



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

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

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

Tuesday, December 13, 2022

1:00 PM

Commission Chamber

### City Commission Meeting

#### CALL TO ORDER

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

Mayor Hardin stated he received a request from a resident to have the commissioners and city staff draw close to the microphone when speaking so that everyone can hear.

#### ROLL CALL

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

#### INVOCATION

Bishop Charles Ross of Judah NOW Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

#### APPROVAL OF MINUTES

[23-145](#) Regular City Commission Meeting Minutes of November 8, 2022

**A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Minutes be APPROVED. The motion**

**carried by a unanimous voice vote.**

[23-146](#) Special City Commission Meeting (Induction Ceremony) Minutes of November 22, 2022

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

#### **APPROVAL OF AGENDA**

Mayor Hardin announced that Item 28 will be stricken from the Agenda.

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

#### **CONSENT AGENDA DISCUSSION**

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

Mayor Hardin announced that Items 7, 10, and 17 would be pulled for City Commission discussion.

#### **A. SPECIAL PRESENTATION**

##### [23-107](#) **Habitat for Humanity Special Presentation**

Nancy Robin, CEO & Executive Director of Habitat for Humanity of Broward County will make a brief presentation regarding Collier City being a finalist in the Best Affordable Residential category for the 2022 Structures Awards sponsored by South Florida Journal.

Nancy Robin, CEO & Executive Director of Habitat for Humanity of Broward County gave a brief presentation regarding Collier City being a finalist in the Best Affordable Residential category for the 2022 Structures Awards sponsored by South Florida Journal. Also, a short video clip was presented highlighting Habitat for Humanity's efforts of providing homeownership opportunities in Collier City. Ms. Robin then recognized Cynthia Queens and Jacaid Hawkins, both of whom expressed their appreciation of being awarded the opportunity of homeownership.

Comr. Moss stated when he was elected into office in 2014, Collier City was a very different place from what it is now. The efforts of Ms. Robin and her team at Habitat for Humanity have drawn the private sector into Collier City to build homes there. To date, Habitat for Humanity has built approximately 100 homes in Collier City. Therefore, on behalf of his constituents in Collier City, he thanked Ms. Robin and her team for all they have done in the community.

#### **B. PROCLAMATIONS**

##### [23-114](#) **Arbor Day Designation**

Mayor Rex Hardin will proclaim December 13th as Arbor Day in the City of Pompano Beach and present the proclamation to the City's Arborist, Wade Collum.

Mayor Rex Hardin proclaimed December 13th as Arbor Day in the City of Pompano Beach and present the proclamation to the City's Arborist, Wade Collum.

Mr. Collum thanked his supervisor, Jennifer Gomez and director, David Recor for the opportunity to serve as the City's Arborist. He announced that the City is in the cusp of its 33rd year of holding the "Tree City USA" designation. He then highlighted several projects and accomplishments achieved in 2022. In closing, he thanked city staff, specifically the Public Works Department and the Urban Forestry staff, as well as the City Commission and City Management for their support.

### **C. AUDIENCE TO BE HEARD**

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

**Tom Drum, 2700 N.E. 8th Street, Pompano Beach, FL**, asked the Commission to respect the wishes of the residents by not approving development that encourages density. He then commented on the compliments that were given on the recent drone show, which was described as equal to the Beijing Olympic Drone Show. As an annual event, Mr. Drum expressed concern about the handling of traffic control on Federal Highway. Traffic was backed up bumper to bumper, which did not allow emergency vehicles to get through from north of Copans Road to south of McNab Road and on Atlantic Boulevard from the beach to I-95. Also, he was deeply concerned about the firetrucks and the Battalion Chiefs not being able to get through. Therefore, he would like to have his experience utilized for future events, such as the Boat Show and Air and Sea Show.

**Ed Phillips, 384 NW 19th Street, Pompano Beach, FL**, came forward to express concern about changes in the neighborhoods not being communicated to the residents. He gave an example as when they put the lights up, although appreciated, no one knew about it until it happened. Mr. Phillips requested advance notice to be given to everyone as to when these things are going to happen.

Mr. Phillips provided compliments to the Broward Sheriff's Office (BSO) for the response to the homeless initiative in the plaza where he has his business.

Mr. Phillips expressed how his feelings towards Earl Bosworth, Assistant City Manager have changed. He thanked the City Manager, Mayor and Commissioners for appointing Mr. Bosworth.

Mr. Phillips provided a brief update of the Tiger Trail Festival, stating the Tiger Trail Festival is moving exceedingly well. He mentioned there are several initiative events that are planned for Black History Month. He then distributed some information to the Commission regarding the Tiger Trail Festival and Black History Month. Also, he thanked the Mayor for his support of the Tiger Trail Festival. In closing, Mr. Phillips expressed there is a need for people to get a chance to come in and talk about the vision of tomorrow as it has been 10-15 years since that has happened, and he believes too much is happening without community input.

**Joe Bullard, 4821 NW 19th Street, Coconut Creek, FL 33063**, commented on the proposed Ultimate Sports Complex near the Boys and Girls Club. He believes it is a great project, but he was surprised to learn it was rejected. Mr. Bullard stated he represents Express Youth Development Institute in Pompano Beach and asked on behalf of the kids in the community to consider adding a track to the sports complex.

**Vitalii Zhelezniakov, 902 SE 1st Street, Pompano Beach, FL**, spoke about injustice in the State of Florida, Broward County and BSO - Pompano Beach District. He said an entire family of five members spent five months behind bars for nothing. Mr. Zhelezniakov and others have submitted an entire case of defense on behalf of the family, asking the prosecutor to drop the case, but no one is listening. Also, he commented on an open case with Internal Affairs against the BSO detective that worked on the case. He will be meeting with Gov. Ron DeSantis and Attorney General Moody to discuss the case. He then shared the challenges the family has endured since 2019. Therefore, as a Pompano Beach resident Mr. Zhelezniakov urged the City Commission to review the case.

**Jocelyn Jackson, Pompano Beach, FL**, congratulated Andrea McGee on her recent appointment as Vice Mayor. Ms. Jackson announced several upcoming events and they are as follows: 1) Toy Drive and Fresh Food Giveaway hosted by Jessica Williams of Info South Promotions on Saturday, December 17th from 10:00 AM to 1:00 PM with the toy drive starting at 1:00 PM to 4:00 PM. All participants must register with HandfulsofHopeFlorida@yahoo.com. 2) On Sunday, December 18th, there will be a Christmas party hosted by First Class Promotion at the Ali Cultural Arts Center at 7:00 PM. 3) On Sunday, January 14th, a concert will be held at the Pompano Beach Community Park for MLK Day from 3:00 PM to 10:00 PM. Tickets are available on Eventbrite.

Ms. Jackson thanked the Parks and Recreation Department, Public Works Department, BSO staff, City Manager Harrison, Assistant City Manager Bosworth and the Mayor for their support. Ms. Jackson stated they have done a lot of events for the City of Pompano Beach, and they need to put in motion to bring in new developments for people to be shopping at the shops, stores, and new gas stations. Ms. Jackson is looking forward to the development, and once again thanked everyone for an awesome year.

#### **D. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 1-6,8,9,11-16 and 18-21 without City Commission discussion.

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

1. [23-79](#) Consideration of a request by Leonard A Soderman to transfer ownership of Block 34, Lot 10, Plots 4 & 6 in the North Lawn to Steven C. & Susan M. Soderman as defined in Burial Right Agreement # 882.

(Fiscal Impact: N/A)

(Staff Contact: Robert A. McCaughan)

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

2. [23-100](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$200,000 FOR AIRPORT SECURITY GATE ENHANCEMENTS, AND CONFIRMING THE CITY'S ADDITIONAL CONTRIBUTION IN THE AMOUNT OF \$50,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,000)

(Staff Contact: Steven Rocco/Robert McCaughan)

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

**Enactment No: RES. No. 2023-28**

3. [23-102](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NE 2ND STREET BETWEEN NORTH FLAGLER AVENUE AND NE 3RD AVENUE TO A DUAL DESIGNATION OF NE 2ND STREET AND MCCLELLAN STREET WITH NE 2ND STREET TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided by requester)

(Staff Contact: Robert A. McCaughan)

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

**Enactment No: RES. No. 2023-29**

4. [23-118](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ACCEPTING A GRANT IN THE AMOUNT OF \$40,000 FOR VALIDATION/MITIGATION OF AIR PARK OBSTACLES, AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT OF \$10,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000)

(Staff Contact: Steven Rocco/Robert McCaughan)

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

**Enactment No: RES. No. 2023-30**

5. [23-122](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENT NUMBER TWENTY-THREE (23) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS IN THE RIGHT-OF-WAY OF STATE ROAD 849 (NW 31ST AVENUE); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert A. McCaughan)

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

**Enactment No: RES. No. 2023-31**

6. [23-123](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENT NUMBER TWENTY-FOUR (24) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH

AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS IN THE RIGHT-OF-WAY OF STATE ROAD 845 (POWERLINE ROAD); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert A. McCaughan)

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

**Enactment No: RES. No. 2023-32**

7. [23-51](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY TO OCCUPY A PORTION OF ALSDORF PARK AS A STAGING AREA FOR ITS DEERFIELD ISLAND SITE IMPROVEMENT CONSTRUCTION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Fournier pulled the item for City Commission discussion. She stated that there is an agenda item to follow, to approve a contract for a large construction project at Alsdorf Park. She wanted to make sure the timing of the two projects and the space required by both contractors was considered. She asked whether the City can manage two staging grounds for materials and construction equipment at the park and if it would create an overlap.

Mark Beaudreau, Recreation Programs Administrator, spoke on the project and confirmed the project will occupy a small portion of the northeast corner of the park, as well as having a dredge and barge adjacent to the park in the inner coastal waters. He is certain that they can accommodate both staging projects without any problem. He was uncertain, however if the dock project would run at the same time as the County project, then the intent would be to start the County project right away.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he frequently goes fishing at Alsdorf Park, therefore he asked whether the park will remain accessible to the public during the project.

Mr. Beaudreau stated that Hillsboro Inlet Park is a great place to fish as well. There are some other parks that have fishing sites available, but Alsdorf Park might be constrained with the two projects going on and the heavy volume of boat launching activity. Alsdorf Park has the busiest boat ramp in Broward County, and unfortunately there are some no fishing signs posted there. Mr. Beaudreau invited Mr. Phillips to talk offline

about other sites where he can fish.

Mr. Phillips stated that Hillsboro Inlet Park is a good fishing spot, but Alsdorf Park is the better place to catch fish.

Mr. Berman commented on the indemnification clause, citing that the contract was amended as of yesterday. Broward County is not only indemnifying the City of Pompano Beach, but added the Florida Inland Navigation District (FIND), because of the lease agreement the City with FIND. Mr. Berman requested a motion that the item be approved as amended.

Michael Skversky, 1630 SW 5th Avenue, asked if there was going to be a waterline or water fountain over by the exercise area at the park. According to Mr. Beaudreau, a waterline or fountain is not part of either project, and is not currently on the horizon.

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

**Yes:** Eaton  
Fournier  
Moss  
Perkins  
McGee  
Hardin

**Enactment No: RES. No. 2023-33**

8. [23-112](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOUCHER BROTHERS POMPANO BEACH, LLC TO OPERATE THE RENTAL OF BEACH EQUIPMENT AND CABANAS TO THE PUBLIC PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2023-34**



9. [23-104](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF AN AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF ARTS AND CULTURE AND THE CITY OF POMPANO BEACH, ACCEPTING A \$150,000 GENERAL PROGRAM SUPPORT GRANT FOR THE POMPANO BEACH ARTS PROJECTS, AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT OF \$150,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$150,000 matching fund)

(Staff Contact: Ty Tabing)

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

**Enactment No: RES. No. 2023-35**

10. [23-115](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S FISCAL YEAR 2023 ANNUAL PUBLIC ART PLAN AND DIRECTING STAFF TO PROCEED WITH THE PROJECTS INCLUDED THEREIN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$286,165.00)



**Strategic Plan Initiative**

(Staff Contact: Laura Atria/Ty Tabing)

Mayor Hardin asked city staff to highlight some of the public art plans for the upcoming year. Also, he thanked staff for doing a great job with public art and the maintenance thereof, which he expressed is critically important for the longevity of it.

Laura Atria, Public Art Program Manager, thanked the Mayor for the kind words and appreciated the support. Recapping the previous year, Ms. Atria stated the City started honing in on the maintenance plan and wanted to start doing that every year. Every year, about 10% of the newly allocated funding goes towards maintenance. It is important that not only does the City create these wonderful projects, but staff makes sure that they stay up in tip-top shape. For this year, the City will bring forward some projects from the previous years to finish up. Also, there is going to be additional add-ons, to include a \$150,000 project to be installed at Community Park, which will be a drive-by sculpture. Next, they will be allocating additional funding towards the third Mosaic Team Project that will be covering 27 of the columns under I-95 on MLK Jr. Blvd. Lastly, they will be working on projects with Sonata Kazimieraitiene and five apprentices from the city as well.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, asked for additional information on the project under

the I-95 bridge on MLK Jr. Blvd.

Ms. Atria explained that the project and design is not completed at this time. Next month, city staff will bring forth an ordinance to the Commission to recommend the artist, Sonata Kazimieraitiene who has done projects like these. They want to do something called, "Colors of Pompano, Patterns of Pompano", and it will be a mosaic item there, as well as paintings on the columns.

Mr. Phillips stated this idea is excellent, but because of the significance of this project and the subject area, at some point in time he would like to see the Commission interject public input as to what would fit there.

Comr. Moss stated that there is nothing for District 5 in the proposed plan, which he opined is the largest in terms of population in the City by several thousand people and gives more money than they get. The sculpture on Powerline Road and McNab Road has been delayed. He then inquired as to what that project might be.

Ms. Atria explained the project was started right before Covid, which caused the delay. The artist that was selected before COVID could no longer provide what was proposed due to price changes and materials. Public Arts Committee member, David Millers is working on the project to find a new artist. The art will be an entry way piece.

Comr. Moss requested details of what the piece will be. The intersection is on the south side of the City of Fort Lauderdale. On the north side, specifically on the northeast corner, there is a 7-Eleven and on the northwest corner there is a gas station there. Specifically, Comr. Moss inquired about where they are putting the sculpture.

Ms. Atria stated the Public Art Committee is currently looking at other entry areas. It will stay in District 5, but it might be moved around to be placed in a perfect location. Also, she stated they do not want it too close to Fort Lauderdale because they want the public to know that it belongs to Pompano Beach.

Comr. Moss stated he will vote no on the art entry project, because he feels District 5 is chronically and habitually ignored. He said it would be unfair to his constituents if he did not bring this up and will continue to bring it up until staff starts paying attention to District 5.

Mayor Hardin inquired about Cypress Bend.

Ms. Atria acknowledged that they are working on getting a painted Pompano fish in that area and there are a few painted fishes in the Palm Aire area. Actually, the largest mosaic from the Term One Group is a ten-foot diameter floor piece in a gazebo, as well as on traffic boxes. She emphasized that they do want art in every district to make sure everyone feels included.

Comr. Eaton echoed the sentiments of Comr. Moss. For District 2, specifically in Old Town, they have great art there, however the majority of the district is in the northern end of the city with a couple of parks that could be a spot to put art. Comr. Eaton would like District 2 to stay on the radar for more art placement opportunities.

Mayor Hardin expressed there is a high demand for art throughout the city, which is a good thing. He would like staff to think how they can expand the program. Perhaps, the Commission can get with Mr. Harrison to have more art throughout the community.

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

**Yes:** Eaton  
Fournier  
Perkins  
McGee  
Hardin

**No:** Moss

**Enactment No: RES. No. 2023-36**

11. [23-117](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A NOTICE OF SITE DEDICATION AND LIMITATION OF USE IN COMPLIANCE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AGREEMENT FOR THE NORTH POMPANO PARK HARDSCAPE AND LANDSCAPE PROJECT; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$200,000.00)

**G.O. POMPANO!**

(Staff Contact: Fernand Thony/Horacio Danovich)

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

**Enactment No: RES. No. 2023-37**

12. [23-130](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG DANIEL AND BRITTANY RUSHTON, CAROL BOYD AND DAVID NORMAN, AND THE CITY OF POMPANO BEACH, PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2023-38**

13. [23-131](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG JOHN AND SUSAN FOREMAN, CURRIN M. NICHOL III, AND THE CITY OF POMPANO BEACH, AND A DOCKING EXTENSION AGREEMENT AMONG JOHN AND SUSAN FOREMAN, JOHN MICHAEL AND LINDA BRADSHAW, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2023-39**

14. [23-134](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG TIMOTHY AND LESLIE PICKETT, VINCENT MURATORE, AND THE CITY OF POMPANO BEACH, AND A DOCKING EXTENSION AGREEMENT BETWEEN TIMOTHY AND LESLIE PICKETT, RENEE MANDERSCHIED AND ANDREW MILL, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2023-40**

15. [23-136](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AGREEMENT

AMONG THOMAS C. WALSH AND ELLEN TAKAGI WALSH, IVAN J. SUDIC AND JOHN MARK SUDIC, AND THE CITY OF POMPANO BEACH, AND A SHARED COMMON DOCKING AGREEMENT BETWEEN THOMAS C. WALSH AND ELLEN TAKAGI WALSH, JOSEPH T. WALSH, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2023-41**

16. [23-138](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF MUNICIPAL LIENS BETWEEN THE CITY OF POMPANO BEACH; O'CONNOR HOLDINGS, LLC; BROWARD COUNTY; AND GOLD COAST PLAT PROPERTY OWNERS ASSOCIATION, INC. TO RESOLVE CITY'S PENDING FORECLOSURE ACTION AGAINST 1601 NW 15TH AVENUE; PROVIDING AN EFFECTIVE DATE  
(Fiscal Impact: \$250,000.00 paid to City of Pompano Beach)

(Staff Contact: Fawn Powers)

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

**Enactment No: RES. No. 2023-42**

17. [23-95](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND RELEASE RELATING TO THE SETTLEMENT OF THE LAWSUIT AGAINST WALMART INC., AS PARTIAL SETTLEMENT OF THE ONGOING OPIOID LITIGATION CASE; APPROVING AND AUTHORIZING THE CITY ATTORNEY TO EXECUTE ALL DOCUMENTS PERTAINING TO THIS SETTLEMENT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$94,571.48 paid to the city.)

(Staff Contact: Mark E. Berman)

Mayor Hardin stated he pulled the item to highlight that \$94,571 is being paid to the city because of opioid litigation. The Mayor thanked the City Attorney's Office for spearheading this effort on behalf of the city and making sure the city is actually benefitting from both the litigation and the settlement, which he pointed out there have been more than one.

Mark Berman, City Attorney confirmed there have been five wire transfers sent to the city. The settlements with some of the companies are partial, but the City will get a certain amount every year. This \$94,571.48 is a total amount that can be used to combat opioid addiction in the city, to include supplies, education, and more. It is going to be several hundred thousand dollars by the time it is done. The Commission authorized the City Attorney several years ago to engage in this litigation with outside counsel, and after years of work, the settlements are now coming through with hope that this will benefit the residents and take hundreds of thousands of dollars off the taxpayer rolls to cover the cost of this ongoing litigation of the opioid issue.

Mayor Hardin congratulated City Attorney Berman and stated this is not just about the money coming into the general fund, this is actually to offset the costs that the city is involved in dealing with the opioid crisis, which they have faced and are still facing.

Greg Harrison, City Manager announced that Comr. Perkins was not feeling well, therefore she left the meeting.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: RES. No. 2023-43**

18. [23-128](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DARLENE SMITH TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact: Kervin Alfred)**

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

**Enactment No: RES. No. 2023-44**

19. [23-129](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CHARLOTTE BURRIE TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

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

**Enactment No: RES. No. 2023-45**

20. [23-143](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOSEPH “JOE” CERQUOZZI TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ALISON FOURNIER, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

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

**Enactment No: RES. No. 2023-46**

21. [23-144](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RICHARD “RICH” DALLY TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ALISON FOURNIER, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

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

**Enactment No: RES. No. 2023-47**

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

22. [23-53](#) **P.H. 2023-18: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR A 7.0 GROSS ACRE SITE LOCATED AT 1700 BLOUNT ROAD (NW 30TH AVENUE); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON OCTOBER 26, 2022; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated this agenda item and next two items are companion items. She acknowledged the two new Commissioners were not here for first reading and confirmed staff have met with them separately to bring them up to speed. The presentation will focus on the Declaration of Restrictive Covenants, which is the only change since first reading. She provided an overview of the site at 1700 Blount Road including the general location, context aerial, and adjacent land use map. She noted the amendment is a change in entitlements from Industrial to Commercial to Residential. The public facility impact analysis was summarized, and the Ms. Dolan noted the applicant requested an additional 30-day extension to address security requirements. She reviewed the requirements for the Declaration of Restrictive Covenants which include transportation, security, recreation, and drainage. She concluded by outlining the Local-Only LUPA Process.

The complete copy of the PowerPoint presentation provided by Ms. Dolan is attached hereto in full as **Exhibit 1**.

The Applicant will give one presentation to describe the whole project, which will then be incorporated by reference in the other two items to follow.

Debbie Orshefsky, Attorney Holland & Knight, (515 E. Las Olas, Fort Lauderdale) introduced herself on behalf of the Applicant. She introduced additional team members: Dodie Keith-Lazowick, the immediate past



chair of Broward Partnership; Mike Vonder Meulen, AICP - Senior Director of Planning at Keith and Associates, Inc; Tom Campbell, Chief Operating Office of BPHI; and Mitch Rosenstein, Principal with Green Mills Group. She shared data from the 2022 Broward County Affordable Housing Needs Assessment and noted Broward County is last of the 67 counties for affordable rental units for families earning less than 60% AMI.

Ms. Orshefsky highlighted the site, proximity to other tax credit affordable housing developments, surrounding employers, and surrounding services. She described the City of Fort Lauderdale Seven on Seventh site as an example of similar use. Ms. Orshefsky continued by summarizing commitments from the Broward Partnership For the Homeless including transportation for school-age children, transportation for apartment residents, security, recreational amenities, drainage, and Declaration of Restrictions.

The complete copy of the PowerPoint presentation provided by the representatives of the Applicant is attached hereto as **Exhibit 2**.

Sarah Peterson, 103 NW 7th Avenue, did not state a position but expressed concern about security.

Kevin Eason, 2010 NW 5th Terrace, spoke in favor of the project but expressed concern about transportation for school-aged children.

Andrew Greene, 2601 NW 3rd Street, spoke in favor of the project.

DeBarris James, 731 Martin Luther King, Jr. Boulevard, spoke in favor of the project.

Jocelyn Jackson, (Address Not Provided), spoke in favor of the project but expressed concerns about proximity to the prison and security of children. She further spoke about affordable and transitional housing and the homeless on the sidewalks and outside nearby facilities.

Edward Phillips, 384 NW 19th Street, spoke in favor of the project.

Reverend Glenn Bostic, New Life Alpha Omega Ministries Inc (1558 NW 5th Avenue), spoke in favor of the project.

Michael Skversky, 1630 SW 5th Avenue, did not state a position but expressed concern about transportation and security.

Pastor Gary McLamore, 1751 NW 6th Avenue, spoke in favor of the project. He submitted petitions to the City Clerk.

Pastor Willie Howard, 2300 NW 6th Street, spoke in favor of the project.

Fred Stacer, 2501 SE 9th Street, spoke against the project.

Michael Obel, (Address Not Provided), spoke in favor of the project.

Mark McLamore, 1241 NW 24th Avenue, spoke in favor of the project.

Pastor Evander Derico, Jr. 5310 NW 9th Terrace, spoke in favor of the project.

Phyllis Smith, (Address Not Provided), spoke in favor of the project.

Mayor Hardin closed the public hearing.

Comr. Moss asked Mr. Stacer, as Chair of the Planning and Zoning Board, to further describe the St. Petersburg reference. Mr. Stacer said this project would not qualify for affordable housing in St. Petersburg industrial according to their criteria and code. Comr. Moss asked Mr. Stacer his opinion on whether the comparison made between Blount Road and Sunrise Boulevard is valid. Mr. Stacer responded no and provided additional thoughts on this industrial corridor.

Comr. Moss expressed concern about setting precedent with allowing residential in industrial. City Attorney Berman stated that each application is judged on its own individual merit according to criteria, so no precedent is set.

Mayor Hardin asked Comr. Moss to hold additional questions until Commission discussion and invited the applicant up for rebuttal.

Ms. Orshefsky returned to speak about mixed use zoning, land use, and the affordable housing crisis in Florida and Broward County. She further clarified statements made by Mr. Stacer and asked the Commissioner to be innovative.

Mitch Rosenstein, Principal with Green Mills Group, introduced himself to the Commission. He addressed security concerns and agreed to shared 24-hour personnel security with North HAC Broward Partnership. He stated their transportation commitments align with Florida housing standards. He clarified his previous comments about St. Petersburg bill and House Bill 1339. Mr. Rosenstein provided additional information about resident background checks. He displayed an overhead and summarized rental rates for the project.

Dodie Keith-Lazowick introduced herself to the Commission and noted the Planning and Zoning Board voted 4-2 in favor of the project. She provided historical background on Broward Partnership, services offered, and benefits of the project for the community. She asked for an affirmative vote.

Vice Mayor McGee thanked the applicant for committing to additional security measures. As a realtor, she spoke about the affordable housing market. She wants to move forward with the project.

Comr. Fournier expressed her view on the system and affordable housing. She asked about Broward Partnership contract length, respite center plans, transportation for school-aged children, plans for a playground, commissary, and additional Blount Road lighting. Ms. Keith-Lazowick described the five-year length of the Broward Partnership contract, plans to improve and reopen the respite center, transportation, and noted they would discuss further on recreational features, commissary, and additional lighting opportunities. Additionally, she spoke on eviction and financial background checks. Comr. Fournier thanked everyone for

their efforts.

Comr. Moss stated he is a strong advocate for affordable housing and thanked the Broward Partnership. He stated Pompano Beach has the second highest number of affordable housing properties in Broward County and questioned why other cities do not offer more affordable housing. He spoke further about zoning exceptions, setting precedent, and transitional housing residents and does not believe it is an ideal location or a safe haven.

Comr. Eaton thanked the public for their comments. She supported the item on first reading, plans to support it on second reading, and said the Broward Partnership has a proven track record. Comr. Eaton noted it is not perfect, but they need to start somewhere. She urged her fellow Commissioners to support the project.

Mayor Hardin thanked Comr. Moss for bringing up the point about availability of affordable housing in Pompano Beach. He spoke about the city taking the lead in Broward County as it relates to affordable housing and he commented on deconcentrating poverty as well. Finally, he spoke against the placement of housing in the middle of an industrial area, however he recognized Broward Partnership's unique situation, noting that the subject project is adjacent to their existing facility.

Vice Mayor McGee asked for clarification on the affordable housing chart. Ms. Dolan confirmed they are showing the affordable housing that is subsidized by HUD.

Nguyen Tran, CRA Director, stated the Lambert study are Low Income Housing Tax Credit (LIHTC) units and does not account for other affordable housing units. He acknowledged the data is from 2018. Vice Mayor McGee asked Mr. Tran to email the Commission additional breakdown data from Florida Housing. Comr. Fournier added the data per capita would be more useful for the full picture.

Comr. Perkins stated she does not have a problem with the project but expressed concern about security and noted she previously recommended a security gate. Ms. Keith-Lazowick replied that they agree to control access with a gate and will include it on the site plan. She said she supports the project.

Meeting went into Recess

Meeting Reconvened

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

**Yes:** Eaton  
Fournier  
Perkins  
McGee  
Hardin

**No:** Moss

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**Enactment No: ORD. No. 2023-14****QUASI-JUDICIAL PROCEEDING****23. [23-54](#) P.H. 2023-19: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF BLOUNT ROAD (A/K/A NW 30TH AVENUE) APPROXIMATELY ONE HALF-MILE NORTH OF DR MARTIN LUTHER KING, JR. BOULEVARD, COMMONLY KNOWN AS 1700 BLOUNT ROAD, FROM CF (COMMUNITY FACILITIES) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

(Staff Contact: Jean Dolan/David Recor)

Mayor Hardin disclosed he had ex-parte communication with the Applicant and members of the public both for and against this project.

Comr. Moss disclosed he had ex-parte communication with the Applicant and members of the public both for and against this project.

Comr. Fournier disclosed she had ex-parte communication with the Applicant and members of the public both for and against this project.

Comr. Eaton disclosed she had ex-parte communication with the Applicant and members of the public both for and against this project.

Vice Mayor McGee disclosed she had ex-parte communication regarding this project.

Jean Dolan, Development Services Department, stated this item along with the Plat Note Amendment to follow are linked to the Land Use Plan Amendment (Agenda Item 22), therefore by creating the entitlements of the land use plan amendment, both this item and the plat note amendment will need to be approved as well. She provided the general location/context aerial and added that the rezoning only applies to the rear section of the property to B3 and they were given flex units in order to build the project as permitted through County Policy 2.16.3. Therefore, the Applicant only needs 7 flex units of the 138 units.

The complete copy of the PowerPoint presentation provided by Ms. Dolan highlighting the significant points of the project, is attached hereto in full as **Exhibit 3**.

Ms. Dolan mentioned city staff does not believe this project meets the Plan Goals, Objectives, and Policies of

the city, however the Commission already approved the entitlements, so they are moving forward with this proposal. She said the same schedule applies because the land use plan and the zoning run concurrently, so they will need to have their Broward County Planning Council Recertification in January to meet the submittal deadline to obtain funding. Staff has already submitted the application to the County, so they could have the opportunity to review it in order for the Applicant to have their entitlements. Lastly, she said the Applicant's representatives will not need to repeat their entire presentation, but it can be incorporated by reference as this is a quasi-judicial item.

Mayor Hardin asked Ms. Dolan to briefly explain County Policy 2.16.3, the flex units and how they relate to each other.

Ms. Dolan stated Policy 2.16.3 and 2.16.4 were created by the County to allow the City to receive bonus units for building an affordable housing project, which can be as little as 15% affordable. In fact, the bonus for a very low-income unit is 19 bonus units. She then provided the method of calculating the bonus units and highlighted the benefits of utilizing these policies.

Mayor Hardin asked if the Applicant desires to adopt their presentation into the record for this item.

Debbie Orshesky, Attorney Holland & Knight, (515 E. Las Olas, Fort Lauderdale), on behalf of the Applicant, agreed to adopt their presentation by reference for this item and expressed appreciation for the Commission support.

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

**Yes:** Eaton  
Fournier  
McGee  
Hardin

**No:** Moss

**Absent:** Perkins

**Enactment No: ORD. No. 2023-15**

24. [23-99](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON BROWARD COUNTY PLAT NO. 2; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, stated this is the Plat Note Amendment to enable this project to take place on Blount Road. She said the Applicant has to change the note on the plat to include 138 units. Also, the new plat note will reflect the following:

- 35.72 acres of industrial use on Parcel A
- 28.1 acres of jail support services on Parcel B
- 3,200 bed jail (approx.) on Parcel C
- 2 acres (approx.) lake on Parcel D
- 64,350 square feet of community facilities (North Housing Assistance Center - NHAC) and 138 units on Parcel E

Ms. Dolan noted that since the entitlements were created prior by the Commission, the Applicant is entitled to the units by right. Therefore, this item is administrative in nature and the Commission has to approve the Plat Note Amendment.

Mayor Hardin asked if the Applicant desires to give a presentation.

Debbie Orshefsky, Attorney Holland & Knight, (515 E. Las Olas, Fort Lauderdale), on behalf of the Applicant expressed appreciation for the Commission support.

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

**Yes:** Eaton  
Fournier  
McGee  
Hardin

**No:** Moss

**Absent:** Perkins

**Enactment No: RES. No. 2023-48**

25. [23-47](#) **P.H. 2023-23: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE NORTH SIDE OF PARK CENTRAL BOULEVARD, COMMONLY KNOWN AS 1700-1736 PARK CENTRAL BOULEVARD AND ON THE SOUTH SIDE OF PARK CENTRAL BOULEVARD, COMMONLY KNOWN AS 100-140 PARK CENTRAL BOULEVARD FROM OFFICE INDUSTRIAL PARK (OIP) TO GENERAL INDUSTRIAL (I-1); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

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

Jean Dolan, Development Services Department, stated the Applicant is requesting to rezone two parcels on the north and south sides of Park Central Boulevard, just west of Andrews Avenue, from Office Industrial Park (O-IP) to General Industrial (I-1). The northern parcel is approximately 11 acres, the southern parcel is approximately 4.5 acres, and both parcels will be developed into a warehouse. The Applicant intends to have outside storage of materials within the loading area of the buildings. Outdoor storage is permitted in the General Industrial Zoning District, but not in the O-IP Zoning District. The rezoning request has been found to be consistent with the land use category and the goals, objectives and policies in the Comprehensive Plan. Staff is of the opinion that the I-1 zoning is compatible with the surrounding industrial properties. In closing, Ms. Dolan stated that the Planning and Zoning Board unanimously recommended approval of the rezoning on October 26, 2022.

Richard Coker, Esq., 1404 S. Andrew Avenue, Fort Lauderdale, FL, Attorney on behalf of Duke Realty (Applicant), stated Duke Realty was acquired by Prologis, therefore Prologis owns the property as well as many properties within the vicinity of Park Central. He mentioned that a presentation was given at the previous meeting and he understands there are two new commissioners on the dais; unless the commissioners desire that he give the presentation again, he is available to answer any questions they may have.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: ORD. No. 2023-16**

26. [23-48](#) **P.H. 2023-22: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON THE NORTH SIDE OF NW 33RD STREET, BETWEEN N. POWERLINE ROAD AND NW 16TH AVENUE, COMMONLY KNOWN AS 1741 NW 33RD STREET, FROM I-1 (GENERAL INDUSTRIAL) TO I-1X (SPECIAL INDUSTRIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

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

Jean Dolan, Development Services Department, stated this is a request to rezone a property located at 1741 NW 33rd Street from I-1 (General Industrial) to I-1X (Special Industrial) to expand the types of industrial uses allowed for potential tenants on this property. The existing land use designation is industrial and would allow the rezoning of the property. Staff finds the rezoning as generally consistent with the goals, objectives and policies in the Comprehensive Plan and considers the rezoning compatible with the surrounding land uses. Also, the Applicant has submitted a Voluntary Declaration of Restrictive Covenants prohibiting Sexually-Oriented Business and Fortune Telling uses on the property. Staff considers the rezoning compatible with the surrounding existing uses. In closing, Ms. Dolan stated that the Planning and Zoning Board unanimously recommended approval of this item at their hearing on October 26, 2022 and staff recommends approval as well.

Dwayne Dickerson of Dunay, Miskel & Backman, LLP, 14 SE 4th Street, Boca Raton, FL, Attorney on behalf of the Applicant, stated he is available to answer any questions.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: ORD. No. 2023-17**

**END OF QUASI-JUDICIAL PROCEEDING**

27. [23-125](#) Approval to award ITB E-37-22 Alsdorf Park Seawall and Dock Replacement to the lowest responsive, responsible bidder, B & M Marine Construction, Inc., at a cost of \$1,781,595.50. (Fiscal Impact: \$1,781,595.50)

**(Staff Contact:** Tammy Good)

Tammy Good, CIP Manager, stated an invitation to bid was issued and staff recommends awarding this project to the lowest responsive bidder. The project consists of approximately 370 feet of dock and seawall replacement. Ms. Good noted that the City received two grants one from the Florida Inlet Navigation District (FIND) and the other from Broward County Boating Improvement (BBIP).



Comr. Fournier stated Alsdorf Park has a very busy boat ramp and the dock needs to be replaced. She said she was thrilled to see this item on the agenda and that half of the project will be funded with grant money. She spoke favorably about the design and how staff considered the whole lifetime cost of maintaining the dock and seawall. With respect to the floating section, she asked if the intent is to improve accessibility for boats when the tides are low or is it to increase usage for jet skis and kayaks and smaller vessels.

Ms. Good stated the impetus for the floating dock was the new FEMA maps that requires the City to raise the cap. When compared to the current point, it will be 30 inches higher, so it will be difficult for smaller boats, jet skis or people in kayaks to get on to the dock. Therefore, staff determined the best alternative was to create an area that would be accessible to everyone.

Comr. Fournier believes that it will be a nice amenity for the public. However, when the park reopens, considering the boat traffic at peak times, the City should pay attention to the kayakers and those with jet skis and smaller vessels to ensure everything is safely working together.

Commenting on Comr. Fournier's earlier question concerning the two projects and scheduling issues at Alsdorf Park, Ms. Good stated she does not anticipate any issues. She said they will not start until mid-February at which time they would have permit on hand.

Mayor Hardin asked whether staff anticipates any obstructions with the use of the boat ramps at the park, to which Ms. Good replied no. The work will take place to the east of the ramps; therefore, the ramps will be open.

Mayor Hardin asked if Ms. Good or the contractor will coordinate with any events to take place at the site, to which Ms. Good replied absolutely.

Vice Mayor McGee expressed excitement about the project and she understands seawall resiliency is an issue they will have to deal with citywide, so she is happy to see the City getting a jump start on it.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

28. [23-113](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY-WIDE

RECREATION FACILITIES AND ACTIVITIES REPORT PREPARED BY BALLARD KING & ASSOCIATES LTD.; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

**A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be STRICKEN. The motion carried by a unanimous voice vote.**

- 29. [23-90](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN PROGRAM FOR POINT SOURCE WATER POLLUTION CONTROL; AND, UPON APPROVAL, AUTHORIZING EXECUTION OF 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 FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$875,000. Financed over the maximum SRF 20-year term with Stormwater revenues)

(Staff Contact: A. Randolph Brown)

Randy Brown, Utilities Director, stated this is the approval for the loan application for three project designs.

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

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

**Absent:** Perkins

**Enactment No: RES. No. 2023-49**

- 30. [23-25](#) **P.H. 2023-15: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ENCO UTILITY SERVICES FLORIDA, LLC TO PROVIDE UTILITY MAILING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$120,000.00)

**FIRST READING: NOVEMBER 8, 2022**

(Staff Contact: Allison Feurtado)

Allison Feurtado, Finance Director, stated this is the second reading of the Ordinance and there were no changes since the first reading.

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

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

**Absent:** Perkins

**Enactment No: ORD. No. 2023-18**

31. [23-50](#) **P.H. 2023-17: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN (DROP)," BY AMENDING SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2025, THAT MODIFIES THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, stated this is the second reading of the Ordinance and there were no changes since the first reading.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: ORD. No. 2023-19**

32. [23-61](#) **P.H. 2023-16: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY MEASUREMENT STANDARDS AND REQUIREMENTS FOR STRUCTURES LOCATED WITHIN WATERWAYS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 8, 2022**

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, stated that there were no changes since the first reading and he is available to answer any questions.

Comr. Fournier stated she was not present for the first reading of the ordinance amendment; therefore, she understands the amendment expands the ability to have a boat on a lift or put a lift out into the canal, which does not impede on the navigable canal space of 45%. Prior to the amendment one could go up to 20% or 28 feet, really impacting canals that are 50 feet to 102 feet.

Mr. Sfiropoulos confirmed that 45% of the canal is considered the navigational channel. The 28 feet measure was not arbitrarily chosen, it was because most of the canals are 100 feet. Taking 45% of that, that leaves

55-feet and dividing that by two for each side gives the 28 feet.

Comr. Fournier stated the amendment would give homeowners who may have been confined by the previous space in the canal and had to use an elevator lift, would now have the ability to put in a four-post lift.

Mr. Sfiropoulos agreed with Comr. Fournier's statement and added that the four-post lift is good for a cradle lift as opposed to the elevator lift.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: ORD. No. 2023-20**

33. [23-141](#) **P.H. 2023-26: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.38, "CHRONIC NUISANCE PROPERTY CODE," TO PROVIDE FOR A STREAMLINED PROCESS THAT IS CONSISTENT WITH OTHER CITY CODES FOR IDENTIFYING CHRONIC NUISANCE PROPERTIES AND ENFORCEMENT PROCEDURES FOR THE ABATEMENT OF CHRONIC NUISANCE ACTIVITY OCCURRING AT BOTH RESIDENTIAL AND COMMERCIALY-OWNED PROPERTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 10, 2023**

**(Staff Contact: Tracy A. Lyons)**

Tracy Lyons, Deputy City Attorney, presented the item stating that the ordinance before the Commission is an amendment to the existing chronic nuisance property code. The City Attorney's Office is doing a reverse reading because there were certain edits made subsequent to the advertising notice. The first reading will be the first meeting in January. The amendments to this ordinance streamlined the procedures for prosecuting the criminal nuisance properties that have a significant adverse impact on neighborhoods and the quality of life

throughout the city. The amendments include the fact that the cases will now be brought before the Nuisance Abatement Board rather than the special magistrate. The Nuisance Abatement Board has been very productive in hearing criminal nuisance matters. City attorneys have many success stories and therefore it seemed wise to bring all of the nuisance cases before that particular board. The amendments will also reduce the qualifying number of service code calls for nuisance activity to invoke the jurisdiction of the board. They are reduced from 3 to 2 calls within a 30-day period and from 7 to 4 calls within a six-month period. Finally, if after a final order is entered by the Nuisance Abatement Board and the nuisances are not being abated by the property owner, and if the city has to come in and abate that nuisance for those services associated. With that service the cost will be assessed against the property on and non-valorem assessment. This is yet another tool in the proverbial toolbox. And as Mr. Berman has noted, we've sharpened that tool.

Comr. Eaton thanked the legal staff, and expressed that she is glad the tool is getting as sharp as they can get it. She spoke on the great neighborhoods, annexed neighborhoods and landlords in her district. She is looking forward to putting the ordinance to use.

Mayor Hardin inquired on the comparison of the existing nuisance abatement case load versus the expected case load when this takes place. He wondered what the board is going to be set up for.

Ms. Lyons confirmed her board can handle the caseload. Cases will be limited for whatever would be for a particular hearing. It is not expected to be more than 10 to 15 cases per meeting, because testimony and evidence is taken. It is a whole due process hearing, so time is a factor. While the jurisdiction is broadened for the different types of cases the board will hear, the cases will be limited to any given day. If the board needs to meet more than once a month, that can be taken into consideration and the board can vote for that if they find the need.

Mayor Hardin expressed that was his concern, and he does not want to ever burn out a board because it's voluntary. They're diligent in what they do, but he would hate to see the board meet five days a week now. While he doesn't believe there are that many nuisances out there, he believes in the beginning it could be sizable.

Comr. Eaton thanked the board for their service to the community and for being a partner with the Commission.

Vice Mayor McGee gave thanks for adding this tool to the box and sharpening it. For those watching from home she inquired as to what step one would be.

Ms. Lyons stated step one at this point to contact either the legal office or BSO. BSO right now presents the case for the chronic nuisance. It will be a collaborative effort between the city legal office, BSO and the code enforcement department.

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

**Yes:** Eaton  
 Fournier  
 Moss  
 McGee  
 Hardin

**Absent:** Perkins

**Enactment No: ORD. No. 2023-21**

34. [23-109](#) **P.H. 2023-24: (PUBLIC HEARING 1ST READING)**  
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, “PUBLIC PEACE AND SAFETY,” BY AMENDING SECTION 132.36, “SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION,” TO EXPAND THE SCOPE OF PROHIBITIONS BY PROVIDING FOR VIOLATIONS OF ADDITIONAL STATE STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: N/A)

**(Staff Contact:** Tracy A. Lyons)

Tracy Lyons, Deputy City Attorney, presented the item, stating that the ordinance before the Commission addresses the need to update the City's existing sexual offender residency prohibition to add two additional state law criminal provisions. Currently, as advised by BSO, most sexual offenders’ convictions are related to crimes involving child pornography and the transmission of the same. By making these two amendments, the City is adding those criminal state statutes to the City’s ordinance to provide further authority to prohibit individuals convicted of those offenses from residency requirements within the city.

Mr. Berman added this was brought to his office by BSO. These are the more predominant types of crimes the City is seeing at this point relating to sexual violations, so BSO felt it was necessary and they are accommodating their request.

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

**Yes:** Eaton  
 Fournier  
 Moss  
 McGee  
 Hardin

**Absent:** Perkins

35. [23-124](#) **P.H. 2023-25: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SOFTWARE SUBSCRIPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$10,000/ year over three years)

**(Staff Contact:** Suzette Sibble/Karen Santen)

Suzette Sibble, Assistant City Manager, presented the item stating this agenda item requests approval of a three-year agreement with ECivics, Inc. This software has many benefits for the city. Notably, it allows the City to keep a central repository of all the grants applied for. In addition, it ensures that the city is following the required compliance requirements of each grant or agency. Most importantly, the main function of the software is that it provides an alert when a grant opportunity comes to light from the granting agency. The City has a lot of needs. There are several agenda items on the agenda this afternoon where the city is receiving a lot of grant funding related to several projects. They applied for projects, for different programing in the city, and over the last five years, they have been successful and were awarded about \$7.6 million, which is an average of \$1.5 million a year. The City is not always successful. It's very competitive to apply for the grants. There is a lot of work that goes into these grant applications, but staff is really committed to the process. There is a grant coordinator on staff that assists all the departments. The software allows certain inputs into the software in terms of the City's needs. Again, notice of funding availability from the grant or agencies is received. The City is at the forefront and staff believes they are doing all that they can to ensure that efforts are maximized in that respect. The software will allow the City to continue that path.

Vice Mayor McGee thanked staff for bringing the software in. Being quick on the draw with grants, she feels it is oftentimes half the battle.

Ms. Sibble indicated that the City has been using the software for a while, they are just renewing the contract. She feels the software is great and it has been a game changer for the city.

Comr. Fournier commented on the software. In just a couple of weeks, she has heard “grants” and ECivics multiple times, and she understands that it is an important tool. With all the grant funding that the city has for projects on the agenda, it’s been a good return on investments for the residents.

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



**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

36. [23-148](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AEG PRESENTS SE, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Revenue generating through escalating rental payments \$2,500.00/ event during the first year; \$3,500 during the second year; and \$4,500 during the third year.)

**(Staff Contact:** Earl Bosworth)

Earl Bosworth, Assistant City Manager, presented the item, stating this is a resolution authorizing a license agreement between the City and AEG Presents SE, LLC to book, produce and present shows and events at the amphitheater. AEG Presents is one of the largest live music companies in the world. The company is dedicated to all aspects of live contemporary music performances, including producing and promoting global and regional concert tours, music events and world-renowned festivals. AEG operates in North America, Europe, and Asia through 16 regional offices that support tours, which include artists such as Taylor Swift, Paul McCartney, Elton John, Ed Sheeran, Katy Perry and Kenny Chesney. They produce or support over 25 musical festivals, including the iconic Coachella Fest, Stagecoach, and the New Orleans Jazz Festival.

Mr. Bosworth highlighted some of the key terms of the agreement. It's a three-year license agreement with an escalating rental amount. The first year, for each show AEG will pay the City a rental amount of \$2,500, then \$3,500 per show on the second year and finally \$4,500 per show on the third year. AEG is solely responsible for the performance at each event, including arranging for such performances, contracting with the artist, paying all amounts owed to such performers, including costs associated with coordination of the entire production of every event. The City does not pay anything for talent and/or production. AEG provides all personnel required to staff the amphitheater, including but not limited to box office personnel, parking attendants, food and beverage concessionaires, catering, ushers, security, custodians, and restroom attendants. Moreover, Mr. Bosworth provided additional terms and conditions, outlining the responsibilities in the agreement of both the City and AEG.

Furthermore, Mr. Bosworth spoke favorably of AEG's partnership with the City, citing that they have been professional and courteous. AEG have brought in A-list entertainment. Not to mention, they have been doing a much better job with promoting the City's amphitheater. He then shared a couple of stats of AEG accomplishments. They have done 14 shows with an attendance of 28,248 people. They are averaging over 2000 per show, with a few sellouts and they have likely spent two plus million dollars on talent alone, since the

reopening of the amphitheater. Mr. Bosworth was comfortable about the contract amounts. In comparison, the City looked at the Broward Center, which is one of the top ten in the world. When the agreement gets to the third year, the City will be at a comparable rate. In sum, he said it is an acceptable and appropriate amount that the City can charge to put these shows in.

Vice Mayor McGee expressed she is very excited to see the level performances that have come to the venue. She has a history with concerts and knows AEG. AEG is professional and has been around for a long time. They work hard and make good shows.

Mayor Hardin commented on when the amphitheater was dormant and how fantastic it is now. Also, he expressed there is no need to have a facility that is not being used. He noted there is a buzz about Pompano Beach because of the amphitheater and other cultural facilities, which are also bringing in dollars to the city.

Comr. Eaton concurred with the Mayor's sentiments, citing it is super fantastic.

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

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: RES. No. 2023-50**

37. [23-142](#) A RESOLUTION APPOINTING KERVIN ALFRED AS CITY CLERK AND ESTABLISHING A SALARY TO BE PAID; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: As determined by the City Commission)

**(Staff Contact: Ed Beecher)**

Ed Beecher, Human Resources Director, presented the item, stating that at the City Commission's direction staff met with the City Clerk, Kervin Alfred, to discuss the establishment of his annual salary. The recommendation is in the Commission's back up. This will establish December 1st as his effective date and his annual evaluations will be that date going forward.

Comr. Fournier congratulated Mr. Alfred and stated he will need an assistant to help out and hopes he is able to find someone as capable and kind as him.

**A motion was made by Vice Mayor McGee, seconded by**

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**Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Eaton  
Fournier  
Moss  
McGee  
Hardin

**Absent:** Perkins

**Enactment No: RES. No. 2023-51**

**F. ADDITIONAL AUDIENCE TO BE HEARD**

There were no additional speakers to speak under Audience to be Heard.

**G. NEXT SCHEDULED MEETING**

Mayor Hardin announced the next scheduled meetings as listed below.

January 10, 2023 at 1:00 p.m. - Regular City Commission Meeting

January 24, 2023 at 6:00 p.m. - Regular City Commission Meeting

**H. REPORTS**

**City Manager's Report:**

Greg Harrison, City Manager stated a meeting is tentatively set for the week of January 16th for the Master Developer Selection Committee to reconvene and start going over the two proposals that have been received for downtown. The Oceanside Project, because of dim market conditions and rising costs, has been canceled and a letter thereof was sent on November 9th. The plan is to regenerate new information and hopefully get everything back out by Springtime 2023.

Mr. Harrison announced that Utilities Director Randy Brown won an award. Mr. Brown won, for the fourth year in the row, the Florida Water and Pollution Control Operation Association Utility of the Year.

Mr. Harrison announced that Fire Chief Chad Brocato's birthday is today, December 13th and Earl Bosworth, Assistant City Manager's birthday is tomorrow, December 14th. Everyone wished them a Happy Birthday. In closing, he wished everyone a Merry Christmas and a Happy New Year.

**City Attorney's Report:**

Mark Berman, City Attorney wished everyone Happy Holidays.

**City Clerk's Report:**

Kervin Alfred, City Clerk thanked Commission for approving his appointment as City Clerk. He then brought attention to an appointment that was made this afternoon to move Darlene Smith from alternate to full membership, which will now create a vacancy to a position for the Planning and Zoning Board. Mr. Alfred requested a motion to move the third alternate, which is Marianne Edge, to second alternate, which that matter will be brought on the next regular Commission agenda for approval. Also, if the Commission would consider moving Ms. Edge to second alternate, an item will be brought forth to fill the third alternate position.

Mayor Hardin requested an item be put on the next agenda moving Marianne Edge to second alternate and to fill the third alternate position. Comr. Moss asked that a resume be included for review.

**Comr. Eaton's Report:**

Comr. Eaton spoke on her and Comr. Fournier's participation in the Broward Partnership for the Homeless Championship Breakfast as celebrity waiters. There was an opportunity to compete for the centerpiece and table settings. One of the categories was most items that you can donate to the shelter. Comr. Fournier did the place settings using some of our giveaways. Comr. Eaton did the centerpiece and made snow out of socks and raised sleds out of razors, and they won the category.

Comr. Fournier commented on Comr. Eaton's centerpiece, stating it was incredible. It is on the fourth floor outside their offices, for anyone who wants to see it.

Comr. Eaton expressed appreciation for the opportunity. She said the experience was fun, but difficult. She then wished everyone Happy Holidays and Merry Christmas.

**Comr. Fournier's Report:**

Comr. Fournier announced that she will be holding community meetings in District 3. The first one is tomorrow night (December 14, 2022) at 7:00 PM at the American Legion. She invited the public to come out, meet their neighbors and talk about what's going on. She thanked city staff for all their work to help get her up to speed quickly.

Comr. Fournier stated there are concerns about the Lane Reduction Project that is part of the Atlantic Dixie Streetscape. She said this is a vital section of Atlantic Boulevard. It is not to be downplayed as just four city blocks. It is how the residents in the city get to and from the highway to their houses and to the beach. Residents have expressed that they want livability and accessibility. They understood that the poll experiment was not the final plan, however she opined that the residents of District 3 desire the Commission not to take a lane out of Atlantic Boulevard as part of the plan or change the character of their neighborhood by pushing cut through traffic into the community.

Continuing, Comr. Fournier noted receiving unsolicited emails from residents. One resident stated, "Let's work hard in opposing any reductions on Atlantic and Dixie in the name of beautification. We all had a taste of that for a short time and it was sour. Any closures when in fact more lanes are needed would be a reversal of progress and just plain stupid". Another resident wrote, "Please do what you can to stop Atlantic Boulevard

lane reductions, please". She has heard it mentioned that this project being a done deal, however she believes it is never too late to do the right thing.

Furthermore, Comr. Fournier indicated she has talked with many people at the city about the project and has reviewed the funding sources, and she is certain there is a possible path the city can take. After meeting with consultants, she is reassured that the Commission sets the goals for this project. There is a choice between Atlantic Boulevard becoming walkable and pedestrian friendly or vehicles moving from A to B. She said the current plan is perceived to not solve either priorities very well. There are serious traffic concerns about the westbound direction and the cut through traffic in the neighborhoods and then the walking and biking lanes are still crammed next to a five-lane artery. The consultants believe that the road needs fewer lanes to make it an ideal safe place for walking and biking. There needs to be discussion about solutions that balance the residents view of a livable, family friendly area with neighborhoods that are safe with this futuristic vision of the city as an urban, walkable hub. At this time, there is still a big disconnect right now between the two visions.

In closing, Comr. Fournier made a motion for a workshop that is open to the public to discuss this project. A dedicated forum to review the plan and review of alternate plans that retain the lanes and move biking, walking connectivity to more appropriate, usable spaces nearby. Motion died for lack of second.

Comr. Fournier wished everyone happy holidays.

#### **Comr. Moss' Report:**

Comr. Moss announced to the District 5 community that he will be reinstating Saturday Senate meetings. The first one will be Saturday, January 7th, from 9:00 AM to 11:00 AM at the Herb Skolnick Center, which is just before the January 10th meeting. He will go over the agenda and discuss items of interest with the members of the community. This is something that has been going on except for the last two years, since the 1970s when Herb Skolnick started these meetings. Former Vice Mayor/Commissioner George Brummer held the meetings during his tenure and he will continue to hold the meetings as well. He urged everyone to come and bring their thoughts, ideas and comments.

Comr. Moss wished everyone a Happy Hanukkah, Merry Christmas, or however they greet the universe during the holiday season and he looks forward to seeing everyone in the new year.

#### **Comr. Perkins' Report:**

Mayor Hardin said that Comr. Perkins was ill. No Report.

#### **Vice Mayor McGee's Report:**

Vice Mayor McGee reported since the last meeting, she attended the Florida Legal Studies Legislative Priorities meeting up in Kissimmee regarding Land Use and Zoning. The group is moving forward with a priority to try to bring about mobility. The idea is to have cities receive more home rule to be able to figure out where development fees are going. This will give more flexibility to how the funds can be spent, not just on roads. She really enjoyed the opportunity as it was a learning experience to be a part of crafting the legislation

that gets pushed forward.

Vice Mayor McGee shared a conversation she had during the grand re-opening of Annie Gillis Park. In the past, she had brought up the idea of having treats on the pier. While chatting with the Kona Ice guy, who has a big truck selling shaved ice with syrup, she learned he has a very tiny mobile version of the truck, similar to a little cart. Therefore, she asked if it is possible the City and the gentleman can discuss to determine if something can be placed in the middle of the pier where the public can get a frozen treat.

Mayor Hardin suggested checking with Tim Hernandez on the idea. More amenities for the residents and visitors are a good thing. Although there is not a lot of room out there, but it is something to look into.

Vice Mayor McGee realized there is a lot to work through, however she just wanted to open the conversation.

Comr. Eaton inquired whether it would involve renting an area. Nonetheless, she believes it is a fantastic idea.

Vice Mayor McGee suggested figuring out what the right parameters would be for this concept. Kona Ice is a non-dairy treat, so it is not going against people who like ice cream. Nevertheless, the Commission has to make sure everything fits.

Comr. Fournier stated kids love Kona Ice.

Vice Mayor McGee wished everyone Happy Holidays, Merry Christmas, Happy Hanukkah, Happy Kwanzaa and Happy New Year.

### **Mayor Hardin's Report:**

Mayor Hardin wished everyone Merry Christmas, Happy Holidays, Happy Kwanzaa and cheer, to everyone; all his colleagues, staff members and residents and visitors of the City of Pompano Beach.

Mayor Hardin stated that both he and Comr. elect Fournier at that point in time, attended a meeting hosted by the Florida Ocean Alliance about Florida's Blue Economy. It was a meeting about people coming to South Florida to visit the beach and how the western cities benefit from cities with beaches such as, Pompano and every other coastal city.

This past Thursday and Friday, both he and Max Wemyss, the City's Sustainability Coordinator, attended the Climate Leadership Summit 2022 at the Broward County Convention Center. It was held in Broward County this year. It moves around amongst the four counties in South Florida. He said it was a good meeting.

Mayor Hardin gave a big shout out to Willie Clark Sr., who is now 110 years old and lives in the Northwest community. The Mayor delivered a proclamation to Mr. Clark. He believes Mr. Clark is the oldest person in the City of Pompano Beach.

Mayor Hardin stated that he visited a new home in Pompano Beach built out of shipping containers. It looked like a typical brand-new home and it was built by Ironclad Industries and Jim Wolf designed it. Broward

County Mayor, Lamar Fisher also attended the event. While it does not seem to be built out of shipping containers, the structure makes it almost indestructible from hurricanes.

Mayor Hardin announced that the “Light Up Collier City” event is coming up this Friday night. Also, “Reef Across America” hosted by the Daughters of the American Revolution will be held at Noon this Saturday at the Pompano Beach Cemetery.

The Mayor commented on the Drone Show, stating that although there was some angst by Mr. Drum about the traffic, the drone show was wildly popular. The City had no idea how popular it was going to be. It was advertised in the Sun Sentinel. They did two or three stories on it, and there were no other drone shows in Broward County. It was the only drone show in town, so it should have been expected that all of Broward County would descend on Pompano Beach at the same time. There were accidents that exacerbated the traffic issue. Due to popularity, Mayor Hardin suggested to make the Drone Show an annual event and believes it can be done better next time.

Comr. Eaton likes the idea and recommended it to be combined with another event, but wants to know when and how it is going to be done.

Mayor Hardin suggested doing the show when it is a little cooler and better weather, but as a signature event all by itself.

Vice Mayor McGee stated the main feedback was that people wished the event included food trucks, arts and crafts or something, because the batteries in the drones only last 15 minutes. Also, many people stated they could have made a day of it if there was something else going on. Vice Mayor suggested holding the show together with the City’s anniversary, but she maintains the event should be tied into something else.

Comr. Fournier stated that because of the time change, it was not too dark or hot outside, so the event was held in the good time of the year. However, she thinks more can be done to address the traffic issues. In closing, she indicated they have learned a lot from the drone show, but agreed it was a successful event.

Mr. Harrison stated he will come back to the commission with a plan. He agreed with Vice Mayor McGee to have a festival where people are down there in the beginning of the day versus an onslaught at once.

A discussion ensued among Mr. Harrison, Comr. Eaton, Vice Mayor McGee and Mayor Hardin concerning parking and how to get people down to the event. The Mayor pointed out it was not like one of many firework shows on 4th of July, it was the only show in Broward County making it worse than the 4th of July.

Mayor Hardin announced that Martin Luther King Jr. Day events will begin on January 9th through the 16th. On January 7th is MLK Jr. Interfaith Prayer Breakfast at the E. Pat Larkins Center. Also, he noted there will be a Seven-on-Seven football tournament in January.

Next, Mayor Hardin stated there will be a MLK Jr. Youth Summit on January 12th at 9:00 AM at the Cultural Arts Center. A MLK Jr. Golf Championship will be held on January 13th at Pompano Golf Course. The MLK Jr. Parade is on January 16th, followed by the celebration at Mitchell Moore Park. In closing, he reiterated that

the “Light up Collier City” event is this Friday night, for the lighting of the tree in Collier City at the intersection of 27th Avenue and Atlantic Boulevard.

**I. ADJOURNMENT**

The meeting adjourned at 5:19 p.m.

\_\_\_\_\_  
Rex Hardin, Mayor

\_\_\_\_\_  
Kervin Alfred, City Clerk



Exhibit 1



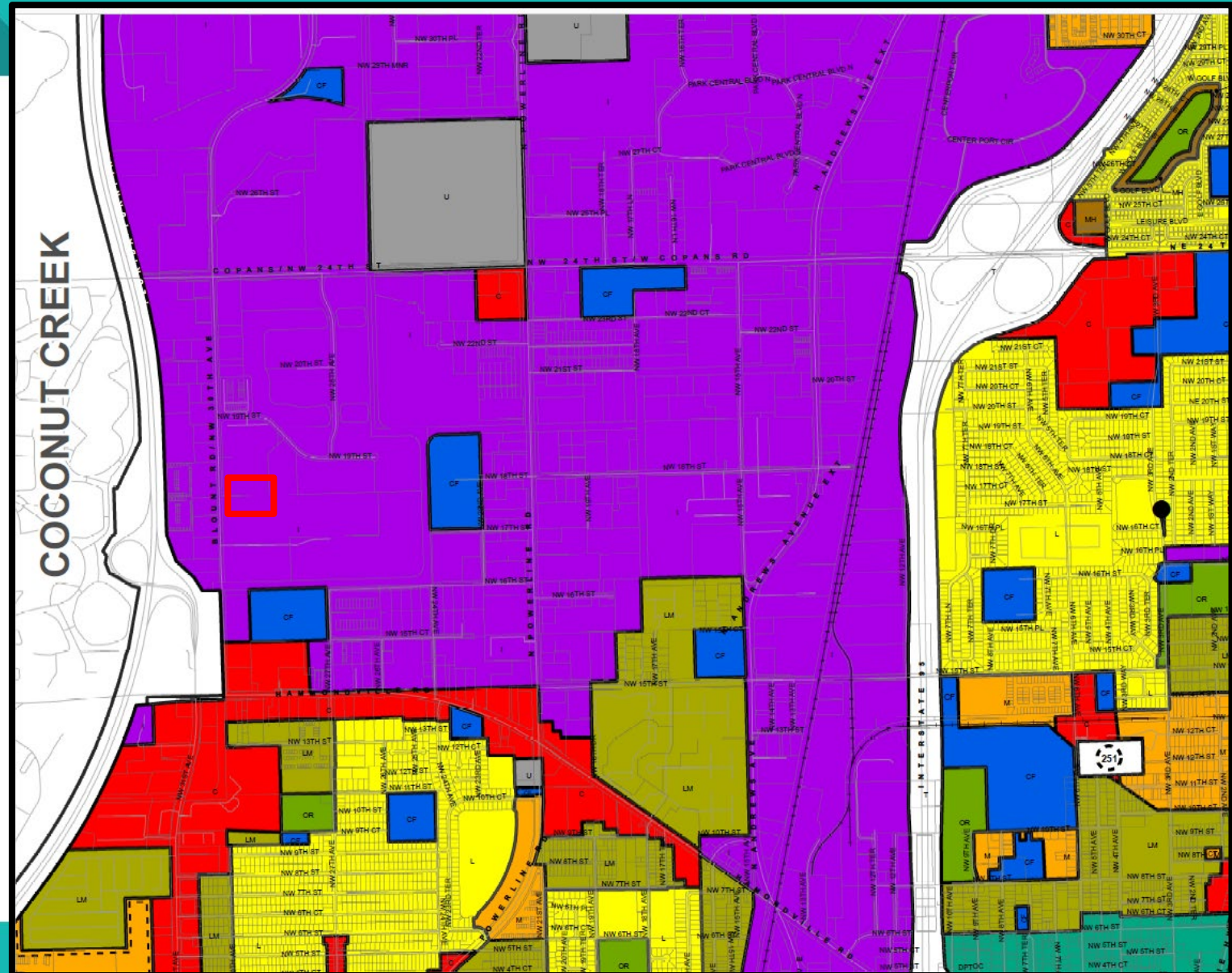
1700 Blount Road  
(North Homeless Assistance Center)  
Local-Only Land Use Plan Map Amendment  
From Industrial to Commercial Land Use

December 13, 2022



# Adjacent Land Use Map Designations

West: Industrial  
 South: Industrial  
 North: Industrial  
 East: Industrial





# City-Only Land Use Plan Map Amendment Change in Entitlements: Industrial (I) to Commercial (C) to Residential

Current Land Use	Current Entitlements Per City Industrial Intensity Standards	Proposed Entitlements for Commercial Land Use	Proposed Entitlements for 138 Residential Units
North Homeless Assistance Center (NHAC) to Remain	792,792 SF	1,829,520 SF	138 Residential Units
<p>The Land Use Plan Amendment will create 1.8 million square feet in commercial entitlements, however, the Applicant is proposing to use a combination of flex units and County Policy 2.16.3 to create the 138 units of residential development which is allowed by the Commercial land use designation and B-3 Zoning. This presentation will focus on the impact analysis based on the residential project, however, adequate public facility capacity is available to serve the commercial entitlements.</p>			



# PUBLIC FACILITY IMPACT ANALYSIS

## Based on 138 Residential Unit Development

Water	-1,155 GPD
Wastewater	-2,849 GPD
Solid Waste	-14,628 pounds/day
PM Peak Hour Trips	-207 PM Peak Hour trips
Mass Transit	Increase Demand, no BCT routes on Blount Road*
Drainage	Must be provided off-site*
Parks	+1.7 acres demand*
Schools	Schools have capacity to serve (Charles Drew Elementary, Silver Lakes Middle and Blanche Ely High)

\* Declaration of Restrictive Covenants required to address transit, drainage and park impacts and ensure adequate capacity to serve demand. City Commission has also requested a commitment to 24 hour security for the apartment building separate from the NHAC security.

- Prior to Recertification of the Land Use Plan Amendment by Broward County, Record a Declaration of Restrictive Covenants to include:
- Transportation – “The Operator of the Apartment building will provide transportation services to the elementary school-age children to and from school until such time as the School Board provides a school bus to and from school. The Operator of the Apartment building will provide transportation services to residents until there is a dedicated bus route on Blount Road running daily on 30 minute headways that provides efficient connections to the BCT system.
- Security - The operator of the Apartment Building will provide 24 hour security services for the Apartment Building residents in a manner that secures both the inside and outside of the building.
- Recreation - The site plan for the Apartment Building will provide adequate outdoor recreational amenities.
- Drainage - The drainage facilities will be permitted, constructed and maintained in accordance with the Development Agreement with Broward County.



# Comprehensive Plan Goals, Objectives and Policies

## **Comprehensive Plan GOPs that support the project:**

### **Objective 03.01.00 – Housing to Accommodate Future Population**

The City should provide, through the undertaking or support of public and private development efforts, sufficient housing units through the long range planning horizon to meet the anticipated population through 2040. Provision of these units shall be based on the need for adequate and affordable housing for all segments of the existing and future population including those households with very-low, low, and moderate income and those with special housing needs, including homelessness.

### **Policy 03.01.04**

The City shall continue to cooperate with other local governments concerning providing affordable housing for very-low, low, and moderate income households and the homeless.

## Comprehensive Plan GOPs that do not support the project:

### 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.

### Objective 03.03.00 – Land for Affordable Housing

The City shall continue to provide adequate sites for very-low, low and moderate income housing and manufactured homes through the long term planning horizon in a manner that supports the goal to deconcentrate poverty.

### Policy 03.03.02

Through the review of development proposals, the City shall support public and private sector efforts to create and/or preserve affordable housing for very-low, low and moderate-income groups in areas designated for residential land use for future and current residents recognizing the need for distance separation for subsidized low income tax credit projects of no less than one-half mile. Review of such proposals shall be based on overall compatibility with already established residential areas, the extent to which the location supports the de-concentration of poverty, and consistency with the land development code.



## Comprehensive Plan GOPs that do not support the project:

### Policy 03.03.04

To promote and support affordable housing, the City shall consider locations that permit residents to walk or bike to work which will provide savings to the residents, reduce traffic, promote health, and reduce carbon emissions.

### Policy 01.01.13

The City shall utilize flexibility units and redevelopment units to increase residential densities **within the flex receiving area when consistent with the community character; adjacent land uses**; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive Lands and County or regional parks in accordance with Policy 2.10.01 of the Broward County Land Use Plan.

### Policy 01.03.11

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

### Policy 01.03.08

Establish criteria to **protect residential areas and other land uses that are adjacent to industrial and commercial areas** from excessive, odors, traffic and parking impacts.



# Comprehensive Plan Goals, Objectives and Policies

## Comprehensive Plan GOPs that do not support the project:

### Policy 01.03.09

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

### Policy 01.23.01

To create balanced communities, encourage the expansion of neighborhood-serving retail and office uses in areas dominated by the industrial, and manufacturing sectors if appropriate to better serve the local community.

### Policy 01.04.01

The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and redevelopment units and approval of land use plan map amendments allowing for mixed use and residential developments.

## City of Pompano Beach Local-Only LUPA Process

- |   |                           |
|---|---------------------------|
| - Planning & Zoning Board                 | October 26, 2022          |
| - City Commission 1 <sup>st</sup> Reading | November 8, 2022          |
| - City Commission Second Reading          | December 13, 2022         |
| - DEO/BCPC Recertification                | January-February, 2023    |
| - City Land Use Plan becomes effective    | Upon BCPC Recertification |

## Questions and Comments For Staff

Next: Applicant Presentation

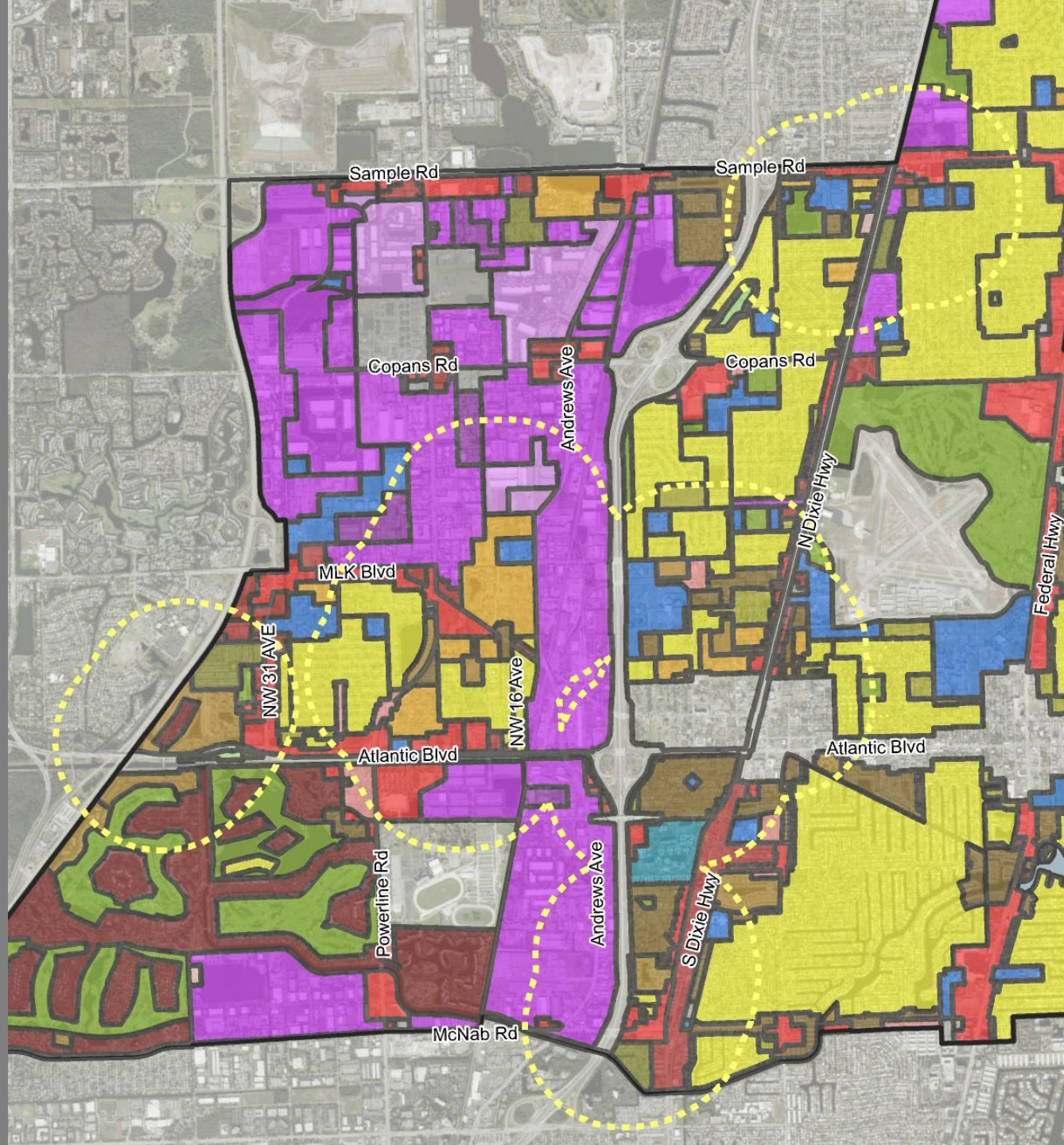
1700 Blount Road Local-Only Land Use Plan Map Amendment  
City Commission  
December 13, 2022

## Lambert -2021 Update (2018 data) Pompano Has the Most Subsidized Housing of Any City in Broward County

- Income restricted units are heavily concentrated in limited number of cities and neighborhoods – **10 of 31 municipalities (30%) have no income restricted units and an additional 9 only have one development.**
- 60 percent of the municipalities in the county have 0 or 1 income restricted developments.
- Of the 40 percent of the municipalities providing more than one income restricted project, **Pompano is providing the most income restricted units.**
- This does not include Habitat for Humanity (89) and CRA/OHUI SF homes (98) which are deed restricted to affordable. Does not include recent tax credit projects like Sonata (121), Marquis Apartments (100) and the 3 tax credit projects recently funded by the County (350) = Total 758 (+35%)

\* recent plus 1 for Hollywood, Deerfield, Davie and Pembroke Pines

City	Properties	Income Restricted	Est. 2018 Housing Units	Income Restricted: Total Unit Ratio
Pembroke Park	3	620	3,647	1:6
Lauderhill	3	1,166	26,483	1:23
<b>Pompano Beach</b>	<b>13</b>	<b>2,140</b>	<b>54,163</b>	<b>1:25</b>
Lauderdale Lakes	3	528	14,197	1:27
North Lauderdale	2	532	14,496	1:27
Cooper City	1	300	11,712	1:39
Ft. Lauderdale	14	1,941	96,444	1:50
Miramar	3	772	44,205	1:57
Oakland Park	1	312	18,615	1:60
Hallandale Beach	2	450	28,021	1:62
Hollywood	7	1,063	69,710	1:66
Weston	1	300	25,041	1:83
Coconut Creek	1	300	27,294	1:91
Deerfield Beach	5	347	41,609	1:120
Sunrise	2	300	37,394	1:125
Tamarac	1	240	31,084	1:130
Dania Beach	1	96	15,433	1:161
Margate	1	159	26,799	1:169
Coral Springs	1	219	44,720	1:204
Davie	2	127	39,239	1:309
Plantation	1	87	37,731	1:434
<b>Total</b>	<b>68</b>	<b>11,999</b>	<b>708,037</b>	<b>1:59</b>







Criteria For Walkability:

Social: Minimum of 15 residents per acre (enough street activity to create a sense of security)

x Zero residents per acre. Homeless shelter is CF use/zoning (not “residential” in character) and does not create street activity resulting in a sense of security for pedestrians.

Economic: Dense Matrix of uses (to meet human needs in walking distance)

x Single use (Industrial) that provides no commercial, recreational or cultural destinations for pedestrians.

Physical: Maximum block lengths of 300-400 feet (to create human scale)

x Square mile with zero streets (blocks) connecting Blount and Powerline.

**APARTMENT SITE**

Broward County  
Transit

FedEx Ground  
FedEx

**BROWARD COUNTY FLORIDA**

ALPHA FOUNDATIONS

Public Storage  
50<sup>th</sup> ANNIVERSARY

wayfair

JCFLOORS+

Public Storage  
50<sup>th</sup> ANNIVERSARY

aramark

LBM LEASING

AMERICAS TILE & MARBLE

STAR CDI ACADEMY

UNIVERSAL ENTERPRISES  
WHOLESALE NURSERY & LANDSCAPE SUPPLIES

THE DIESEL CARTEL

FLOORING REMOVAL SERVICES INC.

CONLAN INC.

Whole Foods

AAA BROWARD HURRICANE

ups

FedEx

WINDY CITY WIRE  
CABLE & TECHNOLOGY PRODUCTS, LLC

freshpoint

TRUST ROOTER  
PLUMBING COMPANY YOU CAN TRUST

PLYCON  
TRANSPORTATION GROUP

ALARIS

**BROWARD COUNTY FLORIDA**

**BROWARD COUNTY FLORIDA**

WM

SYNERGY EQUIPMENT

CROWN RESIDENTIAL SERVICES

Broward County Public Schools

Google

NW 16 St





Physical: Maximum block lengths of 300-400 feet (to create human scale)  
x Square mile with zero streets (blocks) connecting Blount and Powerline.

**APARTMENT SITE**

Broward County

**BROWARD COUNTY**  
Transit

FedEx Ground  
**FedEx**

**BROWARD COUNTY**  
FLORIDA

Broward County Water & Wastewater Services

ALPHA FOUNDATIONS

Public Storage  
50<sup>th</sup> ANNIVERSARY

wayfair

JC FLOORS

Public Storage  
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Safety

aramark

LRM LEASING

AMERICAS TILE & MARBLE

STAR CDI ACADEMY

EXOTIC COUNTERTOP INC

SEA-TRONICS

UNIVERSAL ENTERPRISES  
WHOLESALE NURSERY & LANDSCAPE SUPPLIES

ED DIESEL CARTEL

FLOORING REMOVAL SERVICES INC.

SCUBA DIVE IT  
SOUTH FLORIDA'S PREMIER FULL SERVICE DIVE SHOP

CONLAN

Whole Foods

Blount Rd

FedEx Ship Center

FedEx

WINDY CITY WIRE  
CABLE & TECHNOLOGY PRODUCTS, LLC

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Redline

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AAA  
BROWARD HURRICANE

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TRUST ROOTER  
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Broward County Highway & Bridge...

**BROWARD COUNTY**  
FLORIDA

**BROWARD COUNTY**  
FLORIDA

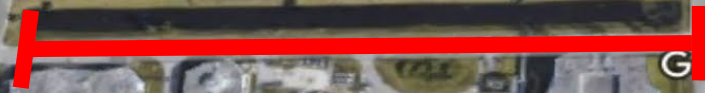
Broward County Public Schools

Pride  
AIR CONDITIONING & APPLIANCE

CROWN RESIDENTIAL SERVICES

WM

SYNERGY EQUIPMENT



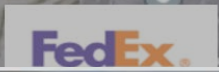
Google

NW 16 St

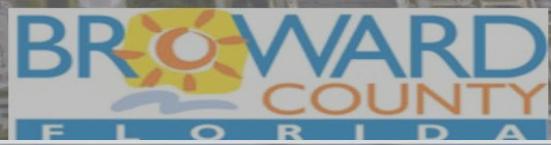
Broward County

FedEx Ground

Bingo At Four Corners



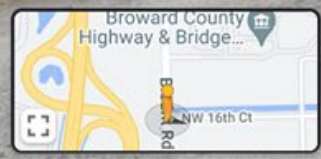
Broward County Water



1602 NW 30th Ave  
Pompano Beach, Florida

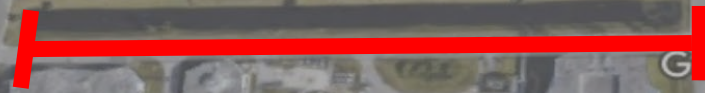
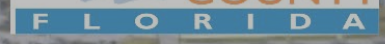
Google

Street View - Mar 2021



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a 'Report a problem' link.



NW 16 St

Google



Broward County



Bingo At Four Corners

Mar

Broward County Water & Wastewater Services

Copans Rd



Gardner Ave



NW 19 St



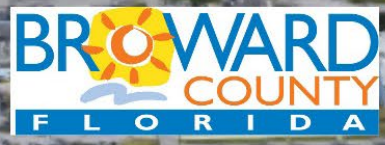
Blount Rd

FedEx Ship Center

APARTMENT SITE



Broward County Highway & Bridge...



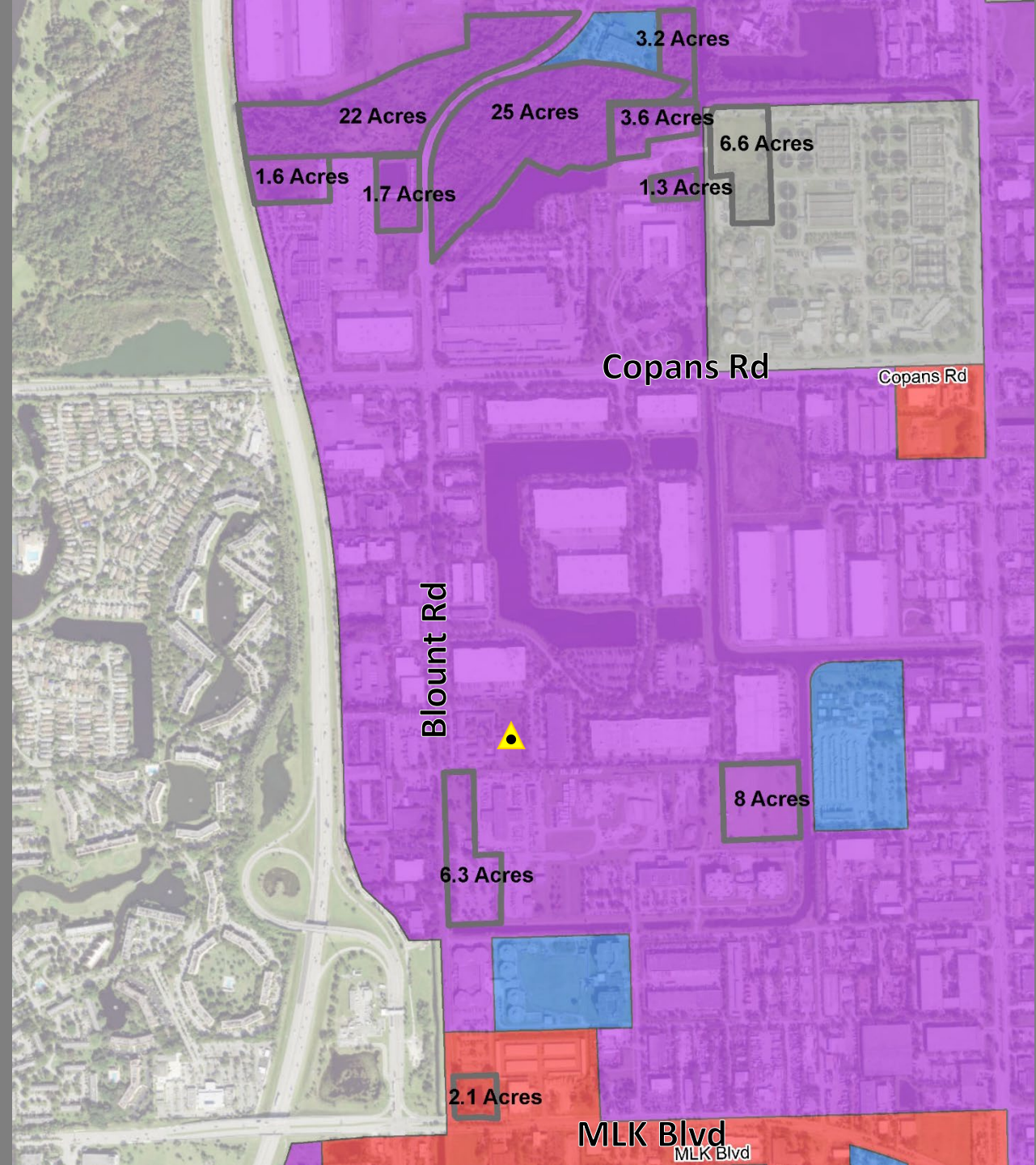
Blount Rd

Google

NW 16 St

# “Vacant” County Owned Land in our Industrial Sector

Total “Vacant” Acreage in Industrial Area owned by the County  
77.8 acres  
Total Subsidized Housing at 46 du/acre  
3,578 units  
Total Population @2.49 persons per household  
8,909 people  
Total Acreage of the area shown  
789 Acres  
Total Persons Per Acre if 100% converted for residential  
11 persons per acre  
(less than 15 ppa required for “walkable”)



# Alternative County-Owned Site at 4801 N. Federal Hwy

Search By Parcel Id Search By Name Search By Address Help About

Marty Kiar Broward County Property Appraiser Florida

Status: Zoom In

Layer List

- Highways
- Major Roads
- Twn-Rng-Sec
- City Limits
- Zip Codes
- FEMA Flood Zones
- Opportunity Zones
- Census Tracts
- City Zoning Codes
- County Land Use
- Comm Appraisal Districts
- Resid Appraisal Districts
- Subdiv. Number
- Subdiv. Name
- House Number
- Street

Aerials 2022  
No Sales  
Select Description

Important Disclaimer



**Disclaimer**  
 This product has been compiled from various sources. The City of Pompano Beach assumes no responsibility for any use of the information contained herein or any liability resulting therefrom.

City of Pompano Beach  
 County Parcel 4801 N Federal



ENGINEERING DIVISION  
 1221 Southeast 14th Ave.

Unused Acreage:  
 2 – 2.1 acres

Option 1 – Current Land Use/ Zoning:  
 Commercial/B-3 allows 46 du/ac = 92-96 units

County Policy 2.16.4 allows mixed use by right – site plan approval only. 50% of ground floor in building facing Federal would have to be nonaccessory commercial or office space

Option 2 - Rezone 3.2 acres to PD – cluster 100% of 3.2 acres site density on 2.1 acres of uncommitted area (147 units based on B-3 – more can be requested under PD Zoning. Rezoning requires 500’ notice radius and PD Master Plan. If Applicant doesn’t want to do mixed use, could use flex and County Policy 2.16.3 to generate residential entitlements limited only by compatibility with adjacent SF, height transition requirements as shown on PD Master Plan.

## Current Plat Note:

This plat is restricted to 35.72 acres of industrial use (12.72 acres proposed, 23 acres existing) on Parcel “A”; 28.1 acres of jail support facilities to include ancillary uses such as but not restricted to kitchen facilities, administration and booking facilities, laundry facilities, and warehouse/storage facilities on Parcel B; 3,250-bed jail (1,510 proposed, 1,740 existing) on Parcel C; 2.09 acres of water management area (lake) on Parcel D; and 64,350 square feet of community facilities on Parcel E. Commercial/retail uses are not permitted without the approval of County Commissioners who shall review and address these uses for increased impacts.

## Proposed Plat Note:

This plat is restricted to 35.72 acres of industrial use (12.72 acres proposed, 23 acres existing) on Parcel “A”; 28.1 acres of jail support facilities to include ancillary uses such as but not restricted to kitchen facilities, administration and booking facilities, laundry facilities, and warehouse/storage facilities on Parcel B; 3,250-bed jail (1,510 proposed, 1,740 existing) on Parcel C; 2.09 acres of water management area (lake) on Parcel D; and 64,350 square feet of community facilities **and 138 mid-rise residential units** on Parcel E. Commercial/retail uses are not permitted without the approval of County Commissioners who shall review and address these uses for increased impacts.

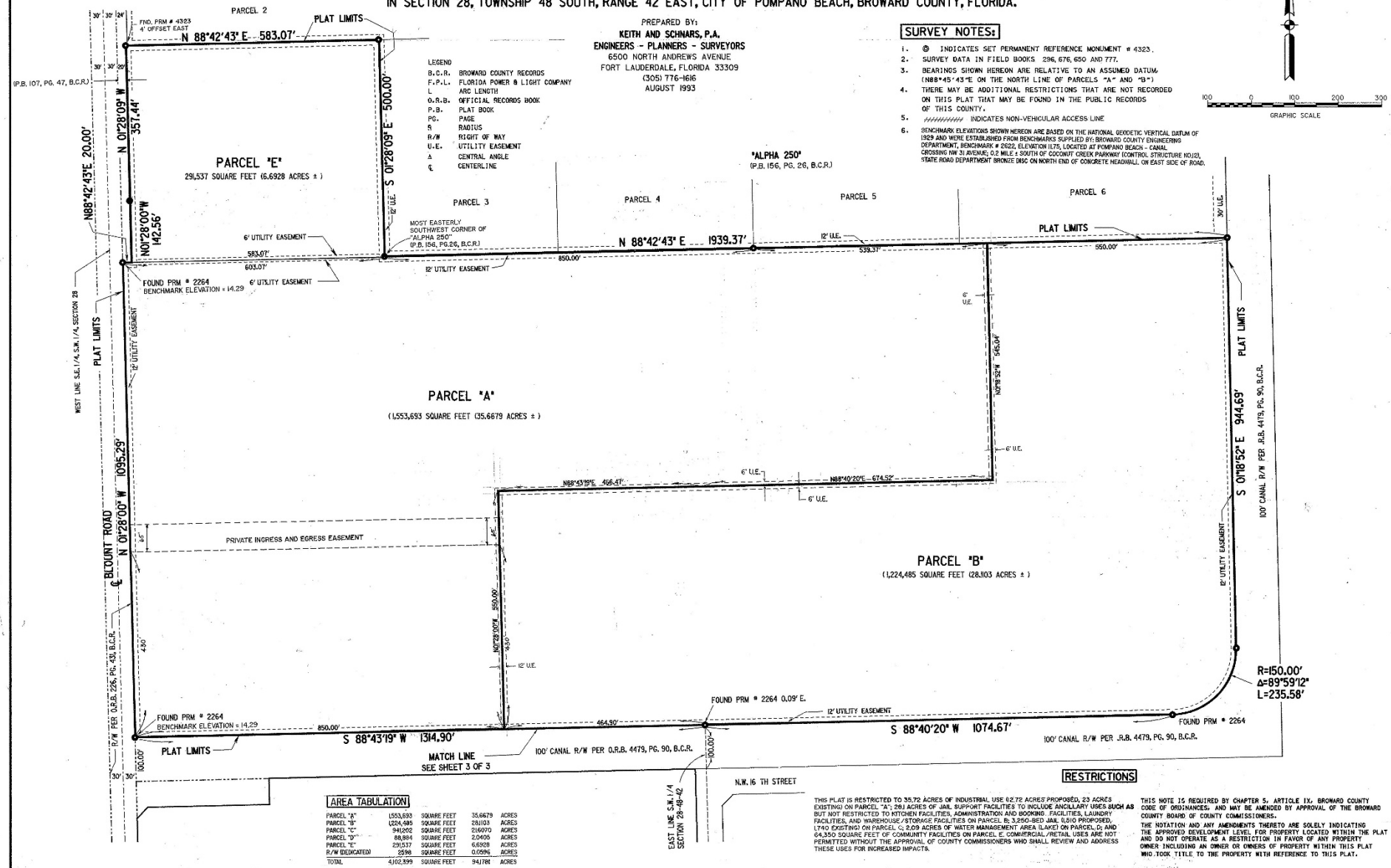
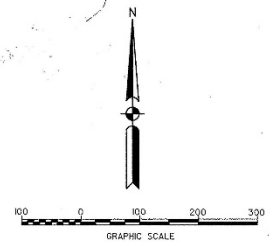
# BROWARD COUNTY PLAT NO. 2

A REPLAT OF PARCEL 'A', NORTH BROWARD DETENTION COMPLEX, (P.B. 127, PG. 25, B.C.R.) AND A REPLAT OF PARCELS 'A' AND 'B', 'NUTTER SUBDIVISION NO. 1', (P.B. 113, PG. 9, B.C.R.), AND A REPLAT OF PARCEL 'A' AND PORTION OF PARCEL 'B', BROWARD COUNTY PLAT NO. 1 (P.B. 107, PG. 47, B.C.R.) IN SECTION 28, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

PREPARED BY:  
**KEITH AND SCHNARS, P.A.**  
ENGINEERS - PLANNERS - SURVEYORS  
6500 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
(305) 776-1616  
AUGUST 1993

**SURVEY NOTES:**

- ⊙ INDICATES SET PERMANENT REFERENCE MONUMENT # 4323.
- SURVEY DATA IN FIELD BOOKS 236, 676, 650 AND 777.
- BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED DATUM (N88°45'43"E ON THE NORTH LINE OF PARCELS "A" AND "B").
- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- ##### INDICATES NON-VEHICULAR ACCESS LINE
- BENCHMARK ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 AND WERE ESTABLISHED FROM BENCHMARKS SUPPLIED BY BROWARD COUNTY ENGINEERS DEPARTMENT, BENCHMARK # 6822, ELEVATION 14.75, LOCATED AT POMPANO BEACH - CANAL CROSSING IN N 31 AVENUE, 0.2 MILE S SOUTH OF COCONUT CREEK PARKWAY CONTROL, STRUCTURE NO.12, STATE ROAD DEPARTMENT BRONZE DISC ON NORTH END OF CONCRETE HEADWALL ON EAST SIDE OF ROAD.



- LEGEND**
- B.C.R. BROWARD COUNTY RECORDS
  - F.P.L. FLORIDA POWER & LIGHT COMPANY
  - L. ARC LENGTH
  - O.R.B. OFFICIAL RECORDS BOOK
  - P.B. PLAT BOOK
  - PG. PAGE
  - R. RADIUS
  - R/W. RIGHT OF WAY
  - U.E. UTILITY EASEMENT
  - Δ. CENTRAL ANGLE
  - CL. CENTERLINE

**AREA TABULATION**

PARCEL	SQUARE FEET	ACRES
PARCEL 'A'	1,553,693	35.6679
PARCEL 'B'	1,224,485	28.103
PARCEL 'E'	291,537	6.6928
PARCEL 'D'	88,884	2.0405
PARCEL 'C'	23,037	0.5296
PARCEL 'F'	2,994	0.0686
<b>TOTAL</b>	<b>4,102,939</b>	<b>94.1768</b>

**RESTRICTIONS**

THIS PLAT IS RESTRICTED TO 30.72 ACRES OF INDUSTRIAL USE 1/2.72 ACRES PROPOSED, 23 ACRES EXISTING ON PARCEL 'A', 281 ACRES OF JAIL SUPPORT FACILITIES TO INCLUDE ANCILLARY USES SUCH AS BUT NOT RESTRICTED TO KITCHEN FACILITIES, ADMINISTRATION AND BOOKING, FACILITIES, LAUNDRY FACILITIES, AND WAREHOUSE/STORAGE FACILITIES ON PARCEL B, 3,250-BED JAIL, 1010 PROPOSED, 1740 EXISTING ON PARCEL C, 2,029 ACRES OF WATER MANAGEMENT AREA LINED ON PARCELS D, E AND 94,350 SQUARE FEET OF COMMUNITY FACILITIES ON PARCEL F. COMMERCIAL/RETAIL USES ARE NOT PERMITTED WITHOUT THE APPROVAL OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE USES FOR INCREASED IMPACTS.

THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY APPROVAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS. THE NOTATION AND ANY AMENDMENTS THEREON ARE SOLELY INDICATING THE APPROVED DEVELOPMENT LEVEL FOR PROPERTY LOCATED WITHIN THE PLAT AND DO NOT OPERATE AS A RESTRICTION IN FAVOR OF ANY PROPERTY OWNER INCLUDING AN OWNER OR OWNERS OF PROPERTY WITHIN THIS PLAT WHO TOOK TITLE TO THE PROPERTY WITH REFERENCE TO THIS PLAT.





# Exhibit 2

## *Aspire 1650*

### *City of Pompano Beach - Commission Meeting*

December 13<sup>th</sup>, 2022



# CITY OF POMPANO BEACH – SUMMARY OF RENTAL MARKET

## According to 2022 Broward County Affordable Housing Needs Assessment:

### **Average Pompano Beach Rents (Q1 2022):**

- 1 BR - \$1,997.00
- 2 BR - \$2,500.00
- 3 BR - \$3,690.00

### **Pompano Beach Affordable Housing Need:**

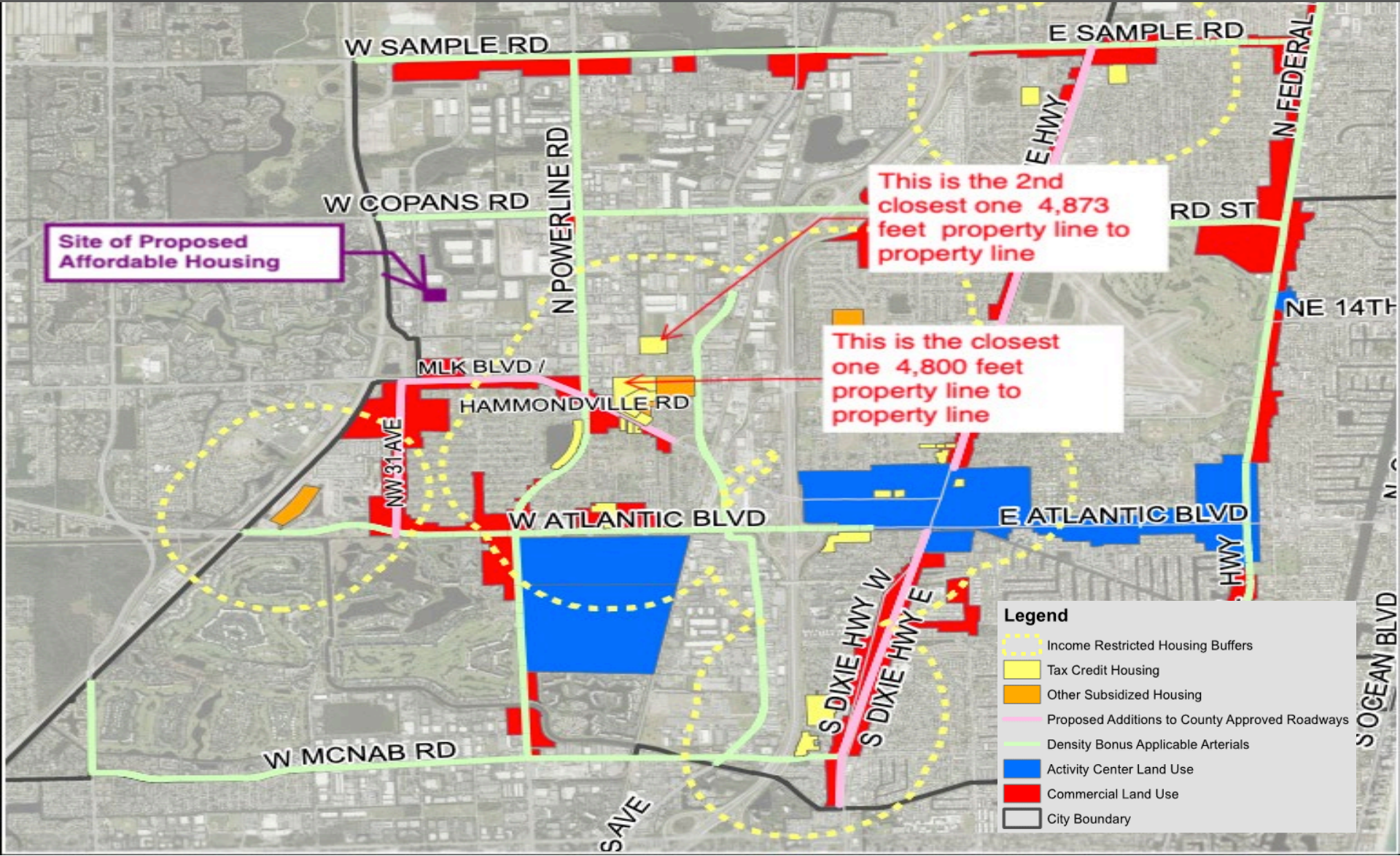
- Cost-Burdened Renter Units: 12,152 (62.6%)
- Severely Cost-Burdened Units: 6,748 (34.7%)

## Available Rental Inventory in Pompano Beach, FL

- According to the Beaches MLS, there are 328 rental listings available in Pompano Beach.
- Only 14.6% of active listings are below the average rent noted above for a 1-bedroom apartment in Pompano Beach, FL.
  - 64% of available rental listings are apartments.

**\*Information presented as of October 2022\***

# PROXIMITY TO OTHER TAX CREDIT AFFORDABLE HOUSING DEVELOPMENTS



Site of Proposed Affordable Housing

This is the 2nd closest one 4,873 feet property line to property line

This is the closest one 4,800 feet property line to property line

**Legend**

- Income Restricted Housing Buffers
- Tax Credit Housing
- Other Subsidized Housing
- Proposed Additions to County Approved Roadways
- Density Bonus Applicable Arterials
- Activity Center Land Use
- Commercial Land Use
- City Boundary

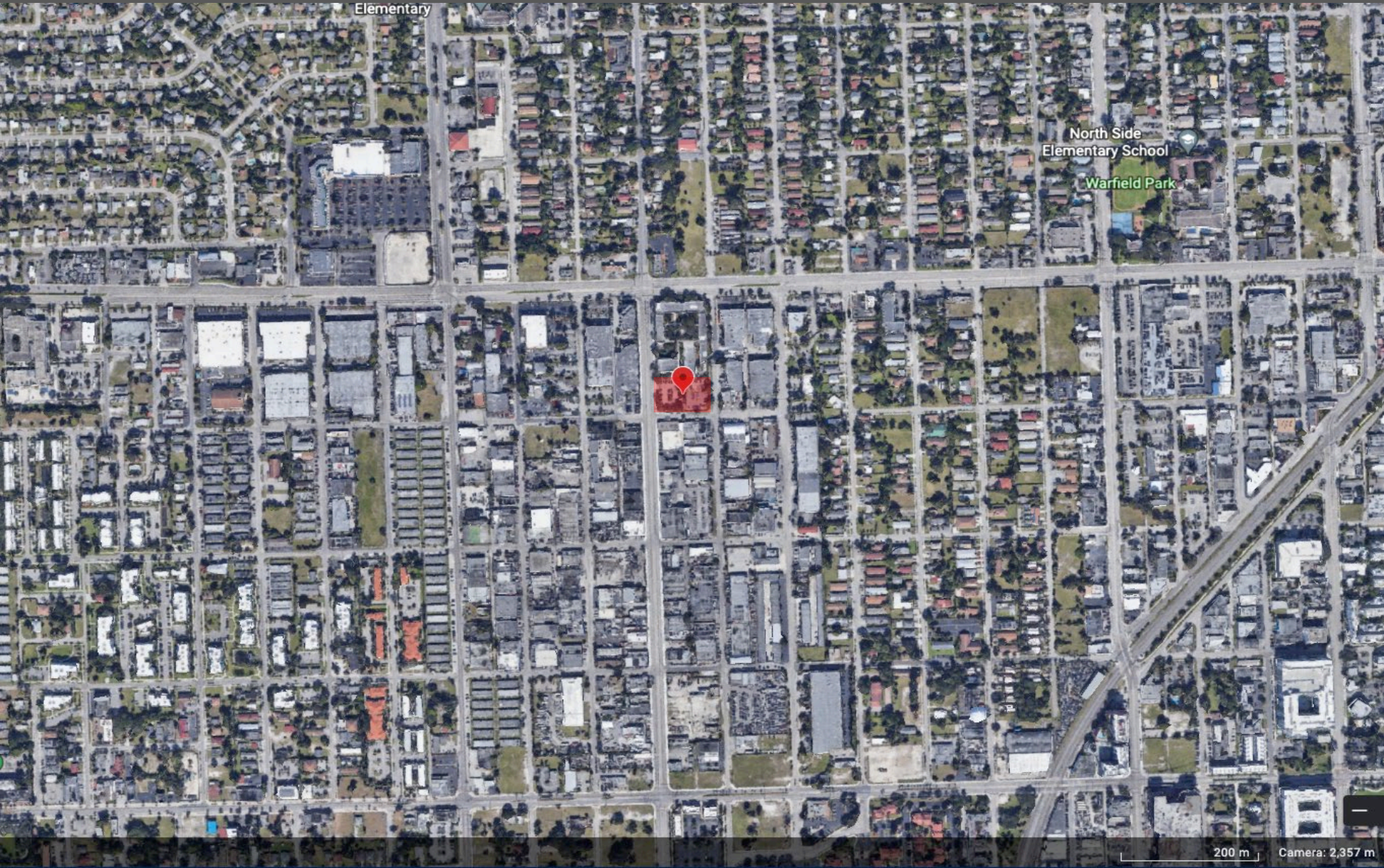
# EMPLOYERS SURROUNDING THE DEVELOPMENT LOCATION



# SERVICES SURROUNDING THE DEVELOPMENT LOCATION



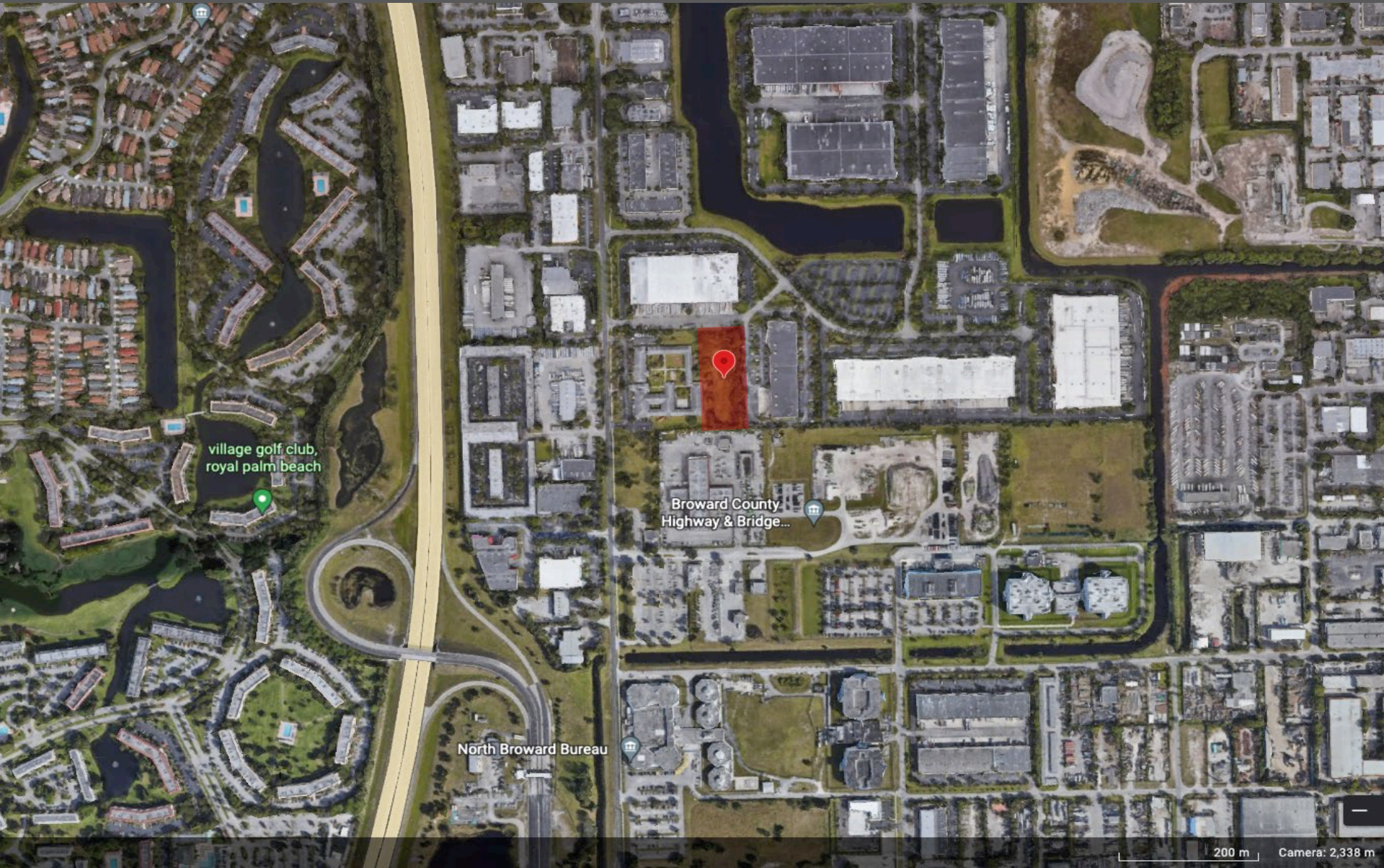
# CITY OF FORT LAUDERDALE SEVEN ON SEVENTH AERIAL



Elementary

North Side  
Elementary School  
Warfield Park

# CITY OF POMPANO BEACH ASPIRE 1650 AERIAL





# BROWARD PARTNERSHIP FOR THE HOMELESS

## ADDITIONAL COMMITMENTS

- **Transportation for school-age children:** Unless and until the Broward County School Board provides bus transportation for apartment residents attending the neighborhood elementary school, the operator of the apartment building will provide daily transportation services to the elementary school-age children to and from school as would have been provided by the Broward County School Board.
- **Transportation for apartment residents:** Until the public transit service along Blount Road in proximity to the site is expanded to provide scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, the operator of the apartment building will provide transportation for apartment residents for non-emergency purposes and, further, during morning and evening rush hours (7am-9am and 4pm-6pm) transportation to area transit hubs will be provided .
- **Security:** The site plan for the apartment building will include a security plan that is consistent with CPTED standards and addresses security on the interior and exterior of the building and provides controlled access for residents and guests.
- **Recreational amenities:** The site plan for the apartment building will provide outdoor recreational amenities appropriate to the development target population.
- **Drainage:** The drainage facilities will be permitted, constructed, and maintained in accordance with the Development Agreement with Broward County.
- **Declaration of Restrictions:** within 30 days of the City Commission approval of the pending land use plan amendment and rezoning, record in the public records of Broward County a Declaration of Restrictions memorializing these additional commitments.



## Exhibit 3

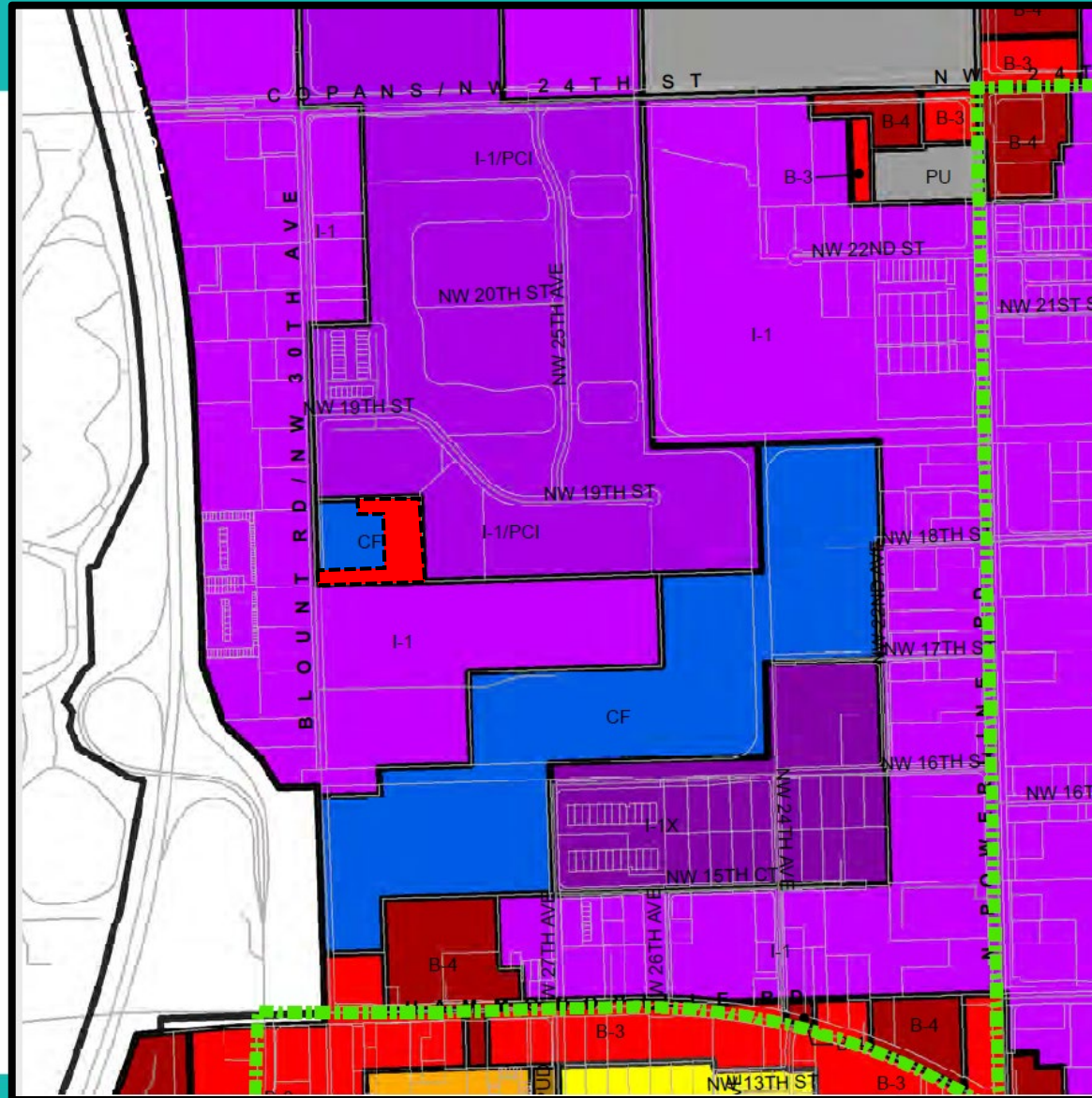
1700 Blount Road  
(East 3-acres of the North Homeless Assistance Center)  
Rezoning From CF to B-3

December 13, 2022



# Adjacent Zoning Map Designations

West: CF  
 South: I-1  
 North: I-1/PCI  
 East: I-1/PCI





# Comprehensive Plan Goals, Objectives and Policies

## **Comprehensive Plan GOPs that support the project:**

### **Objective 03.01.00 – Housing to Accommodate Future Population**

The City should provide, through the undertaking or support of public and private development efforts, sufficient housing units through the long range planning horizon to meet the anticipated population through 2040. Provision of these units shall be based on the need for adequate and affordable housing for all segments of the existing and future population including those households with very-low, low, and moderate income and those with special housing needs, including homelessness.

### **Policy 03.01.04**

The City shall continue to cooperate with other local governments concerning providing affordable housing for very-low, low, and moderate income households and the homeless.

## **Comprehensive Plan GOPs that do not support the project:**

### **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.

### **Objective 03.03.00 – Land for Affordable Housing**

The City shall continue to provide adequate sites for very-low, low and moderate income housing and manufactured homes through the long term planning horizon in a manner that supports the goal to deconcentrate poverty.

### **Policy 03.03.02**

Through the review of development proposals, the City shall support public and private sector efforts to create and/or preserve affordable housing for very-low, low and moderate-income groups in areas designated for residential land use for future and current residents recognizing the need for distance separation for subsidized low income tax credit projects of no less than one-half mile. Review of such proposals shall be based on overall compatibility with already established residential areas, the extent to which the location supports the de-concentration of poverty, and consistency with the land development code.

## Comprehensive Plan GOPs that do not support the project:

### **Policy 03.03.04**

To promote and support affordable housing, the City shall consider locations that permit residents to walk or bike to work which will provide savings to the residents, reduce traffic, promote health, and reduce carbon emissions.

### **Policy 01.01.13**

The City shall utilize flexibility units and redevelopment units to increase residential densities within the flex receiving area when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive Lands and County or regional parks in accordance with Policy 2.10.01 of the Broward County Land Use Plan.

### **Policy 01.03.11**

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

### **Policy 01.03.08**

Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive, odors, traffic and parking impacts.



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## City of Pompano Beach LUPA/Rezoning Process

- |   |                           |
|---|---------------------------|
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| - City Commission 1 <sup>st</sup> Reading | November 8, 2022          |
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# Questions and Comments For Staff

Next: Questions and Comments for Applicant

1700 Blount Road Rezoning  
City Commission  
December 13, 2022