, Sr. - *Incumbent* - District 4  
 Eve Lewis - District 3  
 Carmen Jones - District 4  
 Quenton Thompkins, Sr. - District 4  
 Danika Johnson - District 5  
 James Morehead- District 3

(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 MARGARET WHITE. Vice Mayor Perkins nominated Margaret White. The motion carried unanimously.**

**Enactment No: RES. No. 2021-261**

30. [21-676](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MICAH A. JOHNSON, SR.** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 21-675 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 MICAH A. JOHNSON, SR. Vice Mayor Perkins nominated Micah A. Johnson, Sr. The motion carried unanimously.**

**Enactment No: RES. No. 2021-262**

31. [21-677](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JAMES MOREHEAD** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 21-675 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 JAMES MOREHEAD. Vice Mayor Perkins nominated Quenton Thompkins, Sr. and Commissioner McGee nominated James Morehead. The motion carried by the following vote:

**Yes:** Eaton  
McGee  
McMahon  
Hardin

**No:** Floyd  
Perkins

**Enactment No: RES. No. 2021-263**

#### **E. NEXT SCHEDULED MEETING**

Mayor Hardin announced the next scheduled meetings will be held as follows:

- July 19, 2021 at 9:00 a.m. - Budget Workshop
- July 27, 2021 at 5:00 p.m. - Special City Commission Meeting
- July 27, 2021 at 6:00 p.m. - Regular City Commission Meeting

#### **F. REPORTS**

**Greg Harrison, City Manager - Next Scheduled Clean Streets in the Northwest Area** - Mr. Harrison reported that the next clean streets initiative will take place on July 22, 2021, in Collier City. The boundaries will be Powerline Road on the east side, NW 31st Avenue on the west side, Atlantic Boulevard on the south side, and Martin Luther King, Jr. Blvd., on the north side. It is quite a large area they will cover on that day.

**Gift Cards** - Mr. Harrison reminded everyone about the \$200 gift card that the City is giving away, which started on Monday, July 12, 2021. After some consideration, they decided to come up with giving a \$200 visa card to residents so they could use it for getting clothes for the school kids.

**Rental Assistance Program and Small Business Assistance** - Mr. Harrison announced that two activities will start next week. One will be the COVID-19 Emergency Rental Assistance program, which will be reactivated and will begin on July 22, 2021. The other program will be for Small Businesses that lost business during COVID-19. The City is working to assist them with how to complete forms per the Federal guidelines so that they are eligible for federal money through the Cares Act.



Mayor Hardin asked how do people go about applying for the rental assistance, because this is urgently needed for quite a number of people.

Mr. Harrison stated that there is a website and phone number to contact. People can get on the City's website and it will provide them with where they can log on, as well as provide a phone number to contact. He confirmed that all the programs mentioned are for City of Pompano Beach residents only.

Mayor Hardin indicated that the County has their own separate rental assistance program, which he encouraged anybody who needs assistance, to apply for both.

**Mark Berman, City Attorney** - No Report.

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

**Commissioner Rhonda Eaton - Grand Reopening Charlotte Burrie Community Center** - Comr. Eaton announce that there will be a Grand Reopening of the Charlotte Burrie Community Center. This will take place Saturday, August 21, 2021 at 6:so p.m. The event will be free but tickets are needed due to limited occupancy.

**Commissioner Cyndy Floyd - Clean Street in Collier City** - Comr. Floyd stated that she is looking forward to and is excited about the Clean Streets Initiative taking place in Collier City.

**Visit to the Ely Museum** - Comr. Floyd stated that she made a note of the comments made by Ms. Jackson regarding the children visiting the Ely Museum. She was told that a lot of people do not utilize the Museum. So, this is a great idea to make it a part of field trips for the children in all the communities and especially in the Northwest areas. The kids can go and learn about Ms. Ely and the contribution she has made to the community.

**Pleasant Experience with Officer from Broward Sheriff's Office** - Comr. Floyd stated that some people do not get enough praises for the work they do, and especially the Broward Sheriff's Office (BSO). She mentioned that on Friday night she noticed that the speed limit sign was covered by a tree. So, she saw a BSO officer and went over to speak with Sergeant Deej, who was very pleasant to her. He told her about the entire process involved from training to the actual use of a radar gun. He took the extra time to educate her, which he did not have to do. He was very courteous and nice to her. Therefore, she wanted to commend Major Adkins for training this Sergeant properly.

Mayor Hardin agreed that it is a great idea to work with getting the kids out on field trips to visit the Ely Museum and to expose them to that. Also, if there are summer camps that could be included.

Greg Harrison, City Manager announced that this is being done.

**Commissioner Andrea McGee - Update on Partnership Efforts with Metro-Transportation** - Comr. McGee stated most of her report was made earlier regarding the information she provided about the efforts by

MTEC. She is excited that this is moving forward and it will be a great positive movement for everyone in transportation.

**Sea Turtle Protection Reminder** - Comr. McGee reminded those people living in condominiums on the beach to ensure they control the lights coming from their units. Lights coming from units way up high can be mistaken by the baby sea turtles as stars or the moon that can throw them off. The hatching season has started so everyone should be aware of how the bright lights can impact these turtles.

**Commissioner Tom McMahon - Solid Waste Special Presentation** - Comr. McMahon mentioned that he serves on the Solid Waste Group for the County and they are looking at long term plans for 50 years, as well as 7 years out on what to do with solid waste. Therefore, there is a special meeting scheduled for July 27, 2021 at 5:00 p.m. when representatives of the group will make a special presentation to go over some of the things they have been working on as a group. Currently, the group meets every two weeks.

Mayor Hardin thanked Comr. McMahon for his services on that Committee.

**Vice Mayor Beverly Perkins - Broward Sheriff's Office (BSO) in Commission Chamber** - Vice Mayor Perkins inquired why there was such a presence of BSO officers at this meeting, which was more than usual at the Commission meetings.

Mr. Harrison responded that as far as he knows it was no different than normal.

Vice Mayor Perkins insisted that there was a significant difference that she noticed when she arrived at the City Commission Chamber.

Major Adkins, Chief of Police stated that there was nothing done different from what they have been doing for the last 4 years. He has 2 deputies assigned to the Commission meetings ever since there was a firearm threat inside City Hall, as well as some issues that occurred in the Chamber about 4 years ago. So, there are two assigned deputies along with Captain Hedelund and he who are present throughout the meetings.

Vice Mayor Perkins indicated that the presence of the motorcycles outside was unusual and she has never seen that.

Major Adkins indicated that the motorcycles were originally at City Hall because they had some deputies sent down to a funeral and they were going to cover the Chamber however, he decided to put them back on the streets to attend to the radar situation that Comr. Floyd was talking about earlier.

Vice Mayor Perkins asked Major Adkins to provide her with a copy of all the violent service calls to BSO from the last 3-5 years.

**Ester Rolle Family House** - Vice Mayor Perkins stated that she has been receiving a number of e-mails and calls regarding the Ester Rolle house, which Assistant City Manager Earl Bosworth has been working on. She mentioned that the community is interested in seeing the City purchasing the home of Ester Rolle's family to have it as part of the City's history and culture, since the family wants to sell the property to the City.

**Jazz in the Park** - Vice Mayor Perkins stated that the Jazz in the Park event was extremely successful. She received an e-mail from Parks and Recreation staff Kate Belcher stating that there was in attendance approximately 600 people, but it was more than that, there appeared to have been 1,000 more than that number. The turn out was very good and she especially liked that there were all cultures present enjoying the jazz. It was very nice and they could not have done it without Assistant City Manager Earl Bosworth. He put the 2 bands together, also Recreations Program Administrator Mark Beaudreau was great, Bossett, Kate and Eric, as well as Public Works did a good job. It was a successful event. There were 5 vendors, there was an MC and the Deejay was great, the food and the weather were all great. Staff is recommending to have this event in April because it is jazz month and she has no problem with that time. She concluded it was great, she loved it and it was, "Off the chain."

**Mayor Rex Hardin - Broward Sherrif Office (BSO)** - Mayor Hardin stated "Hats Off to BSO" because a couple days ago at the City's pier there was extreme vandalism where some people who were out there busted all the glass pictures at the base of the railings. This was approximately \$11,000 worth of damage. However, BSO in utlizing their cameras were able to catch the offenders. There were 3 people from out of town. This goes to show the value of the City having surveillance tactics out there. This is to find out who did what when something goes wrong out there.

**Ester Rolle Issue** - Mayor Hardin wanted to touch on the Ester Rolle Issue that Vice Mayor Perkins brought up earlier. He indicated that he has seen some information on Facebook about the Ester Rolle house and staff is also looking into the matter. However, he understands that she did not live there as a child. The house was built in 1942 so it has not been there since Pompano was created.

Vice Mayor Perkins indicated that she has heard the same information as Mayor Hardin did. She spoke with one of the elderly people in the community to get more information on the Ester Rolle home. She found out that the original Ester Rolle home was built on Rock Road (aka Hammondville Road/Dr. Martin Luther King Blvd). Ester Rolle was born in 1920, and when the hurricane came in 1922, all those homes were blown down. She was told that Ms. Rolle left the City in her early childhood days to live in Miami to finish her education. Nevertheless, it is the family's home, she was born in Pompano Beach and she is buried in Pompano Beach. Also, the City records show that in the early 1990's E. Pat Larkins had the City redo the entire house because it was falling apart. It had some importance at that time and should have the same importance today. She still considers the house as the Ester Rolle family's house, which is the only one that is standing.

**G. ADJOURNMENT**

The meeting adjourned at 4:14 p.m.

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*Asceleta Hammond*  
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Asceleta Hammond, City Clerk

DocuSigned by:  
*Rex Hardin*  
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Rex Hardin, Mayor



# PERFORMANCE REPORT

**2<sup>ND</sup> QUARTER (JANUARY 2021 – MARCH 2021)**

**5 YEAR STRATEGIC PLAN FY 2020 - 2025**

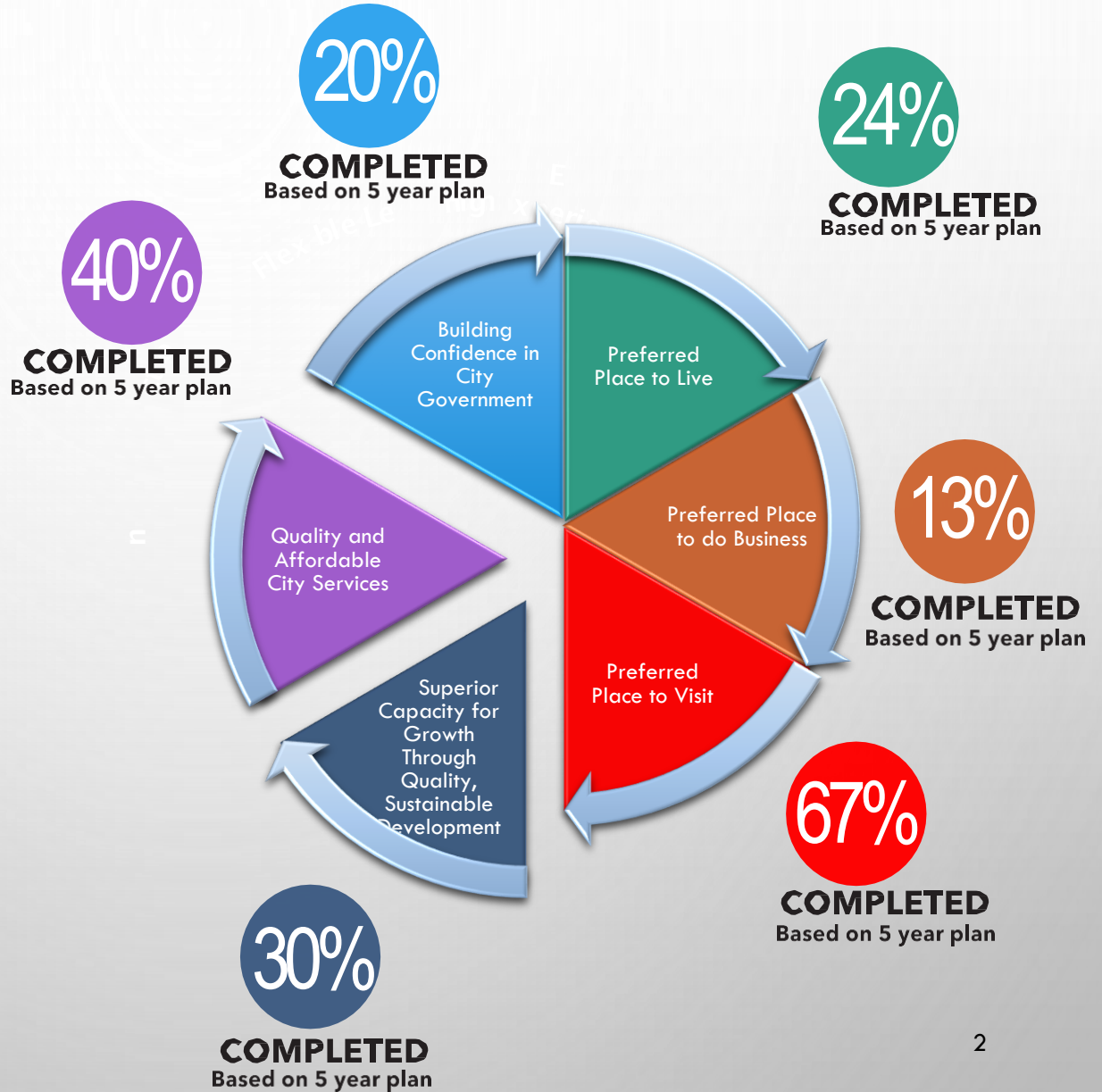


# POMPANO BEACH VISION:

By 2035, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

## 2nd Qtr. Progress Report

- The "Greenhouse Gas Inventory: Report" includes two phases. Phase 1 consists of the Greenhouse Gas Emissions Data Collection and Management, and a Greenhouse Gas Emissions Quantitative Baseline Report and Emissions Inventory, as well as, reductions goals and strategies report. This phase was completed January 2021. The Florida Department of Economic Opportunity has provided full reimbursement of the project through a \$35K grant - all tasks associated with this project and grant agreement are complete. Phase 2 includes a vulnerability assessment.
- Norma, the Sterling Master Examiner, has received the City's Organizational Profile for review. Staff held two all-day information gathering sessions with the Assessors. All three focus groups (the leadership team, the manager group and the frontline employee focus group) met with the assessors during those two days. At the end of the virtual assessment, the City will receive the formal executive report from the Sterling Council within two weeks of concluding the Sterling Explorer Program.
- The consultant, Lyle Sumek, Inc., has completed all six Commissioner interviews. Moreover, invitations have been submitted to staff and City Commissioners regarding the two Management Team Work Sessions and the City Commissioner Workshop for Feb 1st/Feb 3rd, and Feb 2nd, respectively. Questionnaires have been received and forwarded to the consultant. An updated final draft of the FY 2021-2026-2036 Strategic Plan and Action Agenda 2021-2022 is complete.





# PERFORMANCE REPORT







**pompano**  
**beach**  
Florida's Warmest Welcome

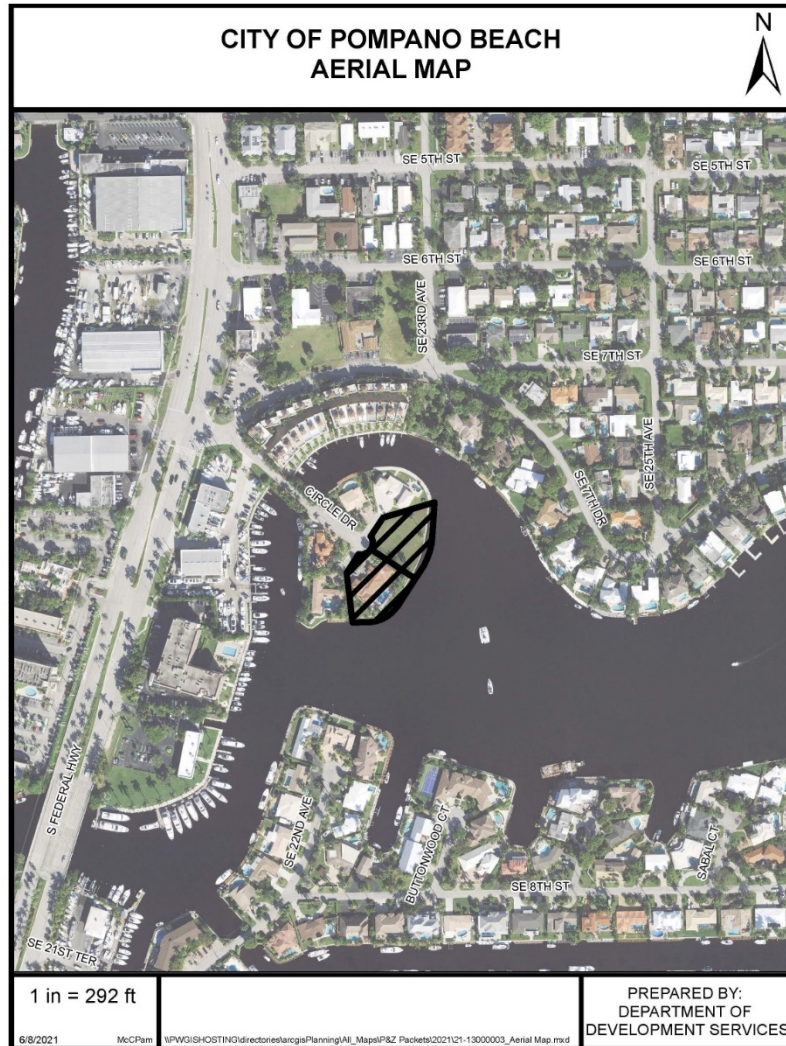
# Santa Barbara Rezoning Request Staff Presentation

City Commission  
July 13, 2020





# The Request

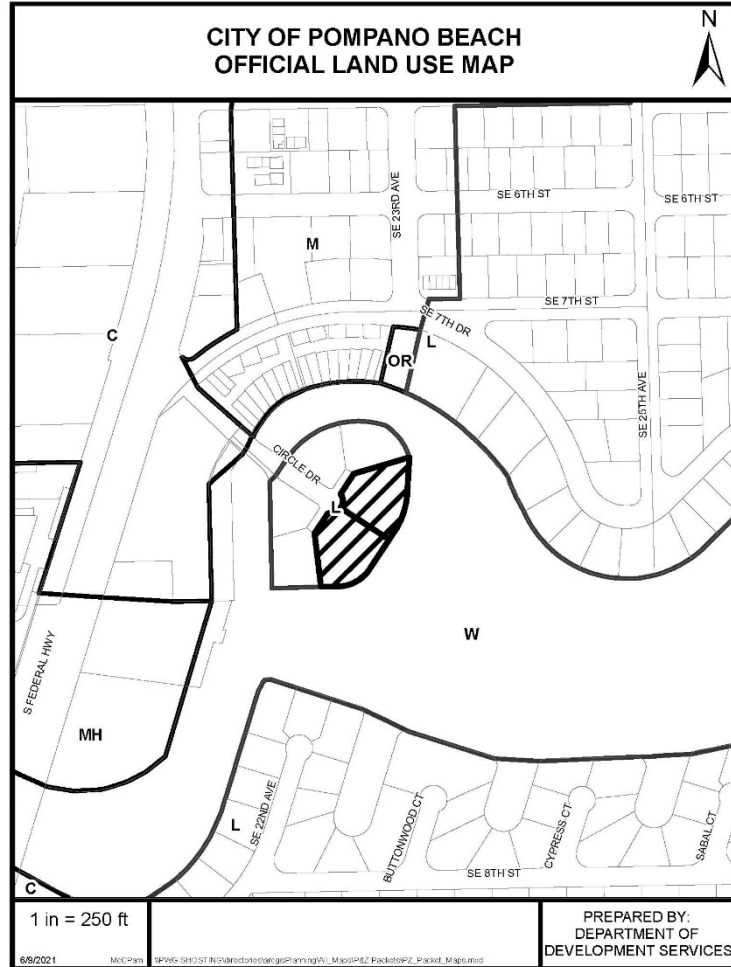


The request is to rezone 2 of the 6 lots on this island in Lake Santa Barbara (aka Lettuce Lake) from RS-1 to RS-2 to allow those lots to be split into 4 lots and allow for 4 single-family homes.

The current RS-1 zoning would allow 3 units by right.



# Existing Land Use Entitlements



The existing land use designation (Low 1-5) allows up to 5 units per acre. The land use provides the development rights to rezone the property to RS-2. Given the RS-2 lot width requirements, a maximum of 4 lots can be created.



# Zoning Districts Allowed in "Low 1-5" Land Use

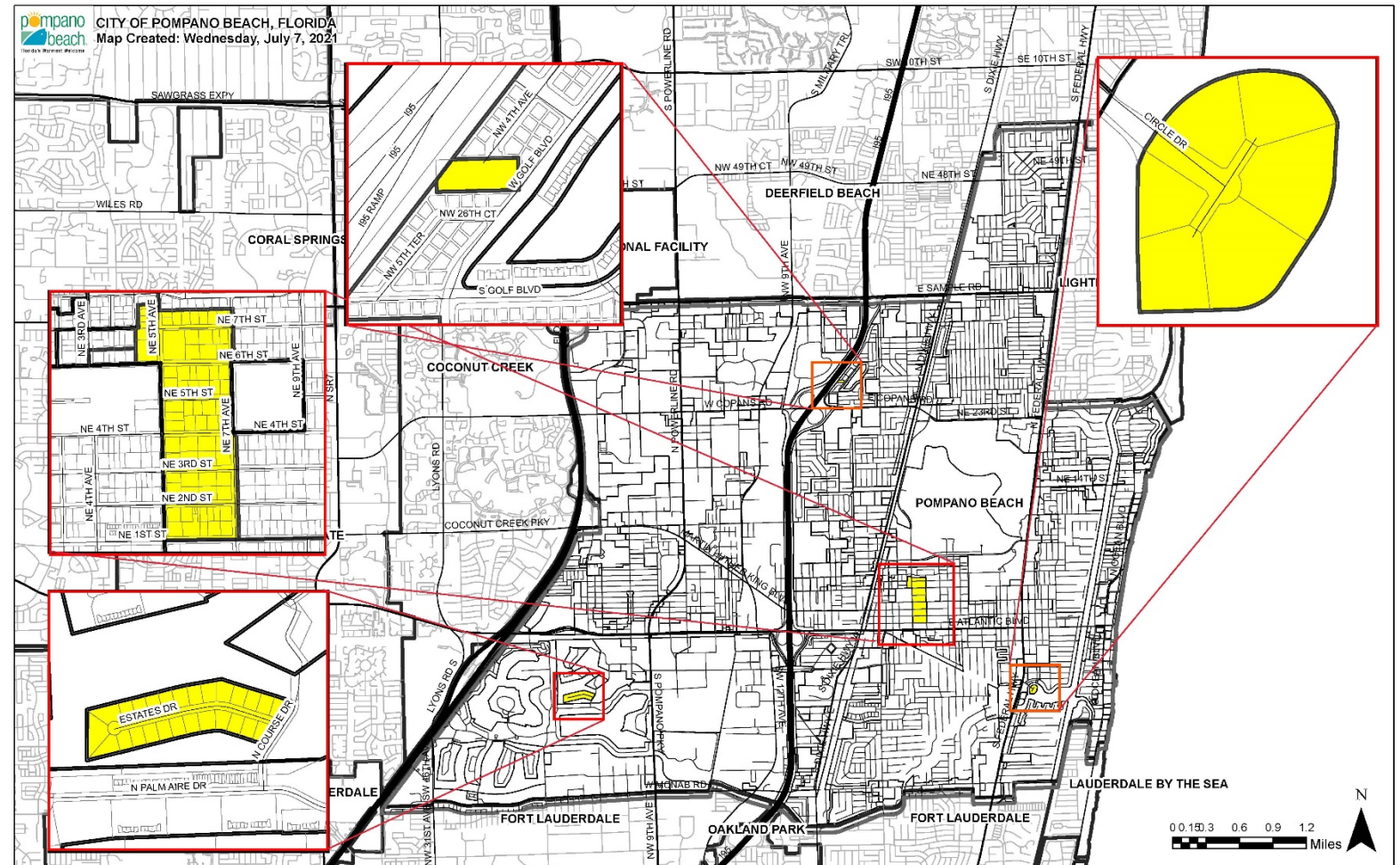
APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS TABLE <sup>1</sup>												
ZONING DISTRICT	MINIMUM LOT AREA <sup>2</sup> (SQ FT)	MINIMUM LOT WIDTH <sup>2</sup> (FT)	MAXIMUM DENSITY (DU/AC) <sup>2,3</sup>	MINIMUM FLOOR AREA PER DWELLING UNIT (SQ FT) <sup>2</sup>	MAXIMUM LOT COVERAGE (% OF LOT AREA) <sup>2</sup>	MINIMUM PERVIOUS AREA (% OF LOT AREA) <sup>2</sup>	MAXIMUM HEIGHT <sup>4</sup> (FT)	MINIMUM YARD SETBACK (FT)				MINIMUM SPACING BETWEEN PRINCIPAL STRUCTURES (FT)
								FRONT	STREET SIDE	INTERIOR SIDE	REAR	
<b>RESIDENTIAL ZONING DISTRICTS</b>												
RS-1: Single-Family Residential 1	12,000	90 <sup>5</sup>	n/a	1-3 BR: 1,500 >3 BR: 1,500 + 100 per additional BR	30	30	35	35	18	10	20 <sup>6,7</sup>	n/a
RS-2: Single-Family Residential 2	7,000	70	n/a	1,250	40	30	35	25	15	7.5	20 <sup>6,7</sup>	n/a
RS-3: Single-Family Residential 3	6,000	60	n/a	750	40	30	35	25	15	7 <sup>6,7</sup>	15 <sup>6,7</sup>	n/a
RS-4: Single-Family Residential 4	5,000	50	n/a	675	40	30	35	25	15	6 <sup>7,8</sup>	15 <sup>7</sup>	n/a

- RS-2 Lot size is 58% of RS-1 Lot Size.
- RS-2 Lot coverage is 25% more than RS-1 Lot coverage
- RS-2 has 28.5% smaller front yard
- RS-2 has 25% smaller interior side yards



# RS-1 Zoning in the City of Pompano Beach

- Circle Drive
- One lot with SF home in Leisureville
- A small portion of Old Pompano between NW 5<sup>th</sup> Avenue to NE 7<sup>th</sup> Avenue
- 26 Lots fronting on the Estates Drive cul-de-sac in Palm Aire





## Criteria for Rezoning Approval - Consistency with Comprehensive Plan

### Comprehensive Planning Vision 2010 vs. 2020

- **2010 Direction:** The 2010 Comprehensive Plan identified mixed use redevelopment of the City's commercial corridors as the primary focus for new growth during the 2010-2030 planning horizon.

*Actions taken:* (1) Adopted mixed use land use categories; (2) Applied mixed use land use categories to the DPTOC and the ETOC; (3) Created form-based zoning regulations to implement the DPTOC and the ETOC. (4) Began implementing development in accordance with these new land use and zoning districts.

- **2020 Direction:** The 2020-2040 planning horizon is focused on encouraging sustainable redevelopment of the mixed use corridors while supporting opportunities to improve the resilience of the entire City.



# Criteria for Rezoning Approval Consistency with Comprehensive Plan

The following policies of the City's Comprehensive Plan Land Use Element have been identified as pertinent to this rezoning:

Policy 01.03.04 - Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

Policy 01.03.06 - Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

Policy 01.03.07 - Require the provision of building height transitions and decorative structural or vegetative buffers between different density residential land uses, and residential and non- residential land uses.

Policy 01.03.11 - Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Policy 01.03.12 - The following criteria may be used in evaluating rezoning requests:

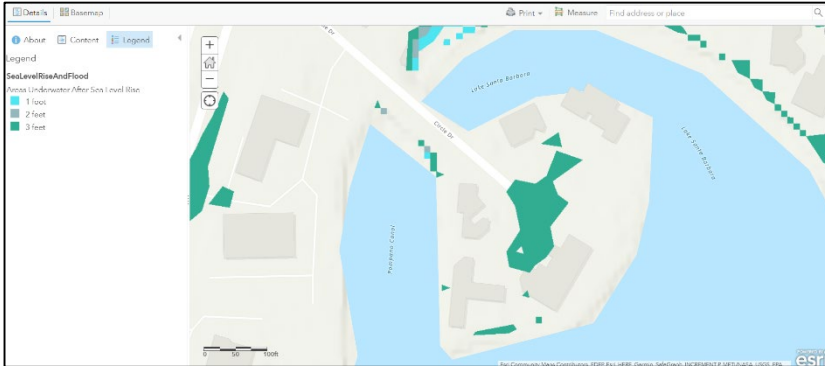
- A. Density;
- B. Design;
- C. Distance to similar development;
- D. Existing adjoining uses;
- E. Proposed adjoining uses;
- F. Readiness for redevelopment of surrounding uses; and
- G. Proximity to mass transit.

No conceptual site plans or elevations were provided as evidence of how this additional density could be designed in a manner compatible with the remaining RS-1 lots.

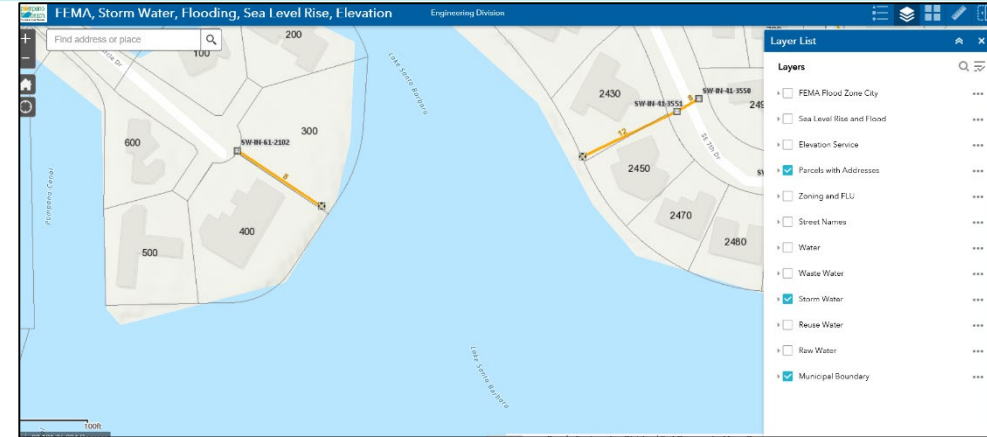


# Criteria for Rezoning Approval - Consistency with Comprehensive Plan - Focus on Resilience

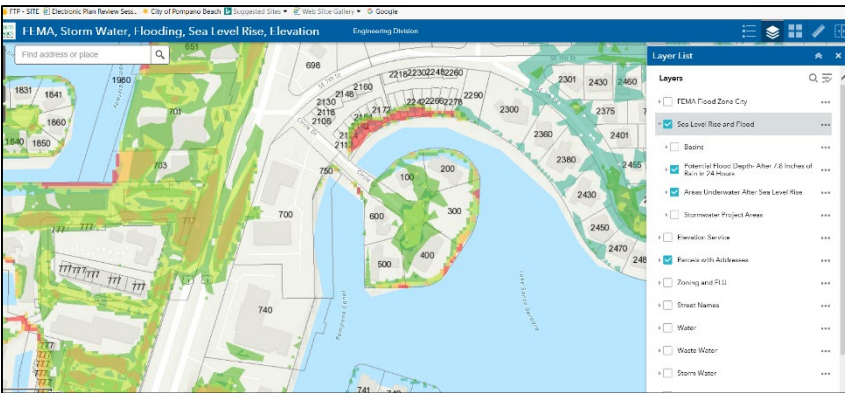
## Sea Level Rise and FEMA Base Flood Elevation



Projected Flooding from Sea Level Rise



Current Stormwater Infrastructure



Projected Flooding from SLR plus rain

Proposed 2019 FEMA Flood Insurance Rate Map has these two properties with an 8-foot Base Flood Elevation compared to the current 2014 FIRM which designates a 5-Foot Base Flood Elevation. Finished Floor elevation must be BFE +1 minimum.

Differences in Finished Floor elevations raises design and compatibility issues that could be addressed with conceptual plans and elevations.

The Applicant should be aware that for any future construction on the island, easements must be dedicated for the existing and any proposed drainage infrastructure. In addition, a development agreement to share the costs of upgrading and/or installing the appropriate outfall pipe(s) with tidal backflow prevention valves, as specified by the Utilities Dept., on any and all outfall pipes to mitigate high tide flooding and accommodate additional runoff may be required prior to building permit approval for any new construction.





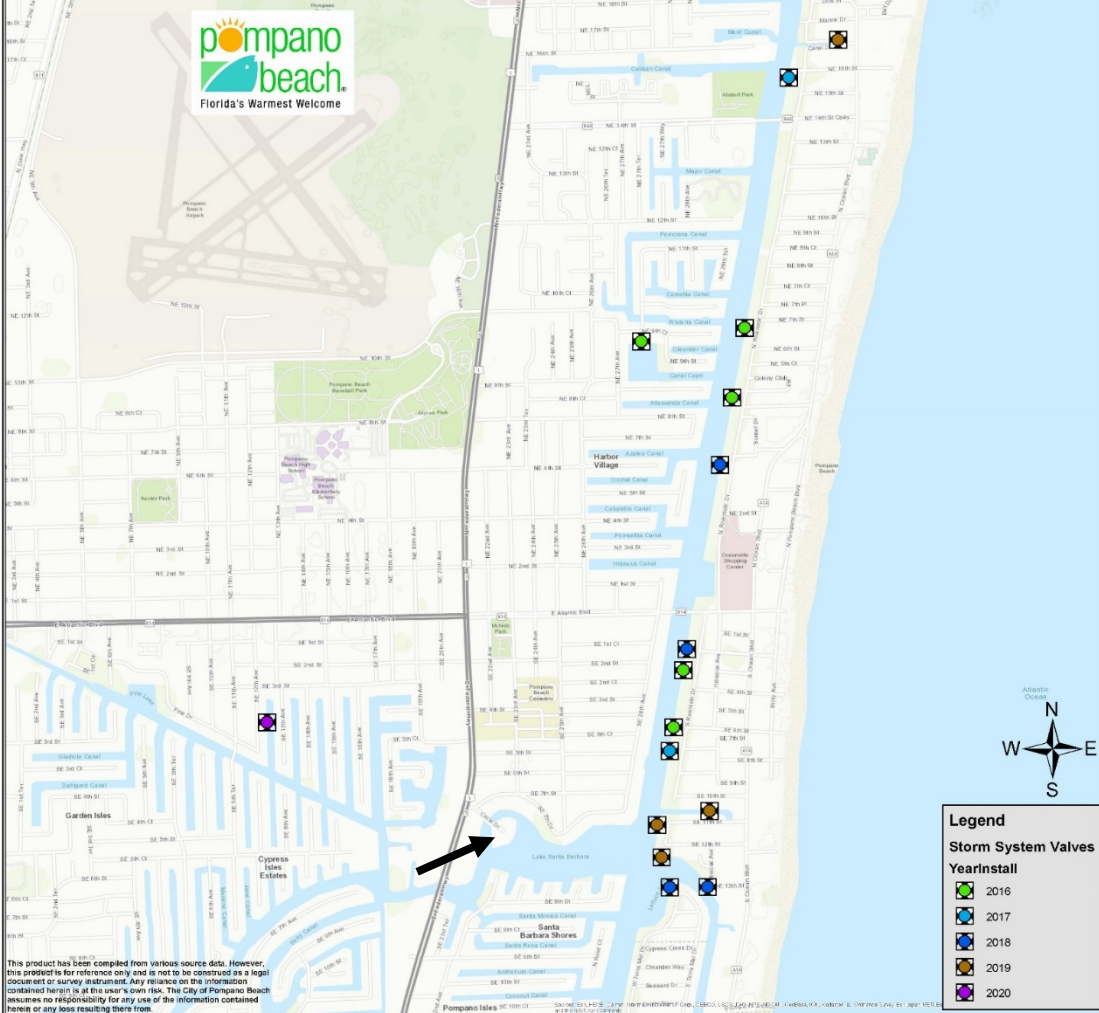
# Existing Drainage Infrastructure





# Adaptation Strategy: Tidal Backflow Valves

## City of Pompano Beach Utilities Storm Water Tidal Valves



CIP 2022-26: Budgeted \$51,000 annually for additional tidal backflow (check) valves



# Vulnerability Assessment (VA) and the 2021 Legislative Session

- City awarded \$75,000 DEP Grant under the 2020 Florida Resilient Coastlines Program.
- SB 1954 passed on May 12, 2021 including the “Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment.” The Data Set is due to the Legislature on July 1, 2022, and the Assessment is due July 1, 2023. VAs completed in the future with grant funding will need to include:

The depth of tidal flooding based on adopted SLR projections and:

- geographically display the ***number of tidal flood days expected*** for each scenario and planning horizon.
- current and future storm surge flooding using publicly available NOAA or FEMA storm surge data that equals or exceeds the current 100-year flood event.
- rainfall-induced flooding using spatiotemporal analysis or existing hydrologic and hydraulic modeling results.
- compound flooding including tidal flooding, storm surge, and rainfall-induced flooding.

Circle Drive is in the highest priority area for SLR adaptation along with both sides of the Intracoastal. The two options to address SLR vulnerability is Adaptation or Retreat and the choice depends on the timeline (level of sustained impacts) and ultimately a cost-benefit analysis of adaptation.



# Adaptation Strategy: Higher Finished Floor Elevations

## SF Design with Higher Finished Floor Elevation with Retaining Walls

**Sloped driveway runoff**



**Top of 6' fence at neighbor's roof line**





# Adaptation Strategy: Higher Finished Floor Elevations

## SF Design with Higher Finished Floor Elevation with Pilings and Retaining Walls





# Adaptation Strategy: Higher Finished Floor Elevations SF Design with Higher Finished Floor Elevation with Pilings and Retaining Walls

View of retaining wall from adjacent vacant lot



View of retaining wall with landscaping





# Adaptation Strategy: Higher Finished Floor Elevations

## SF Design with Higher Finished Floor Elevation with Fill

### Fill with no retaining wall



### Paver block and fence will not stop water





# Adaptation Strategy: Densification

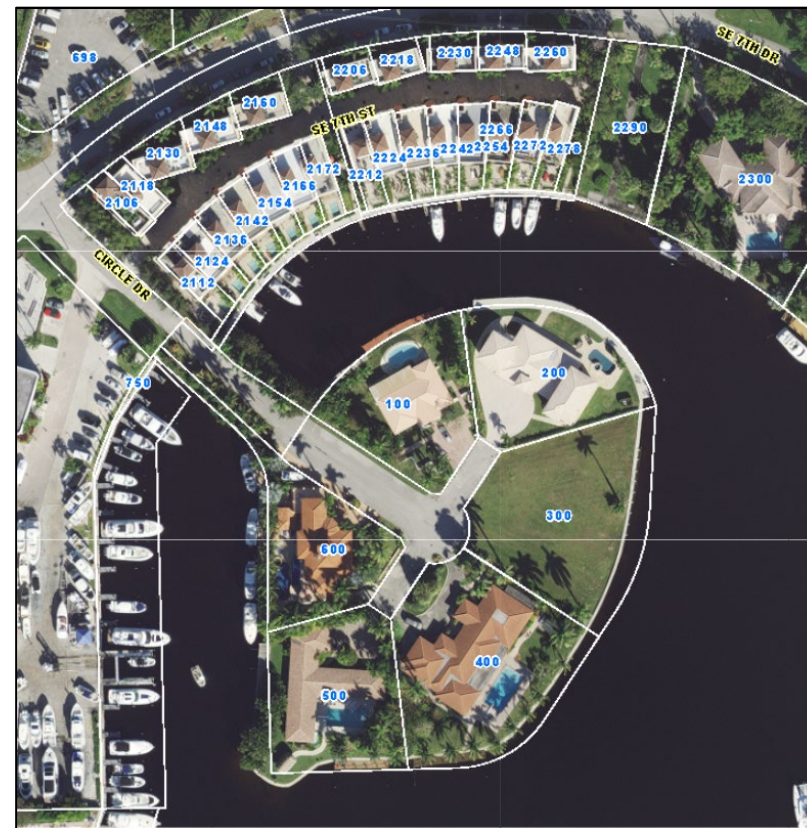
## The Spot Zoning Consideration

The request may be considered “Spot Zoning” which is typically considered inadvisable.

Definition excerpt from “A Planner’s Dictionary” – APA Resource Library

Spot zoning – A change in district boundaries characterized by the following:

- Individuals seek to have property rezoned for their private benefit.
- Usually the amount of land involved is small and limited to one or two ownerships.
- The proposed rezoning would give privileges not generally extended to properties similarly located in the area.
- Applications show little or no evidence or consideration of the effect on surrounding property (including adequate buffers).



RS-2 on entire island would likely fit up to 11 units.





# Adaptation Strategy: Densification

- Makes redevelopment more attractive by creating more units over which to spread increased cost of construction and infrastructure
- New construction is built at higher finished floor elevations and is more resilient
- Eventually, all lots are redeveloped at these higher elevations and then when the “number of days of expected flooding” is exceeded, the road and drainage infrastructure can be raised without flooding the adjacent buildings.

***The question: Would densification to 11 units be enough to make the cost of adaptation (raising the causeway, cul-de-sac and infrastructure above 2070 projected tidal flood levels) cost effective for so few homes?***



# Conclusions and Recommendation

Criteria for Approval: Consistency with the Comprehensive Plan

Direction 1: ***Sustainable redevelopment of the mixed-use corridors*** (neutral).

- The proposed rezoning does not relate to or support this direction

Direction 2: ***Improved Resilience and Compatibility*** (possible but no commitments)

- a). New houses (3 if not rezoned, 4 if rezoned) will be more resilient than the existing homes if built at 2019 FEMA FFE or higher (not adopted yet so not required).
- b). Compatibility with existing homes can be accomplished with considerate design for the higher FFE (stormwater ordinance is in progress but currently design is not regulated).
- c). Entire island could be made more resilient if the stormwater infrastructure is upgraded and a tidal check valve installed (resilience diminishes with continuing climate change impacts).
- d). Densification is not likely a viable SLR adaptation strategy when there are so few units in total even if the entire island is rezoned to RS-2. The cost of ultimate adaptation (raising causeway, cul-de-sac and infrastructure above 2070 sea levels) may be cost prohibitive for such a small benefit area.

**Conclusion and Recommendation:** As no commitment has been made in regard to resilience (a, b and c) and densification seems unlikely as a SLR adaptation strategy (d), staff finds the proposed rezoning is not consistent with the Comprehensive Plan and recommends denial of the request. The Planning and Zoning Board concluded that one more house was insignificant and all the same challenges exist whether three or four new houses are built and recommended approval in a 3-2 vote.



# Questions and Comments For Staff

## Followed by: Applicant Presentation

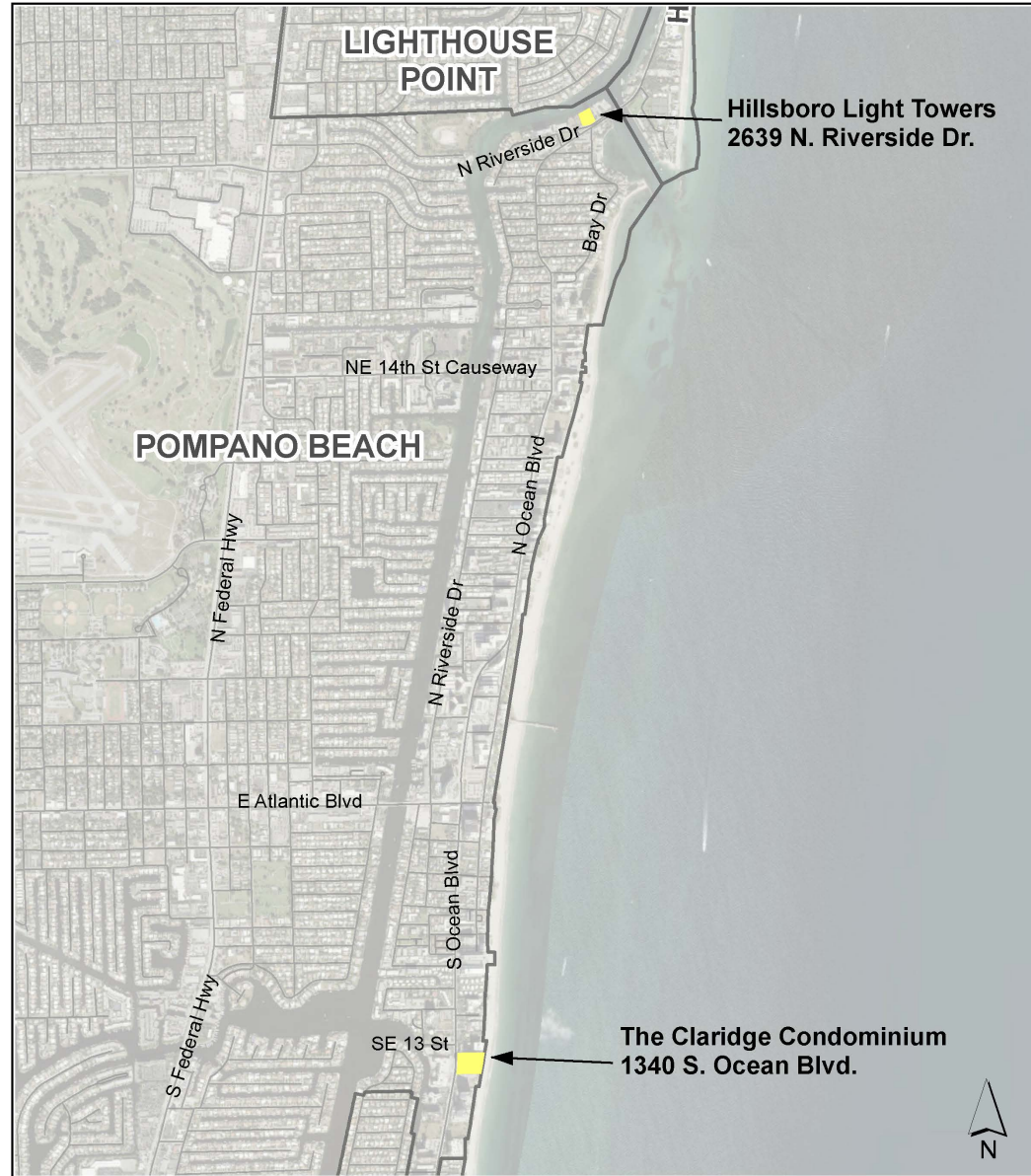
City Commission  
July 13, 2021





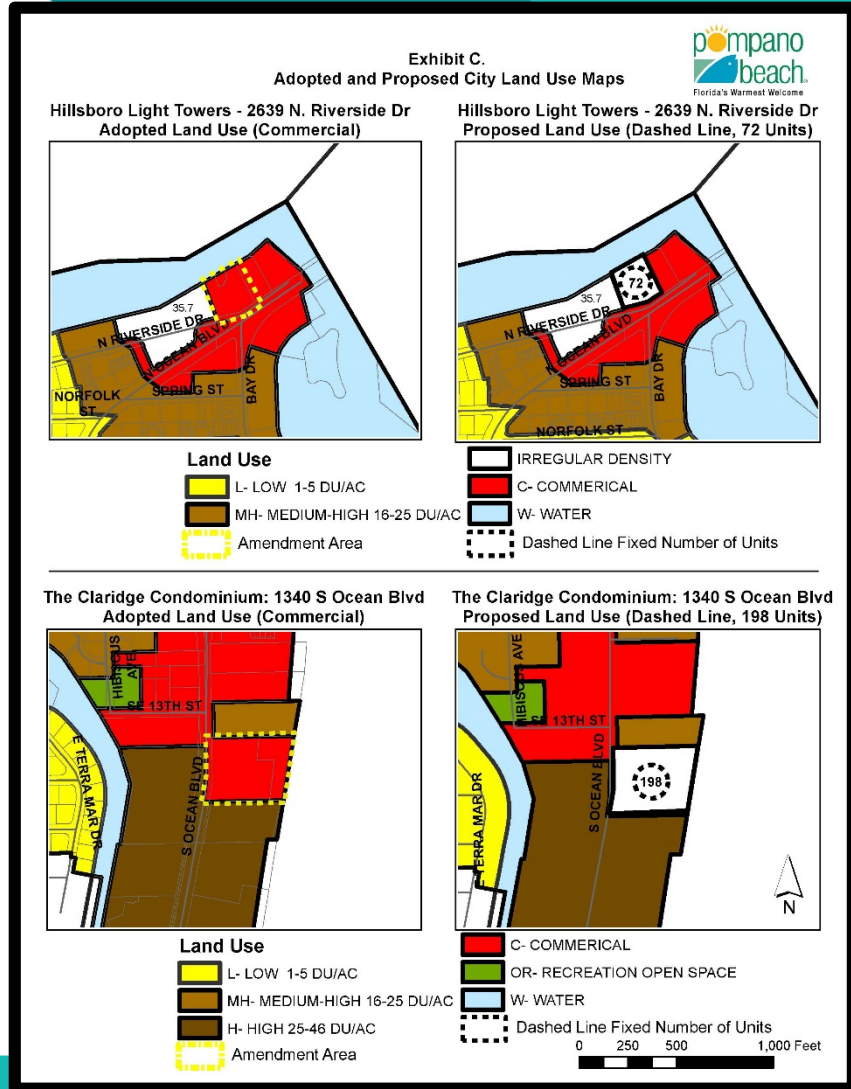
# Future Land Use Map Correction Hillsboro Light Towers and The Claridge Condominium July 13, 2020

**Exhibit B.  
Amendment Areas Context Map**





# City Land Use Plan Correction Hillsboro Light Towers and The Claridge Condominium





# NET CHANGE - IMPACT ANALYSIS

Type of Use	Current Entitlements (Incorrect Commercial Designation)	Proposed Entitlements (Correct Residential Designation)	Correction in Entitlements
Hillsboro Light Towers			
Commercial/Commerce	287,496 SF (estimated 121 condo-hotel units)		-287,496 SF (-121 units)
Residential		72 units	No change from existing use: 72 units
The Claridge			
Commercial/Commerce	836,352 SF (estimated 352 condo-hotel units)		-836,352 SF (-352 units)
Residential		198 units	No change from existing use: 198 units

From an infrastructure standpoint, the residential use is significantly less intense than a commercial use would be and all the residential impacts are existing and have been adequately served for nearly 50 years.





# Recommendation

Staff recommends approval. On June 23, 2021, the Planning and Zoning Board unanimously recommended approval of this land use map correction.



# Questions and Comments For Staff as Applicant

Hillsboro Light Towers and The Claridge Condominium  
City Commission  
July 13, 2021



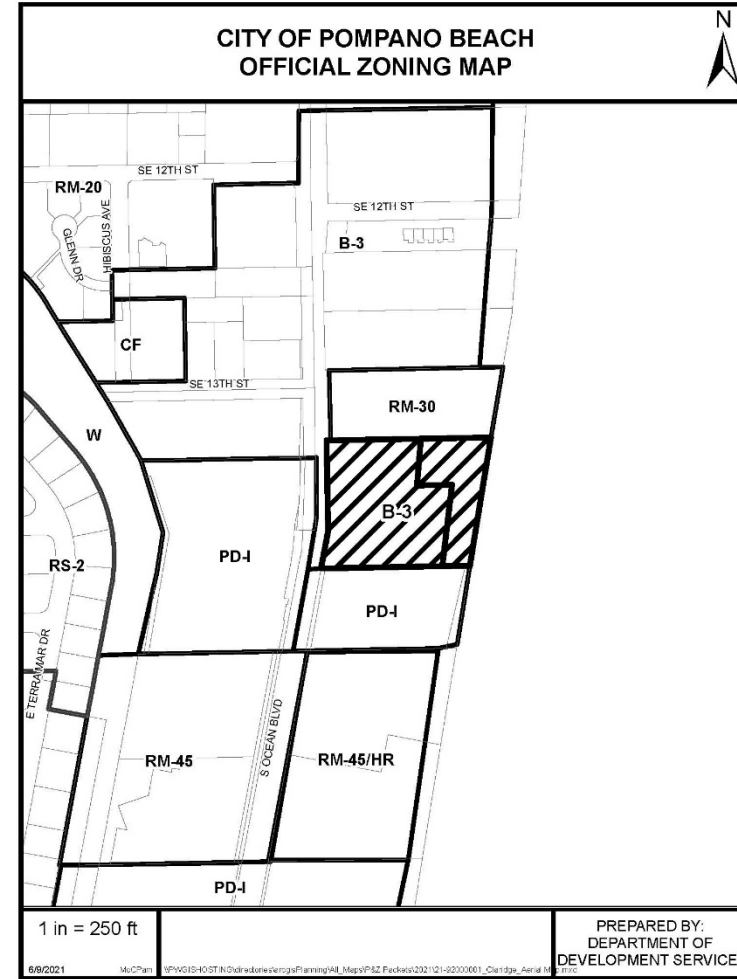
**pompano**  
**beach**  
Florida's Warmest Welcome

# Nonconforming Structure Code Amendment July 13, 2021





# Hillsboro Light Towers and The Claridge Zoning Designations





# Proposed Code Amendment for Nonconforming Structure

## 155.7304. RECONSTRUCTION OR REPAIR AFTER DAMAGE

...

### B. Damage Greater than 50 Percent of Value

1. Except as otherwise provided in subsection 2 below, if a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the structure's fair market value before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Code.
2. Exceptions
  - a. A multifamily residential development that exceeds the allowed density of a nonresidential zoning district but is in compliance with the underlying residential land use category, shall be permitted to be restored to the condition it was in if such structure(s) located on the development site is damaged by any means by more than fifty percent (50%) of its replacement value or more than fifty percent (50%) of the gross floor area of the existing structure(s), in accordance with the following:
    - i. The total number of dwelling units to be provided in the rebuilt structure(s) shall not exceed the total number of dwelling units previously existing in the same structure prior to the destruction.
    - ii. The dimensions of the rebuilt structure(s) on the development site shall be permitted based on what previously existed in the same structure(s) prior to the destruction and shall not result in an increase in nonconformity as it relates to all other provisions of the city's zoning regulations.
    - iii. Such redevelopment shall meet all applicable public safety codes in effect at the time of redevelopment including the building code, aviation-related height limitations, flood elevation, hurricane evacuation, natural resource protection including those related to beaches, marine resources and sea level rise.



# Recommendation

Staff recommends approval. On June 23, 2021, the Planning and Zoning Board unanimously recommended approval of this code revision.

Questions and Comments for Staff as Applicant.