



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, February 23, 2021

1:00 PM

Commission Chamber

Virtual City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Cyndy Floyd
Commissioner Andrea McGee
Commissioner Tom McMahon
Vice Mayor Beverly Perkins
Mayor Rex Hardin

MOMENT OF SILENCE

The Honorable Rex Hardin, Mayor asked for a Moment of Silence in remembrance of the 500,000 people who have lost their lives to the COVID-19 pandemic situation since 2020.

APPROVAL OF MINUTES

[21-253](#) Virtual City Commission Meeting Minutes of January 26, 2021

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

APPROVAL OF AGENDA

Mayor Hardin announced that Items 10 and 36 will be postponed until the March 23, 2021 City Commission meeting.

A motion was made by Vice Mayor Perkins, seconded by

Commissioner McGee, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. A person may request an item be pulled from the Consent Agenda for discussion on the Regular portion of the agenda upon advance written request, as per the instruction under Speaking About an Agenda Item (Remotely).

Mayor Hardin announced that Items 1, 2, 3, 7, 8, 9, and 14 would be pulled for City Commission discussion.

A. AUDIENCE TO BE HEARD

Anyone who wishes to address the City Commission during “Audience To Be Heard” remotely, must pre-register on-line any time after the Agenda is posted but no later than 9:00 a.m. on the day of the meeting. For instructions on how and where to pre-register, please read the information under the heading entitled "Speaking About an Agenda Item (Remotely)".

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

The following persons spoke:

G.O. Bond project at McNair Park - Ronald Thurston, Pompano Beach, FL, stated that the residents in the community have been asking questions on the McNair G.O. Bond project for the regulated official size track, but have not received any answers regarding this matter. He wanted to know will it be a track at the McNair Park and will it be an official track so that they can host events and things of that nature. He stated the picture that was posted at the park would not be the park that will be done. So, the residents would like to see the correct picture of the park that they will be getting. The impression is that the track will be around the football field, however, they are now being told it will not be so.

Mayor Hardin stated this particular project has been through several variations. Comr. Floyd has been very involved with it, as well as City Manager Harrison and various staff members. Therefore, if the picture of the park being displayed in front of the McNair Park project has been amended then staff should get it updated or it should be noted that the current picture posted is not a true depiction of the park that will be done. In addition, Mayor Hardin mentioned that he was told that there will be a full-size competition track that will be included in the project at some point in time. He then asked City Manager Harrison to provide a quick update on this.

Greg Harrison, City Manager, indicated that he thought staff had thoroughly described the new layout to Mr. Thurston and several other residents who have been attending meetings with Horacio Danovich, CIP and

Innovative Director. The picture used during the G.O. Bond Issue was a conceptual drawing that planners came up with in 2013 when the City updated the Parks' Master Plan. Therefore, when the project was actually designed by the architects and engineers it was discovered that there was not enough space on the City-owned property to build the project as illustrated in the original picture. Consequently, meetings were held with the school to work out an agreement with the Broward County School Board to utilize vacant property on the north edge of the City's property of the McNair Park. Therefore, the architects and engineers have been focusing in building the track around the practice football field.

Mayor Hardin suggested that the City Manager organize to get the current picture in front of the McNair Park updated.

Black History Month - Vicente Thrower, Pompano Beach, FL, stated that every year at this time he has been bringing up the legacy of E. Pat Larkins and other mayors who have served the City.

Mayor Hardin indicated that the City should have a listing of all past mayors of the City of Pompano Beach and highlight that E. Pat Larkins was the first black mayor of the City. He recommended that the Public Communications Director Sandra King coordinate with City Clerk Asceleta Hammond to get a list of past mayors to be posted on the City's website. In fact, he indicated that Karl Weaver was the first black City Commissioner elected in the City of Pompano Beach.

Meetings on Facebook - Mr. Thrower asked about the possibility of airing the Commission meetings on Facebook, for those in the population with access to that platform.

Mayor Hardin responded that is a good idea and the City can look into that idea, which Sandra King, Communications Director agreed that can be accomplished.

Vice Mayor Perkins stated she is glad that this idea was brought forward by Mr. Thrower. Perhaps the City could piggyback on what the City of Deerfield Beach is doing. She mentioned that City is alternating with Commissioners attending meetings, with the Mayor and three Commissioners at a time, as well as they are allowing at least one to two people at a time to speak and then they leave.

Mr. Thrower mentioned that the notification of signing up to speak at the meeting went into his junk mail. Therefore, he wanted to know how he could sign up to speak on item 4. He stated that he did not receive any response for the items he signed up for and wanted to know how he can get the instructions on how to sign up.

Fadus Alejandro, Pompano Beach, FL, had signed up to speak but cancelled his request with Ms. King.

B. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 4-6, 11-13 and 15-27 without City Commission discussion.

A motion was made by Vice Mayor Perkins, seconded by

Commissioner McGee, that Consent Agenda be APPROVED. The motion carried unanimously.

1. [21-238](#) Approve ranking order for RFP E-07-21 Parking Operation Management Services, and authorize staff to negotiate a contract with the highest ranked firm, One Parking, Inc. (No cost at this time).
(Fiscal Impact: N/A)
(Staff Contact: Jeff Lantz)

John Hamwey, Pompano Beach, FL, stated he had asked to pull the item for discussion, but he had already presented his objections to Mayor Hardin and the Commissioners in a letter he sent prior to the last meeting. He was not aware of what the flex units were about.

Mayor Hardin indicated that the item Mr. Hamwey wanted to speak on is not item 1 but item 31 instead. Therefore, he instructed him to stay on the line until that item comes up for discussion, which is listed under Regular Agenda.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

2. [21-233](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S PUBLIC ART FY 2021 ANNUAL PLAN AND DIRECTING STAFF TO PROCEED WITH THE PROJECTS INCLUDED THEREIN; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$195,150.00)
(Staff Contact: Laura Atria/Phyllis A. Korab)

Mayor Hardin pulled the item for Commission discussion. Mayor Hardin welcomed back City Attorney Berman and stated that by the sound of his voice he is still hurting. However, if he has any problems as the meeting progresses just let him know.

Mayor Hardin indicated that there is a presentation that goes with the Public Art Programs and asked for a quick presentation from the Public Art representative on what has been happening to date.

Laura Atria, Public Art Manager, presented an overhead presentation, which is attached as Exhibit 1. In addition, Ms. Atria stated that the public art was established in 2013 and the Master Plan was approved in 2015, which is when she started working with the Committee to implement the projects that were planned. She mentioned that the projects planned for Fiscal Year 2020 have been moved to 2021 due to the COVID-19 situation, so they have not been able to complete a majority of them, which will put them a little behind in their Master Plan.

Mayor Hardin thanked Ms. Atria for her update. He also indicated that it is important that the public is made aware of what is going on with something as visible as public art as to what is happening and what will happen over time.

There was no input from the public on this item.

Vice Mayor Perkins indicated that there was some discussion on the wall on Copans Road, in front of the Porsche Dealership/McDonald's/Pep Boys. They were trying to find out if there is anything the art department could do with that particular wall in connection with Leisureville. It is a long wall that needs cleaning.

Ms. Atria provided an update on this matter. She stated that the wall is interesting in architecture that is very abrasive, so to add paint to it would not be so easy, therefore, some type of façade would have to be put over it. She recommended that until something further can be done adding a landscape greenery that could cover the wall until the problem could be economically addressed by moving forward with a more artistic solution for the wall.

Comr. Eaton indicated that she would be glad to work with Vice Mayor Perkins on that issue because it is within her district. She suggested that City staff reach out to Florida Department of Transportation (FDOT), who may be the owners of the wall, to see if they could get the wall cleaned. City Manager Harrison was tasked to coordinate efforts among the Commissioners of the different agencies to come up with a resolution to this issue.

Comr. Eaton added that initially she had brought up the issue of getting a sound wall on Copans Road west of Federal Highway. Residents in the area had indicated that years ago when Copans Road was widened they were promised a sound wall similar to that in Leisureville, which has not yet been built. Therefore, since it is a state road, perhaps some consideration could be given to something that could complement City Centre and be of benefit to the residents as far as sound barrier, as well as something with a continuity of architecture instead of having a "Hodgepodge" of things.

Comr. McGee indicated that if the City was going to contact FDOT and the State that perhaps along Copans Road they could try to extend the area where there are "Hodgepodge" fences and have them do something nice on that road.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-62

3. [21-241](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION AND AMENDMENT TO AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EMERALD TRANSPORTATION CORPORATION FOR TOWING AND WRECKER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$178K/Yr. Revenue)

(**Staff Contact:** Brian Donovan)

Vicente Thrower, Pompano Beach resident, requested pulling the item for Commission discussion, because he has a complaint on how Emerald Transportation Corporation operates its towing business. He then shared an incident he experienced sometime last year, when he had an incident with his car and found their customer service representative very rude.

Mayor Hardin encouraged Mr. Thrower to reach out to the Commission immediately if something like this happens again. He stated poor customer service should not be tolerated and will not be tolerated, however, reports should be made prior to getting to this stage of entering into an agreement with any company who is not providing the residents with good customer service.

There was no input from the public on this item.

Vice Mayor Perkins related a similar incident she experienced with the same company approximately two years ago, when she had an accident near the McDougald House. Her situation was they did not want to release her vehicle to her, which was quite difficult to have them release her car to the car dealer. Customer Service was lacking, so perhaps the City could speak with them about providing better customer service.

Mayor Hardin mentioned that Brian Donovan, Assistant City Manager is taking notes and will provide this information to them regarding providing better customer service to the residents of Pompano Beach.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-63

4. [21-272](#) 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 DANIA PIER MANAGEMENT CORP. TO OPERATE THE CITY'S PIER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

Enactment No: RES. No. 2021-64

5. [21-154](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE APPROPRIATIONS AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$280,000)

(Staff Contact: Erjeta Diamanti)

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

Enactment No: RES. No. 2021-65

6. [21-242](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING AND URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL #0334 AUTHORIZING COUNTIES AND MUNICIPALITIES TO PROHIBIT SMOKING WITHIN THE BOUNDARIES OF PUBLIC BEACHES AND PUBLIC PARKS UNDER CERTAIN CIRCUMSTANCES AND TO PROHIBIT SMOKING IN STATE PARKS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

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

Enactment No: RES. No. 2021-66

7. [21-252](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY NECESSARY CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Alexander Goldstein)

Vice Mayor Perkins pulled the item for Commission discussion and stated that there are a number of moving parts with the State Housing Initiatives Partnership (SHIP) program, which include the emergency repairs, demolition, the disaster assistance and the owner's rehab. Therefore, she requested a copy of the reconciled budget for 2018, 2019, and 2020 so she can review the SHIP program to determine what is or is not working for the community.

Greg Harrison, City Manager asked if Vice Mayor Perkins was referring to the accounting needed.

Vice Mayor Perkins responded yes, she would like to see the line item of the accounts.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-67

- 8. [21-254](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY OF POMPANO BEACH 2020 STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM (SHIP) AFFORDABLE HOUSING INCENTIVE STRATEGIES REPORT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Alexander Goldstein)

Vice Mayor Perkins pulled the item for Commission discussion and stated that this is a committee controlled by the state but she wanted to get the criteria of how members are selected.

Alexander Goldstein, Office of Housing and Urban Improvement (OHUI), stated that he can provide Vice Mayor Perkins with all of the requirements detailing how the Committee is compiled. He could email the Commission all the backup related to the Statutes on how the Committee is compiled. He explained the process was not done by the State, rather the City reached out to members of the community to fill certain positions that are required to be met within the Committee.

Vice Mayor Perkins commented that one member of the Committee is an elected official of the City of Pompano Beach.

Mr. Goldstein stated that there is a new rule for this year, where there is a requirement to have a local elected official sit on the board, and this is the only change from prior years.

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

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

Enactment No: RES. No. 2021-68

- 9. [21-177](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE PROGRAM SUBRECIPIENT AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS;

PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 2020-2021 CDBG Allocation)

(Staff Contact: Miriam Carrillo/Alexander Goldstein)

Vice Mayor Perkins pulled the item for Commission's discussion and stated that with the Community Development Block Grants (CDBG), which the City issues, she was looking at Women in Distress for Broward County, as well as Light of the World, and wanted to know how many people are being reached in the City of Pompano Beach since this is a Broward County organization.

Alexander Goldstein, Office of Housing Urban and Improvement, stated that he has all the information available on what they do with the non-profits to separate their beneficiary data based on the City. Therefore, he can tell how many people received assistance in Pompano Beach last year, etcetera.

There was no input from the public on this item.

Mayor Hardin indicated that most of that information is made available during the budget process when the Commission goes through the non-profit funding.

Comr. McGee thought it would be a good idea if Light of the World could partner with the City's Firefighters who would normally be called out to those individuals who tend to need assistance but it is of a non-emergency nature. If Light of World could help in this way that would be a great partnership to help the City's Firefighters Emergency Medical Services team.

Mr. Goldstein indicated he would reach out to Light of the World Clinic to see if they would be a good fit to partner with the City's Emergency Medical Services.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-69

10. [21-264](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A SECOND SUBSTANTIAL AMENDMENT TO THE FY 2019-2020 CDBG ANNUAL ACTION PLAN; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$842,961 CDBG-CV-3)

(Staff Contact: Alexander Goldstein/Miriam Carrillo)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until March 23, 2021 City Commission meeting. The motion carried unanimously.

11. [21-305](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND AUTHORIZING COUNSEL TO EXECUTE ANY ADDITIONAL DOCUMENTS RELATING TO THE SETTLEMENT OF THE PENDING WORKERS' COMPENSATION CLAIM BY JOHN POAG, JR.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$250,000.00, \$145,000 of this amount will be reimbursed by AmeriTrust, the City's excess carrier)

(Staff Contact: Cindy Lawrence/Bobby Bush)

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

Enactment No: RES. No. 2021-70

12. [21-273](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL THE REAL PROPERTY LOCATED AT 1207 E. ATLANTIC BOULEVARD, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

Enactment No: RES. No. 2021-71

13. [21-304](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO AUTOMOTIVE ASSOCIATES, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Annual License Fee Revenue \$19,500)

(Staff Contact: Cassandra LeMasurier)

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

Enactment No: RES. No. 2021-72

14. [21-139](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A ROTATION POLICY FOR INDEPENDENT AUDITING SERVICES FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING FOR CONFLICTS. PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 26, 2021

(Staff Contact: Andrew Jean-Pierre)

Mayor Hardin indicated he pulled the item for Commission discussion to ensure clarification on it. Basically, they are not doing away with the length of a contract, so it will still be a five year contract. Therefore, this change is to allow the same firm that currently has the contract to rebid for the next five years when the contract has ended.

Andrew Jean-Pierre, Finance Director, responded that is correct.

Mayor Hardin explained that previously the City had a hard cap, per policy, that for five years a firm would serve as an auditor and then they would have to step away for at least five years. Now, the proposed is to allow a firm to have two (2) five-year consecutive terms as a maximum before they would step away. He then asked if there is any prohibition for that firm to come back in the future for bidding.

Mr. Jean-Pierre responded that they would have to step away after ten consecutive years and return after five years. In essence, they would sit out for one term after two consecutive five-year terms.

There was no input from the public on this item.

Comr. McMahon indicated he spoke with a few persons who called him on the item, and he wanted to know when the second five-year term is undertaken, perhaps there will be different set of eyes reviewing the City's accounting books.

Mr. Jean-Pierre responded that their staff can actually be rotated to ensure a fresh look during each term of contract.

Comr. McMahon reasoned that if the City is happy with a particular firm and the City can determine that it will get a fresh look at the books with a different perspective or a different person when it comes to trust and things

of that nature, and they work well with staff, the City's policies and procedures, why would they be forbidden to bid again. If they meet all the qualifications, putting a ten-year limit on how long they could do business with the City and to end a good relationship is not such a good way to conduct business. He then provided his reasoning on this.

Mr. Jean-Pierre mentioned that the previous Commission did voice some concerns therefore, the rotation process was put in place. However, there is nothing wrong with rotating a firm after a period of time, even though most Cities are not practicing it.

Comr. Eaton asked if this was approved today, would it allow for a ten-year period of time before a rotation must occur. If not approved it would leave the City on a five-year rotation. She agreed with the comments Comr. McMahan made earlier and provided her views on the matter. In sum, with the expertise on staff along with the City's own Internal Auditor in place, this process is labor intensive with preparation for bids and the entire ranking policy utilizing voluntary workers from other Cities. Therefore, she would support the ten-year rotation, even though she is unsure this is necessary.

Vice Mayor Perkins thinks it is a good idea to have rotation and provided her reasons for this. In sum, she would like to see local firms given a chance, as well as the City Commission should "have more say when it comes to our financial statement, more so than the staff."

Mayor Hardin indicated that the State Statutes have changed on any committee that is formed for ranking purposes for this type of process, a member of the City Commission is required to be a member of that committee and he hopes he, as Mayor of the City, will be on that committee the next time this is done. In sum, he agrees for the proposed rotation process.

Mayor Hardin explained what the Commission would be voting on now, which would be for a ten year maximum then the company would have to sit out for another five years before they are allowed to return to bid, versus what is currently in place for a five year maximum.

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

Yes: Eaton
Floyd
McGee
McMahon
Hardin

No: Perkins

Enactment No: RES. No. 2021-73

15. [21-276](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING FRED STACER TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-74

16. [21-277](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY RAWLS TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-75

17. [21-278](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JUDITH A. NISWONGER TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR REX HARDIN, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-76

18. [21-279](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY RAWLS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH,

AS APPOINTEE OF MAYOR REX HARDIN, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-77

19. [21-280](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KRIS COFFELT TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR REX HARDIN; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-78

20. [21-281](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BARBARA ARMBRISTER-BOYNTON TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-79

21. [21-284](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DANIEL YAFFE TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX

HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-80

22. [21-298](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GWENDOLYN LEYS TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-81

23. [21-299](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY METEVIA TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-82

24. [21-300](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TOBI AYCOCK TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER TOM MCMAHON, WHICH TERM SHALL

COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-83

25. [21-301](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KELLY ANN MAGUIRE TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER TOM MCMAHON; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-84

26. [21-302](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TOBI AYCOCK TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-85

27. [21-303](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID WHEELER TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON, WHICH TERM SHALL RUN

CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-86

C. REGULAR AGENDA

28. [21-265](#) **P.H. 2021-51: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE FORMER SITE OF FIRE STATION 103 LOCATED AT 3500 NE 16TH TERRACE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JANUARY 27, 2021; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that the applicant is processing three (3) concurrent applications for this .45 gross acre property at 3500 NE 16th Terrace, which is adjacent and west of Shopper's Haven shopping center on the SW corner of Sample Road and US 1 and was previously the site of Fire Station 103. The three applications include a local-only land use plan amendment (LUPA) to change the property from Community Facility (CF) to Residential (Low-Medium 10); a commercial flex request to allow local business uses on a residential land use classification and a rezoning to B-1 to allow the commercial use. The purpose of these three applications is to allow an office use in the existing structure on the site for the management staff of the adjacent shopping center.

This agenda item is for the local LUPA, however, they will discuss the commercial flex request. The City's Future Land Use Map shows the site as CF, while the County's Land Use Plan shows it as Residential (LM-10). The proposed LUPA will make the City and the County's plan both show a LM-10 land use designation. The concurrent commercial flex request will limit the commercial entitlements on the property to the conceptual site plan submitted with the flexibility request, which limits redevelopment rights to the existing building.

Continuing, Ms. Dolan stated that the impact analysis for a Future Land Use Map amendment is based on a comparison of the entitlements created by the current land use designation (not the current use of the property) and the entitlements being proposed based on the change in land use designation. In this case, the CF land use entitles the property to 29,403 square feet of building area. However, based on the conceptual site plan

restricting the amount of commercial flexibility being requested concurrent with this land use plan amendment, the site will only be entitled to 2,418 square feet of building area. This is a 92% decrease in entitlements for this property. The local LUPA and the associated allocation of commercial flex, resulted in a reduction of demand on all public facilities. The proposed local-scale commercial use is compatible with the single-family neighborhood to the west and is less intense than the previous fire station uses and most other community facility uses that could currently locate on the property by right. The conceptual site plan for the commercial use of the existing building includes additional buffering and a change to access patterns to improve the site's compatibility with the single-family homes, as well as the adjacent multi-family apartments. If the commercial flexibility is ever abandoned and the site rezoned for residential use, the site will have development rights for a maximum of four residential units. The City's infrastructure can accommodate this minor increase in residential units and residential units are compatible with existing uses in the vicinity.

Ms. Dolan stated that staff has listed the applicable Comprehensive Plan Policy in a staff report and finds the request consistent with these policies. The Planning and Zoning Board unanimously recommended approval of this LUPA at their hearing on January 27, 2021.

Ms. Dolan stated that the applicant's presentation will cover all three agenda items associated with this request and will provide a big picture of what is done today. The Commission will be voting separately on each of the three agenda items, which are 28, 29 and 30.

Christina Bilenki, Esq., Dunay, Miskel & Backman, 14 SE 4 St, Suite 36, Boca Raton, provided an overhead presentation to the City Commission, which includes all three applications, which will be voted on separately.

In Ms. Bilenki's presentation of the project, she indicated the old fire station as highlighted which is a small site of 45-gross acre located on the east side of NE 15th Terrace, south of Sample Road and west and south of the Shopper's Haven Commercial Center. As mentioned, the County's feature land use designation is currently Residential Low Medium 10 (LM-10), but the City's land use designation is Community Facilities (CF). This facility was already designated when this section was annexed into the City. Her client along with the Shopper's Haven owners are seeking to utilize the existing building on the site for their management offices to support the Shopper's Haven Commercial Plaza. She then showed some images of the existing conditions including the old fire station building, parking area and minimal landscaping.

Ms. Bilenki indicated there are three requests before the Commission. She mentioned that once the fire station was abandoned, the building remained vacant. The property owner is planning to renovate the interior of the building to utilize it as their offices. Therefore, they are requesting approval of the LUPA from the CF land use designation to the Residential LM-10 designation so it is consistent with the County. Then they are looking for an approval of the allocation of commercial flex, which will allow for local office uses and business uses on the property with the residential land use application, as well as an approval of a rezoning from the CF zoning district to the B-1 zoning district. She then explained the reasons for the LUPA change, which is to ensure that the land use is consistent with the county's Land Use Plan. They are seeking to apply the CF provisions of the Comprehensive Plan to allow low-scale commercial uses in the existing building and to accommodate the management staff of the adjacent shopping center. This will cause the owner to avoid the cumbersome process of amending the county's Land Use Plan. Rezoning to B-1 district has development standards and similar intensity standards to the current CF Land Use entitlements that will also ensure that the proposed use remains

low-scale commercial uses.

Continuing in her presentation, Ms. Belinki illustrated the area, highlighted in the black box, where the Broward County Future Land Use Map is showing the Residential LM-10. The County Land Use will be maintained; however, they are proposing to amend the City's Land Use Plan, which is currently designated as CF to be consistent with the property to the south and again the commercial flex allocation will allow for commercial uses. As the conceptual site plan attached to the commercial flex application restricts available intensity to what is identified on the Plan as previously mentioned, there will be a 92% decrease in entitlements for the property. The associated allocation of commercial flex also results in a reduction demand on all public facilities. An impact analysis was conducted based on the comparison of entitlements created for the Future Land Use designation and the entitlements being proposed based on the commercial flex allocation.

Ms. Belinki stated that should the property be redeveloped in the future to something other than what is depicted on the conceptual site plan as attached to the commercial flex application, the owner would be required to file a new application and request a new allocation of flex. The development is being limited to what they are proposing on the conceptual site plan and any feature changes would have to return to the City Commission for review. The proposed local commercial use is compatible with the residential developments to the south and west to be one category and is intended for neighborhoods serving businesses. The proposed use is also less intense than the previous fire station building and most other community facilities that could currently be located on the property by right.

Ms. Belinki displayed the proposed site plan attached to the commercial flex application. They are making significant improvements to the site both to address compatibility and to ensure there are very negligible impact to the adjacent residential community. Additional landscaping is being provided along NE 15th Terrace on the west side of the property and on the south side of the property where there are adjacent residential homes. The buffer areas are being expanded to ensure they meet the minimum 10-foot requirement. Also, there is a requirement for the compatibility buffer to have an opaque wall or fence so there will be that screening. In addition, they are enhancing the landscaping that is there fairly significantly. The compatibility buffer requires one tree approximately every 30 feet in addition to a hedge that is at least 4 feet tall on the outside of the wall facing the residential areas and also shrubs to be on the inside of the wall. Currently, the bare landscaping will be significantly improved and there will be a good buffer that will provide screening from the residential areas.

Furthermore, Ms. Belinki indicated that they are proposing to change the main access to the site as the applicant also owns the adjacent shopping center, the primary access will be from the shopping center. There is currently an existing gate along NE 16th Terrace and they are proposing to ensure this gate remain locked during those periods except for when needed for emergency access or limited accessibility needs. All employees who will be working in the office building will be accessing the site from the Shopping Center. Again, there will be minimal interaction with the residents in the community to the west. The applications are consistent with the goals, objectives and policies of the City's Land Use Plan, which she highlighted a few.

Policy 01.01.05 - The applications have been reviewed to identify the accumulative impact of the proposed development on public services. They are significantly less impactful than the existing uses that would be permitted on the site.

Policy 01.01.11 - The applications have been reviewed to ensure the availability of potable water supply and

water supply facilities and reuse are available.

Policy 01.03.04 - Considerations have been made to be established single-family neighborhood. Commercial uses are restricted to the local business uses and the applicant is adding the compatible buffers and restricting access points on the site.

Policy 01.04.05 - The Land Use Plan Amendment (LUPA) and Rezoning provides for the orderly transition of varying residential land uses providing a land use that is consistent with the multi-family parcels to the south that border the commercial shopping center. Also, providing a less intense commercial zoning district to provide a better transition between the uses.

Policy 01.03.11- Considerations have been made to the compatibility of the adjacent land uses. Staff has concurred with the findings that the proposed Land Use and Zoning designation for the site are compatible.

Policy 01.06.12 - The applications have been reviewed to ensure that there are sufficient facilities and infrastructure to support both the local LUPA to the residential district and to the commercial uses that would be permitted through the allocation of commercial flex.

There was no public input on the item.

Comr. Eaton stated that this is the second time she has heard the presentation. There was a Cresthaven Civic Association meeting some time ago. While she has a few questions for the applicant, this property has been aching for a number of years and an occasional area for encampment and a site frequently used for illegal dumping. The community as a whole, in the Cresthaven area is in favor of the building becoming in alignment. The overall restrictions that the applicant has placed on the property, is sufficient. Also, after reviewing the aerial maps she noticed that the shopping center is under the entire control of multiple entities. The area to the north there is a streetway, could a person turn off of Sample Road and use that streetway, which would have been NE 36 Court just south to Sample Road and come in that way. There does not appear to be any right-of-way and asked if they were considering having that area blocked off with some sort of foliage or anything.

Ms. Belinki stated that streetway is not part of the subject application so there are no plans in place at this time. However, she could speak with the applicant about it, because she understands the concerns for potential cut through traffic. It would be minimal considering the access point to it.

In sum, Comr. Eaton indicated that she is totally in support of this and the other two items to follow.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that Items 29-34 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

29. [21-266](#) **P.H. 2021-45: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.45 ACRES OF NONRESIDENTIAL FLEXIBILITY TO ALLOW A COMMERCIAL USE IN A RESIDENTIAL LAND USE CATEGORY ON PROPERTY LOCATED SOUTH OF SAMPLE ROAD AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 3500 NE 16th TERRACE; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, City of Pompano Beach staff, and Christina Belinki, Esq., representing the applicant, was sworn in by Asceleta Hammond, City Clerk.

Jean Dolan, Development Services Department, presented the item and stated that the second request for 3500 NE 16th Terrace is for the allocation of commercial flexibility. Broward County Land Use Plan established the commercial flex concept to allow up to 5% of the area within the residential Land Use category to be used for a local scale commercial uses without a LUPA. Request for commercial flexibility requires a submittal of a conceptual plan which defines how the property will be developed in a matter compatible with the adjacent residential uses. The conceptual plan for this property limits the commercial use to the existing building. Therefore, staff finds that the proposed use of the building meets the applicable requirements in the

Comprehensive Plan and results in a reasonable development pattern consistent with the adjacent residential uses. On January 27, 2021 the Planning and Zoning Board unanimously recommended approval of this request for commercial flexibility.

Christina Bilenki, Esq., Dunay, Miskel & Backman, 14 SE 4 St, Suite 36, Boca Raton, applicant's representative, requested that the City Commission adopt her previous presentation made for item 28 for this item 29. See Presentation as **Exhibit 2** attached.

There was no input from the public on this item.

Comr. Eaton disclosed that she has had prior communication with the applicant's representative and have viewed the presentation twice prior to this meeting. The nature of the ex-parte communication was to inform her and the members of the public that she met with regarding their proposal of what they will do on the property.

Comr. McGee disclosed that she also had ex-parte communications with the applicant's representative for informational purposes of their proposal.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-87

30. [21-267](#) **P.H. 2021-44: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY PREVIOUSLY USED FOR FIRE STATION 103 AND COMMONLY KNOWN AS 3500 NE 16th TERRACE FROM CF (COMMUNITY FACILITY) TO B-1 (LIMITED BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that this is the final request for 3500 NE 16th Terrace to rezone the property to B-1 to allow the commercial use permitted by the allocation of commercial flexibility. The criteria for rezoning require that the applicant provide the competent substantial

evidence that the proposed amendment is consistent with the future land use category and the applicable goals, objectives and policies of the Comprehensive Plan and all other applicable City adopted plans. The B-1 zoning district is compatible with the properties immediately adjacent to the subject property. The B-1 zoning will allow appropriate local scale business uses and the conceptual plan associated with the commercial flexibility, limits the intensity of the site to the existing building. The conceptual plan increases the buffers between the adjacent residential uses to the south and west. It also modifies the traffic pattern by making the primary access point from the shopping center to the east of the parcel. The proposed office use is less intense than the CF uses allowed by right on the parcel, based on its current community land use in zoning. Also, it will result in a reduction in demand on all kinds of public facility. The Planning and Zoning Board unanimously recommended approval of this rezoning at their hearing on January 27, 2021.

Christina Bilenki, Esq., Dunay, Miskel & Backman, 14 SE 4 St, Suite 36, Boca Raton, applicant's representative, requested that the City Commission adopt her previous presentation made for item 28 for this item 30. See Presentation as **Exhibit 2** attached.

There was no input from the public for the item.

Comr. McGee disclosed that she has had ex-parte communication with the applicant's representative in the form of an informational phone call.

Comr. Eaton disclosed that she has had ex-parte communications with the applicant for informational purposes.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

31. [21-188](#) **P.H. 2021-40: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FORTY (40) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWESTERN CORNER OF SOUTH PALM AIRE DRIVE AND SOUTH POWERLINE ROAD; PROVIDING ANEFFECTIVE DATE
(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 26, 2021**(Staff Contact: Jean Dolan/David Recor)**

Meeting went into Recess

Meeting Reconvened

Comr. Floyd disclosed that she had ex-parte communications with the Usman team about the plans for the property. In addition, she stated that she had a zoom meeting on March 6 in which she listened to the Palm Aire community concerns and the applicant was present at this time as well.

Comr. McGee disclosed that she had ex-parte communications with the Usman Property owner about information of what they are doing. In addition, she stated she received multiple emails from residents around that area and a few voice mails in opposition to the development citing mostly traffic congestion and meet proper uses for green spaces.

Vice Mayor Perkins disclosed that she had ex-parte communications with the Usman Team regarding information and education on the property. In addition, she stated she received emails from the residents only.

Comr. McMahon disclosed that he had ex-parte communications and met with the Usman team in reference to the project in Palm Aire and had asked questions to find out more information regarding the property. In addition, he stated he received emails and phone calls in reference to the Usman project mostly with concerns in reference to traffic.

Mark Berman, City Attorney, advised if applicable that ex-parte communications disclosure with outside parties is not just limited to the developer. If discussions were held with others that should also be disclosed for the records. There should be some description of the nature of the discussion in fairness to the applicant and their attorney.

Mayor Hardin then asked the prior Commissioners who spoke earlier to restate their ex-parte communications.

Comr. Eaton disclosed that she had ex-parte communications and received numerous emails from residents opposing the item mainly due to the traffic congestion in the area. Also, she received some emails supporting the project.

Mayor Hardin disclosed that he had ex-parte communications with the applicant concerning the details of the project and the plans. Also, he has had multiple emails from residents in opposition to the project referencing traffic and loss of green space and environmental concerns. He received a few telephone calls and voice mails were left with the same types of concern. He received one written communication from Mr. Gilbert Conca who expressed concerns about dust and things of that nature.

Jean Dolan, Development Services Department, presented the item and stated that the request was made by Ghulem "Joe" Usman of Usman Palmaire LLC for 40 flex units on a 1.3-acre property at the southwest corner of Powerline Road and South Palm Aire Drive. The allocation of flex units is necessary to enable development

of this parcel because it was not originally allocated units when the 10,631 units created by the Palm Aire dashed line Land Use designation were allocated to various development parcels within the original Palm Aire Master Plan. Palm Aire is within the City's flex receding area and is eligible for flex units. The original request for flex units on this property, was presented to the Commission on September 24, 2019 was for 58 flex units. The request has been reduced by 315 to 40 units, which is less than what would be allowed by the RM-45 zoning of the property and will sit on the site within a proposed six story building as shown on the conceptual site plan. The developer's intent is to buyout of the affordable housing requirement associated with the allocation of flex units. There are two unique conditions of approval for the flex units that came out of public input received from the community. One is for a traffic study to ensure that there are no dangerous conditions created by the "S" curb associated with the adjacent segment of Palm Aire Drive. The other condition is to provide a sidewalk that connects the County greenway system along the canals south of the property. The applicant has agreed to both conditions and to build the units in conformity with the conceptual site plan attached to this resolution. The original flex allocation was recommended for approval by the Planning and Zoning Board on June 25, 2019.

Ms. Dolan then provided a brief history on the project, which ultimately resulted in the City Commission hearing the item today.

Karl Peterson and Bonnie Miskel were sworn in by Asceleta Hammond, City Clerk.

Bonnie Miskel, Esq., Dunay, Miskel and Bachman, representing the applicant, stated that Matt Scott would put their presentation on the screen, which is attached as **Exhibit 3**. In the overhead presentation Ms. Miskel provided details on the Location of the property, the Designated Land Use and Zoning, the Request by the applicant, Site Plan, the Parking and Ground Floor Plan, Traffic, Approvals, Criteria Per Section 154.61(D) Planning Code - Consistency with Comprehensive Plan, 2240 N. Cypress Bend, 2651 S. Palm Aire Drive, 2851 S. Palm Aire Drive, 2901 S. Palm Aire Drive, 3051 S. Palm Aire Drive, 3001 S. Course Drive, Criteria Per Section 154.61(D) Planning Code - Affordable Housing, Project Benefits, Floor Plan for one and two bedrooms, Floor Plans, and Building Elevations.

In sum, Ms. Miskel mentioned that with this type of request the criteria is clear, which she provided earlier. It is not based on opinion but based on facts and technical responses to the questions in the application that was provided to the City. Their technical consultants have shared the information with City staff who have reviewed it and have stated within the page 7 report that they are compliant with the review standards. As such, they are respectfully recommending City Commission approval.

Finally, Ms. Miskel stated that she understands the traffic concerns and the configuration of the roadways, which are existing conditions that the developer is not impacting. They are currently problematic and will continue to be so, but her client wants to be part of the solution and is prepared to work with the community to improve those connections.

The following persons spoke in opposition of developing the property for this project:

- 1) John Hamwey, 2671 S. Course Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He stated that he had sent the Commission his email expressing his reasons of non-support

for this project, which includes traffic congestion and the fact that the land is unbillable and should be kept as such.

- 2) Michael Syphrit, 2501 S. Palm Aire Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He then provided his reasons why he does not support the project citing that the land is undevelopable and should remain so, as well as public safety is of major concerns along with the nightmare traffic congestion would create should the project move forward.
- 3) Ovid Dennis, President of the Board of Directors, Palm Aire Country Club Condo Association #3, 2851 Palm Air Drive, South, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He then provided his reasons why he does not support the project citing that flex units do not fit in the area and that the property is not developable.
- 4) Patricia Rice, 2901 S. Palm Aire Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. She mentioned that she wrote to the Commission many times in the past providing a petition with approximately 100 signatures and spoke at the September 2020 City Commission meeting expressing her concerns for awarding flex units for the property.
- 5) Dolores Roknick, 2901 S. Palm Aire Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. She was opposed to flex units being built in the area.
- 6) Theodore Furio, 2601 S. Course Drive, Unit #208, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He mentioned that he sent emails to the Commission and expressed concerns for the traffic and the destruction of the green space.
- 7) Barbara Ricchuti, 3151 S. Palm Aire Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. She is against awarding flex units for the area.
- 8) Mary Corlin, 3001 S. Course Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. She expressed her concerns regarding building flex units in the area.
- 9) Martin Leewald, 2951 S. Palm Aire Drive, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He is against awarding flex units for the area, as well as local parking, traffic and safety.

The following persons spoke in support of the project:

- 1) Kim Sherman, 1020 SE 5th Avenue, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He spoke in support of the 1001 SW 26th Avenue flexibility unit allocation in Palm Aire. He cited that the project will provide drastically needed modern residential units in an area that has decreased in demand. Second the project follows good and efficient urban design for the City.

Ms. Miskel provided closing remarks regarding some of the comments made earlier by those who spoke in opposition of the project. She indicated that the internet can be great but sometimes it directs people to old or

irrelevant information to a particular matter. She reiterated to the Commission what the criteria is for analyzing and either supporting or non-supporting of the applicant's request.

- 1) They have to be consistent with the Comprehensive Plan (Comp Plan). In 2017 Broward County went through a massive reanalysis of its Plan with the Broward Next Program, and their Code and Comp Plan changed as a result of that analysis. The cities within Broward County had to become consistent with their new Comp Plan. That is the standard by which the City's Comp Plan was modified. Section 154.61 is the section, among other things that deals with the allocation of the flex and reserve. People were referring to flex units to be used in depressed areas but that is not in the City's Comp code, it is not a requirement or criteria that has been adopted. While this may be out in the internet world, that is not the City's law or regulations, which under Subsection (D) states "Available flexibility units maybe utilized by the City to rearrange residential densities, consistent with the 2007 Broward County Land Use provision, as maybe amended from time to time....Rearrangement of residential densities utilizing flex units will be administered within flexibility zones....They may further restrict the allocation of flex by adopting flexibility receiving areas." Ms. Miskel indicated that Palm Aire is a receiving area. So, there is no prohibition, no limitation or restriction precluding the City from doing it, and in fact by incorporating those units and this property as a receiving area, the property will be eligible for it.
- 2) The use of the reserve and flexibility units will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility with adjacent land uses and suitability of the parcel for various development patterns. They have done this.

Ms. Miskel reiterated that they are compatible and consistent with it and is an appropriate and suitable development pattern. In addition, they meet the criteria of the City's Code.

Comr. McGee asked if the apartments being built will be professionally managed.

Ms. Miskel responded yes, and explained in detail how the property would be professionally managed and maintained for all the amenities.

Comr. McGee indicated that she heard a lot said by Ms. Miskel about the target market for young professionals, which reminds her of the concerns that still exist even from the previous presentation. However, for young professionals today who are working, and as much as she is a huge proponent of mass transportation options, the City is decades away from actually having to co-reside with one car in a family. This is a huge concern especially for the two-unit mixes that will need two parking spaces per unit, plus handicap spaces, as well as guests spaces. Parking should be considered when considering any type of professional housing and the reality of getting to and from work in South Florida. She understands the way traffic report is done, but if the target market is young professionals then the am/pm peak trips will probably be different from what was presented.

Comr. McGee asked why they were choosing not to provide affordable housing.

Ms. Miskel stated that one of the things that will happen post-COVID, young professionals will want to work from home and would not need to go during typically am/pm peak hours to work. In sum, she said they are

flexible in that regard.

Ms. Miskel indicated that with her 30 years' experience working with a number of developers and representing all of the large affordable housing developers in Broward and Palm Beach County, have come to realize it makes more sense to provide the moneys to allow it to be placed in an affordable housing trust fund where it can be allocated with people that are specialized, makes a lot more sense. However, they were flexible as they were encouraged to do that, but they can be flexible.

Joe Usman, 61 Northeast 1st Street, Pompano Beach, FL, was sworn in by Asceleta Hammond, City Clerk. He thanked everyone for their views expressed. However, he indicated that the facts are the subject property is in RM-45, and the subject areas already have allocated flex units, as well it is an open space from all four sides and it is close to doctor's offices, dry cleaning, and restaurants. It is the most desirable place for young professionals to work, walk and enjoy the personal life.

Mr. Usman explained that they are business people and they will do what is the best for the area as it relates to professionally managing the units.

Vice Mayor Perkins asked if the project would directly affect the LIVE Resort Pompano project planned by the Cordish group.

Ms. Miskel responded that they are not related in any way. They will not have any impact on each other. This project is a small boutique building whereas the Cordish Group is a large development with a lot more units. Notwithstanding, they will meet all requirements of the code.

Comr. Floyd indicated that she was not so happy with the explanation of the affordable housing question brought up by Comr. McGee. Also, she has listened to both sides expressing their concerns and valid points have been made by both sides. However, the opposition is great and the taxpayers have spoken and the City should listen to them.

Mayor Hardin asked about the affordable housing issue. He understands that the City's code allows a developer to either include affordable housing in their project or pay the in lieu of fee. Therefore, however they decide to do it they would comply with the code and it should not be held against them.

Mark Berman, City Attorney, responded absolutely Mayor. He cited Section 154.61(D) - three applications for use of residential flex units require an agreement to either provide affordable housing units or it would be an in lieu of fee in accordance with Section 154.80, which is one or the other.

Mayor Hardin stated he agrees that the City should have integrated affordable housing.

Mr. Berman mentioned that there are three requirements for provision of flex units. The Commission makes the finding of one, two, and this is the third prong of that. The first two, you would have to find by competent substantial evidence in the record that if these three standards are met, consistency with applicable goals, objectives and policies in the City's Comp Plan and of Chapter 154. The use of residential redevelopment and flexibility units or the approval, the criteria shall include compatibility of adjacent land uses and suitability of the

parcel for various development patterns. He reiterated that it is based on competent substantial evidence, which is evidence that will establish a substantial basis of fact from which the finding can be inferred. It is such relevant evidence as a reasonable mind would accept as adequate to support the finding.

Comr. Eaton stated that she had a difficult time finding what land use designation the County has set forth for this parcel. Also, she hopes someone could provide her with that information.

Ms. Dolan responded that the County also has a dashed line (-) area and they show this as seven dwelling units per acre over the entire Palm Aire, which includes the golf courses. The way they arrived at the 10,631 units, they multiplied seven by the total acreage. They show it as a slash with a seven on their Land Use Plan Map.

Comr. Eaton asked if the applicant has a current Land Use that is within his right at this time for the current parcel.

Ms. Dolan explained that the dashed line area has approximately 10,600 units and they were specifically allocated to parcels based on a Master Plan back in the 80's when Palm Aire was first planned. This piece of property did not have any units allocated to it. Therefore, he does not have an invested right to units.

Ms. Miskel explained how they evaluate Land Use that is one part of the land use, which is the designation that it is given or underlying the property. However, the Comp Plan includes more than just the Land Use and what the Broward Next Plan did, it provided for essentially more flexibility with the allocation of flexibility and reserve. It also allowed the Cities to be as flexible as they chose to be. They could be more restrictive by assigning it more carefully. The City of Pompano Beach created these receiving areas.

An extensive discussion followed on how the units are allocated through the Broward County Comp Plan versus how the City Comp Plan is configured to get through the various layers to get to the net results of flexible units.

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

Yes: Eaton
McGee
McMahon
Perkins
Hardin

No: Floyd

Enactment No: RES. No. 2021-88

32. [21-259](#) P.H. 2021-46: (PUBLIC HEARING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING 0.48 ACRES OF NONRESIDENTIAL FLEXIBILITY TO ALLOW A COMMERCIAL USE IN A RESIDENTIAL LAND USE CATEGORY ON PROPERTY LOCATED WEST OF POWERLINE ROAD AND NORTH OF NW 4TH STREET AND COMMONLY KNOWN AS 2429 NW 4TH STREET IN COLLIER CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that the applicant is proposing a “boutique” hardware store and a new building with a customer service area and warehouse area on a parcel of land fronting on Powerline Road and NW 4th Street in Collier City. The subject property is currently vacant and has two different Future Land Use designations including both Commercial (C) and Residential (Low 5). Pursuant to section 154.62, the City may allow non-residential uses in residential land use categories through the distribution of non-residential flexibility within the City’s unified flex zone. Only the frontage of the property has a Commercial Land Use designation. The depths of the area with Commercial Land Use are not sufficient to build a commercial project. Therefore, if commercial uses are desired on the Powerline Road frontage, Commercial Flexibility or Land Use Plan Amendment (LUPA) will be necessary to enable a viable project. The applicant is requesting Commercial flexibility for the subject property.

She stated that a plan for Collier City was funded by the Northwest Community Redevelopment Agency (CRA) entitled Collier City Neighborhood Development Plan and was adopted back in May of 2012. The plan does identify the vacant parcels fronting Powerline as undesirable and a blighting influence but does not specifically recommend the type of uses desired for those properties. To ensure neighborhood support for the commercial use of the subject property in general, and this project specifically, the applicant presented the project and obtained written confirmation by the Collier City Civic Association that the neighborhood leadership supports the application of commercial flex and construction of the proposed building on this property. She added that the CRA staff is also generally supportive of this request. The applicant has addressed the CRA’s concerns about cut through delivery truck traffic by adding a note on the conceptual site plan to ensure no semi-trucks would use NW 4th Street through the Collier City neighborhood as a delivery route. The Applicant provided a parking study showing that the business does not attract a large number of on-site customers and demonstrated that 13 parking spaces is adequate to serve the expected peak daily business volume. Therefore, large amounts of customer traffic cutting through the neighborhood is unlikely to occur. The Planning and Zoning Board met on January 27, 2021 on this item and recommended approval to the City Commission in a 5-1 vote.

Sarah Pardue, 522 Hampton Road, West Palm Beach, FL, was sworn in by Asceleta Hammond, City Clerk.

Barron Schimberg, 40 South Pineapple, Suite 101, Sarasota, FL, was sworn in by Asceleta Hammond, City Clerk.

Don Percchiola, 1190 NW 159th Drive, Miami, FL, was sworn in by Asceleta Hammond, City Clerk.

Sarah Pardue, representing IMECA Hardware and the owner, Tony Cocchiola, stated that this is regarding allocation of commercial flex for the project, which the Planning & Zoning Board has already recommended approval for this project. In addition, the Architectural Advisory Committee (AAC) has approved the architecture and landscaping. Attached is **Exhibit 4**, which is the overhead presentation made by Ms. Pardue.

Continuing, Ms. Pardue stated that the project has had full support from the Collier City Civic Association, including Phyllis Smith, President. She made every effort in the past to ensure the neighborhood is informed of their projects and scope and they regularly review changes with Ms. Smith. Recently, they have spoken with Ms. Smith to discuss the second aspect of the project, which they would like to address today.

Ms. Pardue indicated that they would like to request a modification to the condition language in regards to delivery trucks that are accessing the site. This was discussed with the Civic Association and they agreed with the language being presented. There will be no trucks in the neighborhood streets, as previously discussed but limited to Powerline Road. Also, they would like to agree to have a delivery truck being scheduled no more than once weekly to accommodate all parties and ensure a quiet transition to commercial use in the adjacent neighborhood.

Selena Edwards, 2451 NW 4th Street, Pompano Beach, FL, stated that she resides three houses from the corner of Powerline Road and 4th Street. So, the place that Ms. Pardue is referring to where there will be no delivery trucks the space is very tight as it is currently. There is a lot of traffic which can take ten to fifteen minutes just to get out of her street to get on Powerline Road. She stated that there are too many trucks coming down Powerline Road already and do not want the added truck traffic.

Comr. Floyd disclosed that she received emails and phone calls regarding this project from both the IMECA team and from the residents in the community. As a resident, travelling on NW 4th and Powerline Road it has gotten "crazy" getting out there some days. Therefore, she will have to agree with the constituents who are opposed to this project.

Vice Mayor Perkins disclosed that she has spoken to some of the residents but not the owner/developer of the project. In addition, she noted that in the backup it was mentioned that about 30 people were at the meeting that was held on July 11, 2020 and found out that there were only 10 people in attendance. After speaking with some of those persons who attended the meeting they indicated that they do not mind a business going to that location but not particularly a hardware store. Also, a brochure was sent out stating that the meeting would take place in January, so the residents were misinformed that this would be discussed at the meeting today.

Continuing, Vice Mayor Perkins stated that she understands that with the subject property people have been complaining about people dumping cars and trash there. In the community developers cannot keep putting up hardware stores or similar business because there is trash around the area. There are a lot of warehouses and hardware stores in the area and this is the closest one to the homeowners in that particular area. She does not think building a hardware store will be the answer for dumping in that area. Therefore, she suggested that the item be postponed and meet with the residents to make sure they understand what is about to happen.

Mayor Hardin asked if there is a time sensitivity on this as well as apparently there has been some confusion about a flyer that went out.

Ms. Dolan confirmed that the City does send out notification to the residents. She has not heard anything about a flyer circulating so she cannot comment on that statement made. In addition, she stated that there is no time sensitivity for the item so the Commission could postpone it if they wish to do so.

Ms. Pardue responded to the comments made earlier about the trucks, which she had discussed this with Ms. Smith up to last Sunday and they had all agreed that they do not want trucks in the neighborhood. The applicant understands that requirement. So, they have made every effort to assure the residents that will not be the case. They are only looking to provide an access off Powerline Road that will go into the property that is on Powerline once per week for delivery. This will not cause trucks or additional traffic within the neighborhood. As far as a flyer with misinformation, they sent out a standard notice as required by the City of Pompano Beach. However, they were informed during their frequent correspondence with Ms. Smith, that some owners received the letter, however, their renters who are citizens and are active members of the community were not informed. Therefore, they sent out a copy of the official letter that the City had already approved, to ensure everyone would have received up to date information. There were no discrepancies with date nor with anything other than what they had informed everyone in the neighborhood of what was taking place.

In response to Mayor Hardin's question on the time sensitivity, Ms. Pardue responded that they have Boards coming up and since they had already received approval from the Planning & Zoning Board, it was something they had hoped they would accomplish today from this discussion. In addition, she indicated that the store is not just a hardwood store and they would love the opportunity to elaborate more as to what the store offers as far as a benefit to the neighborhood.

MOTION: A motion was made by Vice Mayor Perkins, seconded by Comr. Floyd to postpone the item until the next City Commission meeting, March 23, 2021, so that more insight maybe gained by the Commissioners from the residents who would be directly affected.

Comr. McGee referred to the backup material specifically about the legislation text from the Planning and Zoning Board Report. After she reviewed the aerial map she switched over to the Pompano Beach official Land Use map, and asked if she is correct in reading that the two grass properties to the north and then a few of those to the south of the property are also zoned commercial.

Ms. Dolan responded that the zoning map does not match the Land Use maps, so the Land Use maps is what gives the entitlements. So, yes there are other commercial properties to the south.

Comr. Eaton asked what is being proposed for the area.

Mr. Cocchiola, Owner of the store, stated that they are a specialized hardware store, which is more like a boutique store. They specialize in interior remodeling products and they supply all kinds of contractors and a "Do It Yourself" concept to beautify your home. They sell products such as flooring, kitchen accessories or closets and bathroom accessories. He confirmed that they are similar to a showroom, and they carry some products to give away immediately when the customer wants it. It is not their intent to have the community angry with them because they would like to serve them as their client. They do have other hardware stores in residential neighborhoods and they never had a complaint. They always get along with the community.

Consequently, Mr. Cocchiola invited the Commission to visit their website at imeca.com to get a better understanding of the type of products they supply. Currently they own a store not too far from the location on Powerline Road, but they would like to build their own facility at this new location.

Comr. Eaton pointed out that there are no hardware stores around that area. In addition, she feels Powerline is quite commercialized as the artery.

Mr. Cocchiola mentioned that they are not a heavy traffic business. They only need one semi-truck for the week to enter and exit from Powerline Road, so they do not need to go through 4th Street to bother the neighborhood.

Mayor Hardin referred to the change of language and indicated that he believes the Planning and Zoning Board approved this based upon what was previously presented with no tractor trailer deliveries, so does this need to return to the Planning and Zoning Board for a change such as this.

Ms. Dolan responded that the Commission can approve that language if they see fit. They can send it back to the Planning and Zoning Board if they so desire. However, the Planning and Zoning Board makes the recommendation so the Commission can change it if they so wish.

Comr. Floyd pointed out that one of the people she spoke with from IMECA told her about the store by Powerline Road and she did go by and visit the store. However, her agreeing to postpone is her way of wanting to go back to the community to discuss further, because she originally thought it was a residential property but after discussion at this meeting have learned it is a commercial property.

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

Yes: Eaton
Floyd
Perkins
Hardin

No: McGee
McMahon

33. [21-162](#) **P.H. 2021-34: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF EAST ATLANTIC BOULEVARD BETWEEN RIVERSIDE DRIVE AND NORTH OCEAN BOULEVARD (A1A), SOUTH OF NE 2ND STREET AND COMMONLY KNOWN AS 109 N. OCEAN BOULEVARD FROM PR/AOD (PARKS AND RECREATION) AND CF/AOD (COMMUNITY FACILITY) TO B-3/AOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 26, 2021

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

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of the rezoning for the Oceanside parking lot and there have been no changes since First Reading.

There was no public input on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-38

34. [21-269](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO INDUSTRIAL PARK THIRD ADDITION PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that the applicant is requesting an approval of a Plat Note Amendment concerning the Pompano Industrial Park Third Addition Plat. The property is located on the south side of Sample Road between Powerline Road and the Florida Turnpike. It includes seven tracts A through G. The original Flea market structure was platted within Tracts A and B prior to the date the County required square footage limitations on the Plats. Therefore, the Flea market square footage is being added to the Plat Note. The proposed Plat Note is consistent with the development rights created by the Land Use designations on the property and with the property's current zoning. Staff has no objection to the proposed Plat Note amendment.

Damian Thomason, 1591 Passion Vine Circle, Weston, FL, was sworn in by Asceleta Hammond, City Clerk. Mr. Thomason indicated that he is representing the Applicant, Festival Real Estate, as stated, they are requesting to amend the Plat Note on the Festival Marketplace Pompano Beach Plat that was recorded many

years ago. At the time the plat was recorded, there was no requirement to provide what is now provided a Plat Note Amendment, which restricts the development specific to the Plat. This will be the second Plat Note Amendment. There is an existing Festival Flea market within Tracts A & B. Therefore, they are proposing over Tract B a 6,000 square feet Race Trac Convenience store, 9,000 square feet Race Trac overhead canopy which is required by Broward County, 10,000 square feet of proposed retail, 30,000 square feet of proposed restaurant buildings and 20 proposed fueling positions. Tract G is currently vacant and they are proposing a 150,000 square foot warehouse.

There was no input from the public on the item.

Vice Mayor Perkins stated this is pertaining to a plat but she did not see any information on what Mr. Thomason just presented in the backup.

Ms. Dolan indicated that the Letter of No Objection attached to the Resolution has all the numbers mentioned in it.

A copy of the Overhead presentation by the Applicant representative was requested to be distributed to the City Commission. Attached is a copy as **Exhibit 5**.

Vice Mayor Perkins noted that since this is the third additional Plat would they be coming back before the Commission for a fourth Plan based on what they are working on.

Mr. Thomason provided a historical background on the Plats and the fact that there were no restrictive notes related to the development placed on the face of the Tract, as well as what are the current requirements needed for development of the Tracts.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-89

END OF QUASI-JUDICIAL PROCEEDING

35. [21-237](#) Consideration to designate NW 7th Avenue as a dual named road “Mattie B. Slappy Avenue”.
(Fiscal Impact: \$500 paid by requester)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated this is a request for the City Commission to consider dual naming NW 7th Avenue “Mattie B. Slappy Avenue” in honor of Ms. Slappy Williams' contributions to the Pompano Beach community. There is a memo in the backup that describes her contributions. The dual naming of NW 7th Avenue is bounded by Atlantic Boulevard on the south and NW 15th Place on the north. If the City Commission decides to grant the dual naming, a resolution will be presented at the next City Commission meeting to formalize the change.

There was no input from the public for the item.

Comr. McGee recalls that there was some discussion on charging \$500 to do the change, plus the creation of the sign and installation.

Mr. McCaughan responded that is correct. He then provided his understanding as per the Resolution adopted in 2020 as to how the dual naming should be done.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

36. [21-210](#) Approval to award Bid T-34-20, Taxiway Delta Phase II Reconstruction to the second lowest responsive, and lowest responsible bidder, General Asphalt Co. Inc., at a cost of \$1,127,856.69.
(Fiscal Impact: \$1,127,856.69.)

(Staff Contact: John Sfiropoulos/Tammy Good)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Approval Request be POSTPONED until March 23, 2021 City Commission meeting. The motion carried unanimously.

37. [21-260](#) Approval of budget adjustment to appropriate funding for the rehabilitation of Lift Station 61 at 2000 SE 5th Court.
(Fiscal Impact: \$1,150,000)

(Staff Contact: Andrew Jean-Pierre/A. Randolph Brown)

Andrew Jean-Pierre, Finance Director, presented the item and stated that the item is a request for a budget adjustment that is necessary for staff to do during the year and this is considered an Emergency Item. Due to the nature of the adjustment, staff will be transferring funds from the operating fund to the Capital Project in need of assistance. Therefore, City Commission approval is required.

A. Randolph Brown, Utilities Director, added that the building was built in 1961 and a significant upgrade was done in 2001. As they went in to do the adjustments and little updating they found out that it needed a lot more than just that. The City needs to put its “pennies in this station because it is at a very environmentally sensitive area on the intercoastal.”

There was no input from the public on this item.

Comr. McGee stated that Mr. Brown had given her a tour of the lift stations and found it very interesting. She also heard from Public Art that they plan to do some videos with the utilities team at significant work areas. Therefore, she thought this would be a great opportunity to talk with them and get some footage on what goes into the lift system and how it is taken apart and really delved in it to inform the City.

Comr. McMahon echoed Comr. McGee’s comments on an educational footage of the lift stations. He also was given a tour of the City’s utilities system and he indicated that these are the projects that keep everything flowing in the City. Therefore, being proactive and fixing the station and looking at its age and making it a priority to get this fixed is definitely important and this will continue to keep the City safe from having leaks and other problems that some Cities have been experiencing. He commended and encouraged Mr. Brown and his team to continue to do a good job in keeping the City’s infrastructure strong.

Comr. McGee made a plug in for the lift stations to say that flushable wipes are not necessarily flushable and can bung up the system.

Mayor Hardin echoed the comments of Comrs. McGee and McMahon that it is important and the City’s infrastructure is critically important that it is cared for and has been done in the City of Pompano Beach. He thanked Mr. Brown, City Manager Harrison and all the other City employees who watch over that kind of stuff.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

38. [21-283](#) Request of Ratification by City Commission for approval of budget adjustment to appropriate funding for water assistance program.

(Fiscal Impact: \$700,000)

(**Staff Contact:** Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that the water assistance program was discussed at a previous meeting. Staff began working on it and today the letters were sent out and staff anticipates that the residents will begin to become aware of it over the next few days. The main reason for doing this program is to address unpaid water bills due to the City as well as to assist the residents with their bills. This proposal will bring minimal disruption to the residents due to non-payment. A sum of \$300,000 will come from the CDBG funds and \$400,000 would be provided by the General Fund.

Mayor Hardin asked if any of these funds would be eligible for reimbursement from FEMA if and when the monies come in for the COVID-19 situation.

Mr. Jean-Pierre responded that this is something they will be monitoring. If they were to back pay it at this time staff is not aware they would. The City has been waiting for the last year with no relief. However, they have been providing some rental assistance, and the City just received a fair interpretation of the rules to provide water bill assistance.

Mayor Hardin mentioned that it is a necessary program to serve the residents during this time.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

39. [21-263](#) 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; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF STORMWATER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$8,672,665 (Finance over the maximum SRF terms of 20 years with Stormwater Fees)

(Staff Contact: Kerone Grant/A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated that they are in the process of applying for State Revolving Funds (SRF) for three stormwater projects, that is Gateway Drive, Kendall Lakes and SW 2nd Street drainage system. These SRF loans have been extremely low interest. The last one for Esquire Lakes was 0.1%.

There was no input from the public on this item.

Meeting went into Recess

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

Yes: Eaton
 McGee
 McMahan
 Hardin

Absent: Floyd
 Perkins

Enactment No: RES. No. 2021-90

40. [21-118](#) **P.H. 2021-37: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERING, INC., ECKLER ENGINEERING, INC., MCCAFFERTY BRONSON

CONSULTING, LLC, GLOBALTECH, INC., STANTEC CONSULTING, INC. AND TETRA TECH, INC., FOR CONTINUING CONTRACTS FOR ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$4 million (construction) \$500,000 (study))

FIRST READING: JANUARY 26, 2021

(Staff Contact: A. Randolph Brown)

Meeting Reconvened

Randolph Brown, Utilities Director, presented the item and stated that this is the Second Reading of the Ordinance for engineering services for the Treatment Plants.

There was no input from the public on this item.

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

Yes: Floyd
McGee
McMahon
Perkins
Hardin

Absent: Eaton

Enactment No: ORD. No. 2021-39

41. [21-171](#) **P.H. 2021-39: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY PERMITTED USES IN THE GENERAL INDUSTRIAL (I-1) ZONING DISTRICT AND OFFICE INDUSTRIAL PARK (OIP) ZONING DISTRICT BY DELETION OF LODGE OR CLUB USES; AMENDING APPENDIX A TO MODIFY THE TABLE TO CONFORM TO CHANGES IN THE ZONING CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 26, 2021

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the proposed ordinance seeks to amend some districts where a lodge or club is permitted, removing them from the industrial zoning districts. The text amendment was presented to the Planning and Zoning Board at their January meeting and they unanimously recommended approval of the text amendment. A draft copy of the meeting minutes has been added to the backup. This is the Second Reading of the ordinance and there have been no changes since First Reading.

There was no input from the public for this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-40

42. [21-174](#) **P.H. 2021-38: (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 JACEY INVESTMENTS, L.L.C. D/B/A ELITE TENT COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Standby contract. No cost at this time.)

FIRST READING: JANUARY 26, 2021

(Staff Contact: Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item and stated that there are no changes from the First Reading, with no presentation and nothing further to add.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-41

43. [21-176](#) **P.H. 2021-41: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ORDINANCE NO. 90-22 TO MODIFY EXHIBIT "C," LEGAL DESCRIPTION, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 26, 2021

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP and Innovation District Director, presented the item and stated that this is the Second Reading of the ordinance and there have been no changes since the First Reading.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-42

44. [21-164](#) **P.H. 2021-36: (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 CANDIDATE FINANCIAL REPORTING SYSTEM

AGREEMENT FOR MUNICIPALITIES BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Cost for 1st year \$5,485 with annual fee of \$3,644)

FIRST READING: JANUARY 26, 2021

(Staff Contact: Asceleta Hammond)

Asceleta Hammond, City Clerk presented the item and stated that this is the Second Reading of the ordinance, which the First Reading was approved and there have been no changes since the First Reading.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-45

45. [21-147](#) **P.H. 2021-43: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING A NEW SECTION 91.16, "HILLSBORO INLET PARK; PUBLIC SWIM AREA," TO ESTABLISH A SWIM AREA IN A PORTION OF WAHOO BAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan/Tammy Good)

Brian Donovan, Assistant City Manager, presented the item and stated that the City, Broward County and other Non-profit and educational entities have partnered with Shipwreck Park to develop an artificial reef off the Inlet Park at the finger pier south of the park's southern boundary. He provided a brief background on Shipwreck Park where two ships were sunk successfully off the City's coast, the Lady Luck and Okinawa. The current project, Wahoo Bay is in the permitting stage with the State. One of the conditions for receiving the

permit is to declare the project area a public swim area. The proposed ordinance will accomplish this.

Bob Wyre, Chairman of Shipwreck Park, stated that this is part of the long process. They had met individually with the Commission to explain the goal, which is to provide an immersive experience for the youth to make them aware of the importance of the natural resources and the need to protect them. He mentioned that they are gaining a lot of momentum. The County working with the City and Shipwreck just received approval of a \$50,000 grant from the Fish & Wildlife Commission because they are interested in what is being done in terms of sustainability. Recently, the Shipwreck Park applied for a \$200,000 sea grant in collaboration with the University of Miami and a number of other universities, such as University of Connecticut, University of New Hampshire also interested, as well as about the sustainability. There is a lot of excitement about creating this micro sanctuary, and this is one step closer.

There was no input from the public on this item.

Comr. McGee expressed her excitement to see this moving forward. Bringing in the educational component in the Park is a great idea and hope to see it successful.

Comr. Eaton agrees with Comr. McGee and indicated she sat through the presentation and she thinks it is incredible and will be world renowned for what is being done there. She commented on how as a prior resident in the Hillsboro Inlet area she grew to love it and want to see it protected and enhanced. She thought the currents were too much for the area so she was glad to see the group to include Mr. Wyre and Mr. Donovan taking a pro-active approach to conduct the studies on the currents to find there is no issue with the currents.

Comr. McMahon echoed the other commissioners' comments and thought this is an incredible project as well. Mr. Wyre and Shipwreck Park has dedicated timeless hours in this effort and it will really make a difference. It is good to know that part of the park will be used to educate people on the ocean and things of that nature. Looking forward to seeing the project move forward and he thanked Mr. Wyre for all he does for the City.

Mayor Hardin echoed all the other commissioners comment and indicated this is a great idea, which has already set Pompano Beach apart. He received an email from North Bay Village enquiring about what the City is doing. He is excited about the international aspect as far as the virtual learning that can take place. Great momentum and project. He thanked Mr. Wyre, Assistant City Manager Brian Donovan, City Manager Greg Harrison and everybody who has been working on this project.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

46. [21-258](#) **P.H. 2021-52: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR A 12.1 ACRE PORTION OF THE CITI CENTRE MALL SITE LOCATED AT THE SOUTHWEST CORNER OF COPANS ROAD AND FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JANUARY 27, 2021; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that the Applicant is requesting to change the entitlements for 12.1-acre site which is part of the Citi Centre Mall property. This is located at the southwest corner of Copans Road and Federal Highway. A portion of the Citi Centre Mall subject to this amendment is currently occupied by the now empty building that was formerly used by the Burdines/Macy's Department Stores and the associated parking field. The existing building on the site will be demolished in order for the multi-family project to be constructed. The Applicant is proposing to change the Land Use Entitlements to allow 356 garden style apartments. The Applicant is being conservative in their calculation of existing entitlements at 2,500,000 square feet of nonresidential uses. She stated that the change in entitlements results in fewer public facility demands for sewer, water, solid waste, and traffic. The increase in demands from populating the site relate to the need for park land, affordable housing, and schools. The additional 356 residential units will increase the population by an estimated 762 people. The adopted park level of service of 5 acres/1,000 residents results in a demand for 3.8 acres of recreational land. The City has adequate park land to serve this increase in population based on the existing park inventory. In addition, the project will provide some onsite open space amenities as part of the site plan approval process.

The proposed amendment must address affordable housing to comply with County policy 2.16.2, which suggests a 15% set aside or buy-out of the requirement for affordable housing for all residential land use plan amendments that create more than 100 additional residential units. The Applicant intends to restrict 15% of the proposed housing units to moderate income families making no more than 120% of the County's median income based on family size. A declaration of restrictive covenants will be recorded to document this commitment. In regard to schools impacts, the School Board of Broward County has reviewed the land use plan amendment and found the area schools have the capacity to serve the students projected to live within this

community. Staff has provided the goals, objectives, and policies and the Comprehensive Plan that apply to this request in the staff report and finds the proposal consistent with the intent of the Comprehensive Plan. The Planning & Zoning Board has reviewed this request at their public meeting on January 27, 2021 and voted unanimously to recommend approval to the City Commission.

Dennis Mele, Esq., Dennis Mele, 200 East Broward Boulevard, Fort Lauderdale, representing the Applicant stated that he has the Land Planner Shane Zalonis is also on the call and will share his screen of the overhead presentation which is attached as **Exhibit 6**.

Mr. Mele mentioned that they had a meeting with the Cresthaven Association with some of the Board members. He covered a few items they had asked about. They will be bordering the golf course and there will not be any vehicular access to the golf course. The multi-use trail is along the edge of the golf course right outside the property. Therefore, they would be proposing to put some pedestrian access points as deemed appropriate by the City and the recreation department.

Mr. Mele illustrated on the map the area that would change to residential. He provided also a preliminary site plan that they are working on. They met with staff and made some modifications to the plan in order to comply with the City's design standards to get as many of the buildings as possible overlooking the golf course or overlooking the private recreational amenities that they will have on the site. They will be working with the rest of the mall to preserve the traffic circulation through the mall property along the edge of the subject property. This will be a gated community with the gates near the club house. They are setbacks at very long distance off the roadway to ensure proper stacking. Further, they are considering four story buildings but this is the first step in a long process. The Land Use Map Amendment was recommended unanimously for approval by the Planning & Zoning Board. If successful today, the Amendment will go to the County for review and they will return to the City Commission at the end once the County has completed its process.

Continuing, Mr. Mele indicated that they are seeing this trend nationwide where portions of shopping centers and portions of malls being changed to residential. He has worked on similar projects like this in Pembroke Pines, Sunrise and Coral Springs.

There was no input from the public on this item.

Comr. McGee asked if there will be pedestrian access on the mall side of the building so tenants could walk out that way.

Mr. Mele responded yes and explained how it will work.

Comr. Eaton indicated that she has seen the full presentation with the Cresthaven Civic and with Mr. Mele and his group, as well as she watched the Planning & Zoning Board (P&Z) meeting on this. She indicated that at the P&Z meeting Mr. Mele stated that they were not quite sure how they are moving forward with this project. There was going to be an amendment to the PCD to make this project part residential or remove this part from the PCD or make it a multi-family district separate from the PCD. At this point she would like to get the answers to those questions prior to going forward. Also, Mr. Mele mentioned the definition of garden-apartments are three or four stories. The difference between these stories is that a fourth story must

have an elevator. She believes for a four story with an elevator requirement is a considerable expense going forward for any project. Also, she would like to get a definitive answer whether it will be three or four stories. The site plan depicts a sea of parking. In addition, she understands the trend. Sears Town is putting up multiple 30-story buildings, she is not advocating for that by any means, but green space will be lacking. She recommended that they increase the story to five and decrease the number of units and allow for more green space. In sum, the application is not definitive enough for her to get this moving forward.

Mr. Mele responded that they are planning four stories not three so the buildings will have elevators. He assured her that the site plan will have the code required open space and some, so they would not be short of open space. The site plan he showed has more parking than the code requires to ensure they are not short on parking. In terms of the zoning, what was being described at the P&Z meeting is that there are three ways of doing this. It is more a procedurally issue than it is substantively. The simplest thing they are looking to do is to rezone this parcel to a regular multi-family zoning district, and in order to do that they will have to remove it from the PCD. Regardless of which way they do it, they will still have the pedestrian access to the mall and to the multi-use trail. The fact that it has a different zoning district does not change that. They will still need to modify the PCD master plan when they remove the subject property from it, to make sure all the traffic works and the roadways are properly aligned and all the sidewalks and everything else. He indicated that they cannot do a rezone until they make the first step to do the Land Use Map Amendment. He then explained the process this will take through the County and other agencies before it returns to the Commission for the final vote once all the other agencies have provided their input. At the Second Reading which will take place a few months from now, they will be able to refine the project even more.

He said they have heard the comments and heard from P&Z and the neighbors from Cresthaven to ensure that the circulation through the mall still works well for everyone and are committed to that as well.

Further discussion followed between Comr. Eaton and Mr. Mele regarding the possibilities of enhancing the area, which is special.

In response to Comr. McGee's questions as to the type of units, Mr. Mele respond they will be rentals and they will be engaging an official management company.

Mayor Hardin asked why would they want to limit it to four stories and not five since they would be overlooking the golf course.

Mr. Mele explained the number of units they are allowed for the area is what they are currently working on now, which is 356, even though they are planning for four stories it does not mean that could not be different as they work their way through the process. Overall, they want the right combination with parking, open space and views. Further, Mr. Mele stated that the Morgan Group is his client and they are a developer throughout South Florida so they will be planning to build this themselves. There are two contracts, one from Sterling and one from Macy's because they are buying a portion of the 12 acres from Sterling and a portion from Macy's. They have both firms cooperation in making this plan work.

Vice Mayor Perkins asked if there are plans to change the intersection on Copans into the mall or will it remain same even after buildout.

Mr. Mele responded that there is nothing that they will be doing that will require anything to be done there, unless during the Land Use process someone identifies that something needs to be done whether from the view of the County or City engineers. Mr. Mele indicated that it is too early in the process to say if something will be there to change, but if the need is there they will address it.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

47. [21-275](#) **P.H. 2021-48: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIBERTY PROPERTY LIMITED PARTNERSHIP FOR FIRE LOGISTICS FACILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Approximately \$98,000 annually for 3 years.)

(Staff Contact: Chad Brocato)

Chad Brocato, Fire Chief, Fire Department, presented the item and stated that this is a lease for their logistics facility, which has worked very well for the City to date and especially now that they are faced with the COVID-19 situation to logistically keep supplies, which have amplified. Should the Commission move forward with the second series of Bonds, they will build out the EOC Administration logistics facility, and hopefully, in the future, they will be in their own building to operate. Also, the City Clerk occupies space inside the warehouse where they store records. Overall, the City makes very good use of the space, which has great loading docks and is configured well for the Fire Rescue purposes.

There was no input from the public on this item.

Mr. Brocato indicated that the lease is coming up soon, therefore, he requested an emergency Second Reading to adopt the proposed Agreement.

Chad Brocato, Fire Chief, Fire Department, presented the item and stated that there were no other comments

to discuss for Second Reading.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING and Declared an Emergency Second Reading. The motion carried unanimously.

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

Yes: Eaton
Floyd
McGee
McMahon
Hardin

Absent: Perkins

Enactment No: ORD. No. 2021-43

48. [21-262](#) **P.H. 2021-49: (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 AN AGREEMENT FOR TRANSPORTATION SERVICES (POINT TO POINT) BETWEEN THE CITY OF POMPANO BEACH AND CIRCUIT TRANSIT INC., TO PROVIDE MICRO-TRANSIT TRANSPORTATION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$750,688 over 3-year contract term)

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated that in August 2020 an RFP-29-20 was issued for the Micro-transit service. After the comparative bid process was completed Circuit Transit Inc. was determined to be the highest ranked submission. In December 2020, the City Commission directed staff to begin negotiations with Circuit Transit Inc. They will provide year-round point to point transportation services free of charge to the Pompano Beach residents, visitors and employees, utilizing a total of four neighborhood electrical vehicles or golf carts over a three-year period. He provided a brief background on the qualifications of Circuit Transit and indicated that they also provide these services to cities such as Hollywood, Fort Lauderdale, West Palm and many others. The service will be instrumental in the ongoing development on the barrier island and is expected to reduce traffic and emissions in the area, as well as serve as an economic stimulus to the City. In July 2020, the City received a matching grant from Florida Department of Transportation (FDOT) to assist with the funding of this project, which was in the amount of \$833,000. Mr. Lantz then outlined how the City's 50% matching fund will be realized for this project.

Finally, Mr. Lantz indicated that after some discussion with Comr. McGee recently, it was decided to extend the route a bit further to the south to include Terra Mar, to that extent a revised Exhibit A will be adjusted to reflect the extended route and provided to the City Clerk as soon as possible.

Mr. Lantz requested the City Commission approve an Emergency Second Reading of the ordinance due to the delays incurred during COVID-19 and the clock is ticking on the FDOT grant. The City has three years to expend these funds to receive reimbursement by FDOT.

There was no input from the public on the item.

Comr. McGee stated that she is thrilled that this is coming to fruition and thinks this will be such a great addition to the barrier island. It really is a first step in the City's micro transit that can continue throughout the City. In addition, she had spoken with Mr. Lantz to add little tweaks to the contract to tie in the Ad revenues that the City receive per vehicle. In the event this becomes widely popular and the City adds vehicles, revenue income could come in per vehicle and not topped out on the number being agreed upon at this time. Also, as the base cost goes up percentage wise so should the minimum number of Ads the City will get. In other words, base cost goes up Ad revenue base should go up and tied to a per vehicle count.

Mr. Lantz stated that Comr. McGee's suggestion just came up yesterday. However, he has James Mirras from Circuit Inc. who is attending the meeting. He said they discussed this matter briefly this morning and he is opened to extending the route back to Terra Mar.

Suzette Sibble, Assistant City Manager, stated that if the City elects to add another vehicle staff will have to bring this back to the City Commission for approval of the funding source. Therefore, at that time they would seek to amend and add the vehicle. She mentioned that when the bids came in Circuit was the only company that wanted to guarantee any advertising revenues. She then explained in details how the City and Circuit agreed to split the costs on the Advertising revenues. Also, to add Terra Mar was an easy fix and she thanked Comr. McGee for that suggestion.

Mayor Hardin indicated that Comr. McGee's suggestions are great, but the contract currently before the Commission for approval will be for a First and Second Reading. So, if it is not part of the contract, which will be going forward as set forth, but anything that needs to change in the future as far as additional vehicles that will have to come back to the Commission, at that time they can address the per vehicle advertising rate.

Comr. McGee thanked them for including the Terra Mar area in the contract.

Comr. McMahon asked if the "routes are set in stone."

Mr. Lantz responded that since this is a new project, they will adjust it and have discussed this with Circuit. They will evaluate where the demand is coming from, so it is not set in stone, so they will adjust accordingly as the demand dictates.

Comr. McMahon stated that once things scale back to normal, bringing people from the beach area to the

green market, to untapped, and things of that nature. Also, 8:00 p.m. seems like an early time to stop running so people who take the Transit will be taking Uber back if they are not ready by 8 p.m. Nevertheless, he is happy to see this coming into operation.

Comr. Eaton said kudos to Comr. McGee to get this thing moving along and she is proud to be part of this team, staff and everyone and just outright proud to be in Pompano Beach at this time. She thanked everyone.

Mayor Hardin pointed out that people talk about traffic all the time, but the City Commission is actually taking steps to try and minimize the amount of traffic since they cannot stop or do away with it.

Comr. McGee echo the same sentiments expressed by Comr. Eaton and thanked Mr. Lantz and Ms. Sibble for this attempt to make better the traffic and parking and everything on the beach. In fact, this is a great time to be in Pompano.

Jeff Lantz, Parking Manager, presented the item and stated that there have been no changes since the First Reading.

There was no input from the public for the item.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING and Declared an Emergency Second Reading. The motion carried unanimously.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-44

49. [21-271](#) **P.H. 2021-50: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO ADOPT RATES FOR TOWING, IMMOBILIZATION AND STORAGE OF VEHICLES IN THE

CITY AND ESTABLISHING AN ADMINISTRATIVE FEE FOR VEHICLES TOWED FROM PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan/Mark E. Berman)

Brian Donovan, Assistant City Manager, presented the item and stated that several years ago Broward County enacted new regulations in rates for towing to create more uniformity across Broward County. The rates have been in effect since 2015 and applied countywide and act as a cap. Rates are adjusted annually by the County by the change in the CPI or 3% whichever is less. With the City's recent approval with Emerald this is the appropriate time to incorporate these rates into the agreement.

Mark Berman, City Attorney, added that there was a House Bill 133 passed by the Florida Legislature. The bill strictly prohibits cities from charging tow companies that are operating in their city, a fee in order to operate. Since some cities were doing this, the legislature said no, but they can charge a percentage of an administration fee of up to 25% of the maximum tow fees. This proposed ordinance also says the City is acknowledging adoption of the County's rates for tows in Broward County and are also stating that for potential additional source of revenue any tows other than Emerald's, as this is a private separate agreement, has an obligation to provide the City with an administrative fee after they collect it from the owner of the vehicle as allowed by the Statute. Overall, this is a potential source of additional revenue.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

50. [21-261](#) **P.H. 2021-47: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.8402., "CIVIL REMEDIES," TO MODIFY REQUIREMENTS FOR REVOCATION OF ZONING USE CERTIFICATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that this is simply a Text Amendment to Chapter 155 to clarify a Zoning Use Certificate or Business Tax Receipt may be revoked that provides misleading information on the application. The ordinance additionally includes minor changes to clarify other grounds for revocation. The Text Amendment was requested through the City Attorney's Office.

There was no input from the public on this item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

51. [21-288](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID MILLER TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS AN ARTIST FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

INCUMBENTS:

David Miller, **Artist** - District 5
Linda Houston-Jones, **Media Specialist** - District 5
Marie Goodrum Johnson, **Resident** - District 3
Mimi Botscheller, **Art Professor/Alternate #1** - District 1
Sarahca Peterson, **CEO/Alternate #2** - District 3

PENDING APPLICANTS:

Joseph A. Grisafi, **Resident** - District 1
Mary Lou Hamilton, **Designer** - District 1
Amanda Hart, **Designer** - District 1
Dwight Hoffman, **Teacher** - District 1

Brooke Johnson, **Area Manager** - District 1
 Donna Russo, **Art Teacher** - District 1
 Sharon Stone-Walker, **Business Developer** - District 2
 Patricia Knight, **Art Teacher** - District 3
 Eve Lewis, **Attorney** - District 3
 Tyler Townsend, **Museum/Collector** - District 3
 Monifa Aruwajoya, **Resident** - District 4
 Velma Flowers, **Resident** - District 4
 Kimberly Harmon, **Business Owner** - District 4
 Mona Silverstein, **Resident** - District 5
 Agata Mosery, **Designer** - Boca Raton
 Rita Neri, **Property Owner** - Coconut Creek
 Cherie Saleeby, **Artist** - Hillsboro Beach

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Perkins nominated David Miller and Commissioner McGee nominated Mimi Botscheller. The name DAVID MILLER was inserted in the Resolution. The motion carried by the following vote:

Yes: Eaton
 Floyd
 McMahan
 Perkins
 Hardin

No: McGee

Enactment No: RES. No. 2021-91

52. [21-290](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LINDA HOUSTON-JONES TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS MEDIA SPECIALIST FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-288 FOR APPLICANTS AND BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be

ADOPTED. Vice Mayor Perkins nominated Linda Houston-Jones and Commissioner Floyd nominated Sharon Stone-Walker. The name LINDA HOUSTON-JONES was inserted in the Resolution. The motion carried by the following vote:

Yes: Eaton
McMahon
Perkins
Hardin

No: Floyd
McGee

Enactment No: RES. No. 2021-92

- 53. [21-291](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARIE GOODRUM JOHNSON TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS RESIDENT FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-288 FOR APPLICANTS AND BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Perkins nominated Marie Goodrum Johnson and Commissioner McGee nominated Amanda Hart. The name MARIE GOODRUM JOHNSON was inserted in the Resolutio. The motion carried by the following vote:

Yes: Floyd
McMahon
Perkins
Hardin

No: Eaton
McGee

Enactment No: RES. No. 2021-93

- 54. [21-313](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE PUBLIC ART

COMMITTEE OF THE CITY OF POMPANO BEACH AS CURATOR TO FILL THE UNEXPIRED TERM OF TERRENCE DAVIS; SAID TERM TO EXPIRE FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-288 FOR APPLICANTS AND ADDITIONAL BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

Mayor Hardin indicated that he did not see any applicant listed as a Curator and asked the City Clerk to clarify.

Asceleta Hammond, City Clerk stated that there were no applications on file that listed their profession as a Curator.

Comr. McGee indicated that when she was reviewing the applications, Tyler Townsend put on his resume that he was a Museum Curator.

Comr. McGee moved to postpone the item until March 23, 2021 City Commission meeting to check into and clarify the Curator profession of Tyler Townsend.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

55. [21-292](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MIMI BOTSCHELLER TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #1, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-288 FOR APPLICANTS AND BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner McGee, seconded by Vice

Mayor Perkins that the Regular Agenda/ Resolution be ADOPTED and to insert the name MIMI BOTSCHELLER. The motion carried unanimously.

Enactment No: RES. No. 2021-94

56. [21-293](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING AMANDA HART TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE #2, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-288 FOR APPLICANTS AND BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Perkins nominated Kimberly Harmon and Commissioner McGee nominated Amanda Hart. The name AMANDA HART was inserted in the Resolution. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Floyd
Perkins

Enactment No: RES. No. 2021-95

57. [21-294](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ANDY CHERENFANT TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 14, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Andy Cherenfant, **Incumbent** - District 5
Linda Hunter, **Incumbent** - District 5
Louis Riva, Alternate #1, **Incumbent** - District 3

Michael Solley - District 2
Eve Lewis - District 3
David Wheeler - District 3
Velma Flowers - District 4
Kimberly Harmon - District 4
Daniel P. Diaz - District 5
Danika Jackson - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name ANDY CHERENFANT. The motion carried unanimously.

Enactment No: RES. No. 2021-96

58. [21-295](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LINDA HUNTER TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE FEBRUARY 14, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-294 FOR APPLICANTS AND ADDITIONAL BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name LINDA HUNTER. The motion carried unanimously.

Enactment No: RES. No. 2021-97

59. [21-296](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LOUIS RIVA TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #1, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE FEBRUARY 14, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-294 FOR APPLICANTS AND ADDITIONAL BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name LOUIS RIVA. The motion carried unanimously.

Enactment No: RES. No. 2021-98

60. [21-297](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DAVID WHEELER** TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #2, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE FEBRUARY 14, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2021-294 FOR APPLICANTS AND ADDITIONAL BACKUP INFORMATION.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Perkins nominated Kimberly Harmon, Commissioner Floyd nominated Danika Jackson and Commissioner McMahan nominated David Wheeler. The name DAVID WHEELER was inserted in the Resolution. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Floyd
Perkins

Enactment No: RES. No. 2021-99

D. REPORTS

Gregory Harrison - City Manager - Recognition of David Recor - Mr. Harrison recognized David Recor who was recognized by the International City Management Association for having been a member in good standing for 30 years. He said Mr. Recor indicated to him that he actually has 32 years.

Mark Berman - City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report

Commissioner Rhonda Eaton - Anna Marie's Pizza Place - Comr. Eaton reported she attended a ribbon cutting this past Thursday at Anna Marie's Pizza Place at the Shopping Mall at the northwest corner of Copans Road and Federal Highway. She said they prepare great Italian food and New York style Brooklyn Pizza. They do have green olives which is her favorite. The Mayor was also present and it was a lot of fun.

Ground Breaking at North Pompano Park - Comr. Eaton reported that they had the Ground Breaking at North Pompano Park as the G.O. Bonds projects are getting underway, and she is thrilled to see this going on.

Construction Work on NE 33rd Street - Comr. Eaton stated that 33rd Street is underway, and it will be very challenging in the next year which will cause some inconveniencies to the residents. Stormwater drainage system are now being put in place. In the end after all is said and done the residents will have better drainage. Residents who have unusual problems during this time can contact her at Rhonda.Eaton@copbfl.com or call her cell phone at 954-547-7179.

Zoom Meeting for Redevelopment of Cinema Property - Comr. Eaton announced that tomorrow, February 24, 2021 at 4:00 p.m. there will be a Zoom meeting with the law firm Dunay, Miskel, and Backman regarding the proposed redevelopment of the old Cinema Club property on NE 33rd Street and Federal Highway. People wanting to tune in can go on the Cresthaven Civic Association and the information is on social media. However, anyone who cannot find it can reach out to her and she will assist them with finding the information.

Water Outage - Comr. Eaton reported that her community experienced water outage a few nights ago. There was a rare thunderstorm and apparently it hit the Broward County water plant north of NE 48th Street and east of Dixie Highway. The storm knocked out all three pumps and nobody knew what was happening with the water system. Finally, information was obtained but she wished they had an amber alert system in place so people could be more informed. Nevertheless, the water came back on approximately two hours later. She received her code red call approximately one hour later and they were under boil water for approximately 48 hours and received the lifting of the boil water through the code red system.

Commissioner Cyndy Floyd - McNair Park Track - Comr. Floyd thanked Ronald Thurston for calling her to express his concerns about the McNair Park. She stated that she stands with her constituents in getting the track around the football field. She mentioned that they are fighting tirelessly for this to happen and hopefully they will get what they want in that regard.

Pompano Fire Rescue Appreciation Day - Comr. Floyd thanked the Captains and all parties involved regarding the Pompano Fire Rescue Appreciation Day. She had an awesome time. Awards were given out and picture taking took place nearby the Fire trucks. Overall, it was a great event.

Real Time Crime Center - Comr. Floyd invited the Mayor and the rest of the Commission if they have not yet visited the Real Time Crime Center to do so because it is an awesome operation. She encouraged them to check it out.

Commissioner Andrea McGee - Renovations on A1A - Comr. McGee stated that it is exciting to see these projects coming up and understands some of the challenges with all the construction happening on A1A

with a lot of undergrounding and median work, but it will be beautiful in the end so she encouraged the residents to bear with it.

Botanical Gardens Information - Comr. McGee stated that she will have a forthcoming announcement for the next zoom meeting with the designers of the botanical gardens and encouraged everyone to keep an eye out for when that will happen.

Engine Noises - Comr. McGee reported that she has been receiving numerous complaints regarding engine noise along Pompano Beach Boulevard and A1A. These are cars with augmented mufflers or motorcycles with the same, as well as revving and backfiring. She recalled sometime in the late 90's the City of Fort Lauderdale was dealing with a similar noise and cruising situation along Beach Place and A1A. Suggestions were made that perhaps a legislation could be done for a Quiet Zone after a certain time period. She is unsure what type of solution could be put in place, perhaps the City could check into some other popular beach towns with high residential living around the areas and how they discourage these types of activities. So, Broward County Sheriff's Office (BSO) could have some rules to enforce to discourage these types of activities from happening.

Mark Berman, City Attorney indicated that he would take a look to see what can be done in this situation. However, he pointed out that the roadways are governed by State Statute in the operation of motor vehicles and there are already Statute that say you cannot operate with a modified muffler or exhaust device that is instantly ticketable, but it must run in front of a law enforcement officer. Mr. Berman indicated that he will speak with Major Adkins to determine the hours and where the problem is worse and need more patrol. As far as a Quiet Zone this may be difficult to enforce people revving their engine. Nevertheless, he will take a look at how the City of Fort Lauderdale handled their situation.

Comr. Eaton mentioned that she believes that the City of Delray Beach had to do something about a similar situation they had.

Commissioner Tom McMahon - SE 5th Avenue Bridge - Comr. McMahon reported that the SE 5th Avenue bridge is starting some of the ground work for FPL lines. They should be commencing work shortly. Residents should be getting a schedule of when the bridges are expected to be closed and things relating to this effort. It is exciting and if anyone has questions or concerns they can reach out to him and he will get with the project managers to get answers and information about the project.

Panhandling - Comr. McMahon stated that panhandling is a hot topic and he is unaware if the other commissioners get complaints as much as he does when it comes to this type of thing. He recently had lunch with some residents who had some concerns about it when going to the drug stores at night or even to the beach. The City of Delray Beach passed a panhandling policy or ordinance that is not exactly perfect. This ordinance makes it a second degree misdemeanor, charges up to 60 days in jail. Restrictions include 20 feet from a restaurant, 20 feet from an ATM, 20 feet from a bus stop or any transportation facility, 20 feet from a parking lot with 100 feet from a school or daycare or any intersection in that City. He added that the City of Palm Beach had similar rules prior to Delray Beach. Therefore, Comr. McMahon is asking if staff could take a look into this to determine if it would be a viable option to have in the City. He asked if any other commissioners are experiencing these types of complaints.

Comr. McGee stated that she is agreeing on action to take and it would be good to tie it in with radius and things like that and would support any type of legislation that is working for other cities to be set up in Pompano Beach.

Mr. Berman indicated that they will take a look at this issue as well. In addition, he reminded the Commission that the City is still fighting a federal lawsuit with homeless organizations regarding the City's current ordinance and may want to resolve that before proceeding and make amendments.

Vice Mayor Beverly Perkins - Tiger Trail Festival - Vice Mayor Perkins pointed out that the Tiger Trail Festival Committee to include Ed Phillips wanted to do more for Black History month before it ends. A number of residents in the community felt the City could have done more. On Saturday morning at 8:30 a.m. they will have different people from the community dressed in African attire standing along NW 6th Avenue holding up signs of one of the pioneers in the community. So, they are awaiting the special events application from the City Manager.

13th Amendment and Juneteenth - Vice Mayor Perkins mentioned that President Abraham Lincoln issued an Emancipation Proclamation on January 1, 1863. The proclamation declared that all persons held as slaves within the rebellious states shall be free. So, January 1865, both houses of Congress passed the 13th Amendment abolishing slavery in the United States. Therefore, that is where the word Juneteenth comes from. She said there are several cities in Broward County, to include the Cities of Tamarac, Pembroke Pines, Lauderhill and Deerfield Beach have all adopted Juneteenth as a City holiday. She believes if the City of Pompano Beach has this as a holiday it will become educational and it always falls on June 19th and this year it will be on a Saturday. Vice Mayor Perkins stated that she will leave some information in each Commissioner's mailbox so they will have a little more information on Juneteenth and why it is such a special day.

Vice Mayor Perkins indicated that she would like to make a motion that the City of Pompano Beach declare Juneteenth as a City holiday.

Mayor Hardin indicated that this would probably require some investigation as there will be budgetary issues. There are certain holidays via ordinances and all that kind of stuff, as well as with the Public Employees' Union so there is more to it than just declaring a holiday. So he would recommend that Vice Mayor Perkins suggest that an item be placed on the agenda to consider this matter.

MOTION: A motion was made by Vice Mayor Perkins, seconded by Comr. Floyd that the City declare Juneteenth a City Holiday. The following voted on roll call.

No - Comr. Eaton

Yes - Comr. Floyd

No - Comr. McGee

No - Comr. McMahan

Yes - Vice Mayor Perkins

No - Mayor Hardin

Comr. Eaton noted that Broward County has not declared it a holiday. Also, she agreed with Mayor Hardin

that there are a lot of ramifications surrounding this. Notwithstanding, the City is under budget constraints right now with COVID. So, she believes this needs more investigation. In addition, on a point of correction on how Juneteenth came about Comr. Eaton offered a brief historical background, and indicated that it was actually in June that Juneteenth became a celebration for the slaves who were freed earlier but did not know they were until then.

Comr. McGee indicated that it is a cool historical event but she would also like to know more on what creating a holiday of any sort financially logistically puts on the City, therefore, she would need more information on this.

Vice Mayor Perkins mentioned that she has attended meetings with black elected officials and they are all trying to do this throughout the County. Eventually, it will become a national holiday but it just has not gotten there yet.

Vice Mayor Hardin clarified that he is not against the idea he just believes more information is needed on it.

Comr. McMahon indicated he supports the idea of making it a holiday but needed more information at this time.

Mayor Rex Hardin - Hillsboro Inlet District - Mayor Hardin indicated that City Clerk Hammond sent out some information to the rest of the Commission regarding the Hillsboro Inlet District, which is the Board that oversees the Hillsboro Inlet and they are the taxing authority, as well as they run the dredging and other related matters. A Board member is appointed by each City that is part of the group that is served by the Hillsboro Inlet. It is not a countywide district, it is just for a certain area. The City's appointment to that Board, John "Jack" Holland who has been serving for approximately 35 years. These appointments come up once every five years and Mr. Holland has been serving as the Chairman for many years. He was first appointed when E. Pat Larkins was the Mayor of the City and has been serving ever since that time. He has decided to relocate from his home, where he lived in the Hillsboro area so he has turned in his resignation from the Hillsboro Inlet District Board. Therefore, Mayor Hardin read into the record a Proclamation to him, which will be hand delivered because he is leaving the City at the end of the month.

"Whereas, John H. "Jack" Holland was appointed to the Hillsboro Inlet District Board of Commissioners in 1986 by E. Pat Larkins and,

Whereas, for approximately thirty five years Jack has served as Board Chair and Pompano Beach Representative of the Hillsboro Inlet District Board of Commissioners and,

Whereas we commend Jack for his many years of service to our State, County and especially to the City of Pompano Beach and,

"Whereas we applaud Jack for his tireless efforts and immeasurable contributions as Pompano Beach representative on the Hillsboro Inlet District Board of Commissioners

Now, therefore, I, Rex Hardin, Mayor of the City of Pompano Beach in the State of Florida, on behalf of the City Commission do hereby extend best wishes to Jack and his future endeavors.

Done this 23rd Day of February 2021.

Rex Hardin, Mayor"

Mayor Hardin indicated that this gentleman has served on this Board for over thirty-five years. This is an unpaid

position where he served as Chairman to ensure the Inlet is operational, they clear the silt out of the middle of a channel, so people can go in and out of there and enjoy themselves on their boats. It is an economic engine for the area and Mr. Holland deserves the City's thanks for years of unpaid service. To follow up on this, Mayor Hardin informed that Mr. Holland sent out some information, so the City Commission will have to appoint somebody else to the Hillsboro Inlet District Board of Commissioners. Mr. Holland is recommending his neighbor who he knows and who has been active in the boating community and lives on the water in the area. Finally, Mayor Hardin indicated that he will have the City Clerk forward Mr. Holland's recommendation to all the Commission members. In the meantime, the Mayor is announcing to the City at large that we are looking for people who are interested in serving on this Board. Interestingly, the geographic boundaries are set by the State so a person cannot live west of Dixie Highway and serve on the Board. Even though people from Coral Springs, Weston and every place else can come to the City of Pompano Beach and utilize the Hillsboro Inlet with their boats, the State set it up that the Board is regulated where the geographic boundaries are set for a board member. This information will be included with the other information from Mr. Holland when it goes out to all the Commission. Persons interested to serve can complete an application and submit their resume. Hopefully, this item can return to the March 23, 2021 Commission meeting so the Commission can appoint someone to replace Mr. Holland.

Mayor Hardin reiterated that the members set the taxes for the District and things of that nature so it is an important position and each City within the district has one appointment. This is not an advisory Board they are an autonomous Board that operates the Hillsboro Inlet District. Also, he wanted to thank Mr. Holland for his years of service.

Water Outage - Mayor Hardin stated that with regard to the water plant situation that Comr. Eaton brought up earlier, she is correct. But he wanted to make it clear to everyone that it was the Broward County water plant and not the City of Pompano Beach. He noted that Broward County provide services for part of Pompano Beach, which is the Cresthaven, Highlands area. They also service Lighthouse Point and part of the City of Deerfield Beach. So, it was the Broward County water plant that actually got hit by lightening and stopped working and they had to have a boil water notice sent out.

E. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled Virtual City Commission Meeting will take place on March 23, 2021 at 1:00 p.m.

F. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

Rex Hardin, Mayor

Asceletha Hammond, City Clerk