



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

*Rex Hardin, Mayor*

*Barry Moss, Vice Mayor*

*Rhonda Eaton, Commissioner*

*Andrea McGee, Commissioner*

*Tom McMahon, Commissioner*

*Beverly Perkins, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceleta Hammond, City Clerk*

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Tuesday, July 9, 2019

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Rex Hardin, Mayor, called the meeting to order at 6:00 p.m.

#### ROLL CALL

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

#### INVOCATION

Pastor Nathan Austin, Mount Zion Missionary Baptist Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[19-490](#) Regular City Commission Meeting Minutes of June 25, 2019

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

**APPROVAL OF AGENDA**

Mayor Hardin announced that item 20 will be postponed to September 24, 2019 City Commission meeting, and item 23 will be stricken from the Regular Agenda.

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

**CONSENT AGENDA DISCUSSION**

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

**Mayor Hardin announced that items 1 and 4 will be pulled for City Commission discussion.**

**A. PROCLAMATIONS****[19-540](#) Census 2020 and Support of the Local Complete Count Committee**

Mayor Hardin presented a proclamation in support of the 2020 Census and the Local Complete Count Committee. Jennifer Gomez, Assistant Development Services Director with the City's Development Services Department accepted the proclamation on behalf of the City's Local Complete Count Committee.

Ms. Gomez announced that the Local Complete Count Committee will have its first meeting on August 13, 2019. In addition, there are several appointments before the City Commission tonight for approval, thereafter, it will consist of a full membership for the Committee to commence its first meeting.

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

**B. AUDIENCE TO BE HEARD**

Mayor Hardin announced that it was time for "Audience To Be Heard" and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight's agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker's comments.

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 were called to speak:

**Ali Building Sculpture** - Hazel K. Armbrister, President, Rock Road Restoration Historical Group Inc., 353 Dr. Martin Luther King Blvd., Pompano Beach, FL, stated that she read an article in the Pelican newspaper regarding sculpture wanted for the Ali Building. It states, officials have budgeted \$30,000 to purchase an original sculpture which will be placed in front of the Ali Cultural Arts Building. She provided the Commission a copy of the rendering of an object, "the Rock," that is already on the property. It was found during the development of the property and has been there since. The Restoration Historical Group asked that it be structured so that it would be there for times in memorial. She indicated that this has been in front of the building for the past three years and has not moved. She had provided suggestions on ways it could be constructed, but was told that something else needed to be done. She is not against the sculpture, but is in favor of the rock, which is important as part of the history of Pompano Beach.

Comr. Perkins asked if it is the original rock from the original Ali property.

Ms. Armbrister responded it was dug up from the property, which extends out to NW 4th Street.

Comr. Perkins suggested that the sculpture could be done of Ms. Ali.

Mayor Hardin directed the City Manager to have someone from his office contact Ms. Armbrister about this matter and to come up with a resolution, since she was instrumental in saving the Ali building.

**Development in Pompano Beach** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that when he speaks he has no financial interest in any building or business in the City of Pompano Beach. Also, he does not need a job. He read a quote from the Pelican newspaper by Carla Coleman, Planning and Zoning Board member, regarding Atlantic One. "This is the first time we have been faced with a desire to build a twenty first century project and incorporate it with the neighborhood built in the twentieth century."

Continuing, Mr. Drum concluded that is why there is so much pain. Change is very hard, and explained his reasons, one of which it is said that Pompano Beach wants development. Water, landfill, and a lot of the vital services are not taken into account to build in Pompano Beach. He urged the public to come out for the next election to vote for what they think is right. He thinks the overdevelopment is wrong, and in the next ten years the residents will suffer as it relates to traffic.

**Information Report by Police** - Terry A. Williams Edden, 757 NW 15th Street, Pompano Beach, FL, stated that on May 21st she came before the dais and spoke about Kim Briesemeister. After the meeting, she motioned to one of the deputies that was sitting on the left, to ask him a specific question because Ms. Briesemeister was tasked to speak, as well as Major Adkins was motioned to go outside with her. Ms. Williams Edden indicated that she asked the deputy to take an information report, and he said he could. Thereafter, she went out to speak to Major Adkins and asked him if he could take an information report she wanted to file, he then motioned to get his notepad and when he asked who is it against, and she told him Kim Briesemeister, he said, "Oh, I can't do that."

Ms. Williams Edden complained that a call was made to an establishment, several names were given allegedly, Gregory Harrison, Mark Berman, Major Adkins and Kim Briesemeister, to stop her from speaking. She said that action clearly erodes the democracy, both procedure and substantive due process. It would violate her thirteenth amendment, her first and fourteenth amendment, if she allows someone to stop her from speaking.

Continuing, Ms. Williams Edden referred to the Civil Rights of 1964, 1981 and 1983, the only way to stop a civil rights leader which she is, as well as a community leader. She believes Major Adkins has come after her to stop her from speaking. Therefore, she has launched an internal investigation against him with Sheriff Tony. On May 22nd she contacted the Sheriff and asked him if Major Adkins could have taken an information report, which he could have done. Because of what she did, it was alleged that a call was made to an establishment to stop her from speaking. She said she respects everyone on the dais and that she is one of the most powerful people in the community and has background dealing with people. She is not inferior to an establishment. She has spoken about Kim Briesemeister, and will continue to do so, but minds will be changed once the investigations are done, which is not being done by the establishment that they allegedly contacted. She hopes when the "guards change hands" they will not have to deal with Major Adkins.

**Agenda Items positioning** - Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, he asked who is responsible for putting the agenda items in the order in which they appear.

Mayor Hardin responded that the City Manager's office handles the Agenda and there is a policy for the order.

Mr. Skversky understands that item 23 was stricken, which is vital to the voters, and it should appear as item 1 or 2. In addition, there is a crowd in the meeting regarding item 15 which is placed at such a position on the agenda.

Gregory Harrison, City Manager indicated that the Mayor can take any one of the items out of order and bring it up front on the agenda. The City Clerk and her assistant puts the items in an automated system.



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**McNab Building** - Mr. Skversky indicated that the original cost to move the McNab building was \$200,000 - \$300,000. He asked what was the final bid on it.

Mayor Hardin responded this item is a Community Redevelopment Agency (CRA) matter, which the CRA is handling it. Therefore, he suggested that he brings this up at the next CRA meeting.

Mr. Skversky indicated that the Historical Society had indicated that they would have fundraisers to assist to move the building, and asked how much they raised.

Mayor Hardin suggested that Mr. Skversky check with the historical society on the matter.

**Charge for documents** - Mr. Skversky indicated that he read in the Pelican that the City is charging \$500 for documents for information to determine if the McNab Park has received any State or Federal funds.

Mayor Hardin stated that there was a public records request submitted to the City Clerk's office, who in turn finds out from staff how long it would take to research documents and a price is then determined accordingly, so the taxpayers do not have to pay for the cost of researching every extensive information that someone requests.

Mr. Skversky asked if the City received any monies from the State or Federal entity for the parks.

Mayor Hardin indicated he does not have the answer for that question.

**Representative Government** - Sharon Chuppatta, 2870 NE 27th Court, Pompano Beach, FL, complained that a number of Boards overlap without any scrutiny. The CRA is the Commission Board and all the Advisory Boards are politically appointed. They do not have any credentials to assess what they are looking at socially, financially, environmentally, and the impacts of all the developments taking place. She indicated that she wants representative government all the time, to listen to the residents and citizens of the City. In addition, charging somebody \$500 to do a research, they should be able to ask questions and get them answered. She complained she has asked many questions of the City Manager and through email to the City Commission and have not received answers. She ended that Lamar Fisher would answer her questions.

**Parks Issues** - Kay Johnson, 213 SE 23rd Avenue, Pompano Beach, FL, stated that this month she thought it ironic that the Mayor, rightfully so, gave a proclamation to Mark Beaudreau, Parks Program Administrator, for the Parks, which she thinks he duly deserves. On the other hand, the McNab Park is being taken away. She indicated that half of the park, referred to as Phase I has been approved for rezoning, which means half of the park will be destroyed. The "RMA" will demolish half of the shuffleboard and use the community center as a storage place for the restaurant, as proposed by Mr. Tran. The building was dedicated by Emma Lou Olson in 1980, along with the shuffleboard courts. Therefore, this does not play well that the City will use it for a closet for something that people are questioning the validity of moving the house.

Continuing, Ms. Johnson indicated that a lot of things go on at the McNab Park throughout the year, the Yuletide being one such event. The whole place will now become a storage room. She concluded that there needs to be more preservation of that with the Veteran's memorial.

In sum, Ms. Johnson wanted to know why the house could not be moved over to the library site and avoid destroying the park. She is trying to preserve the park as much as possible.

**Fireworks on Fourth of July** - Janice Simmons, 208 NW 15th Place, Pompano Beach, FL, stated that she resides in District 4 across from Apollo Park and the shooting off of the Fourth of July fireworks is very disturbing and awful for the residents of the community. Therefore, she asked if there is anyway to have the communities all join in the fireworks on the beach and the City ban fireworks in Pompano Beach. People cannot sleep. In fact, some of the fireworks are illegal, and there are times when some fireworks go off it shake the houses nearby.

Mayor Hardin wishes he could provide a simple yes to banning fireworks. The answer is no, which he explained the law regarding fireworks. While some fireworks are illegal for unprofessionals to shoot them off, people continue to do so throughout the City. The Broward Sheriff's Office (BSO) should be enforcing those rules governing the illegal use of fireworks.

Ms. Simmons related an incident when her brother tried to contact BSO regarding the illegal use of fireworks. In sum, the BSO officer indicated that there is nothing he can do and encouraged her relative to talk to the resident.

Comr. Perkins stated that something needs to be done regarding some of the fireworks being used, which sound like bombs going off, which causing the houses to shake, with the fireworks landing on top of the roofs, and sizzling sounds can also be heard. It started the day before Fourth of July and it never stopped. It went on until July 6th. She said this is the first time she has experienced this and something needs to be done to stop this from happening.

Mayor Hardin suggested that perhaps BSO can have a few roving patrols on the nights prior to Fourth of July and thereafter to go out into the neighborhoods where these things are sent off and take some action. It may be difficult to catch the person doing it but their presence perhaps can deter those who are not qualified to shoot off those fireworks.

Comr. Perkins asked that this be put in place for next year.

### **C. CONSENT AGENDA**

1. [19-459](#) Acceptance of the City Manager's Recommended Operating/Capital and Line Item Detail budget books for FY 2019-20 and approval of budget public hearing dates to adopt the FY 2019-20 millage rates and budgets.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

Comr. McGee pulled the item for Commission discussion as requested by a resident.

Tom Drum, Pompano Beach, FL, indicated that he did not see any backup for this item.

Mayor Hardin explained that the City Manager's budget books were passed out, this is just delivering of the budget, which there will be budget workshops taking place next week.

Mr. Drum asked if the millage rates and other budget items are available.

Erjeta Diamanti, Budget Manager explained that this is a housekeeping item where the budget books are being provided to the City Commission, City Clerk and City Attorney as per Chapter 36.014 of the City Code of Ordinances. The City Manager is required to submit a budget and a budget message that explains the variances for the next fiscal year, to be done sixty days prior to the beginning of the fiscal year. The budget will be available online tomorrow on the City's website. She mentioned that there was a June Workshop, and since then the proposal has not changed for the millage rate and the fire assessment fees, as recommended.

The Commission accepted the City Manager's budget books for Fiscal Year 2019-2020.

### **The Consent Agenda/ Approval Request was ACCEPTED.**

2. [19-554](#) Approve ranking order for RFP E-13-19 Furnishing, Operation, and Maintenance of Ice Vending Machine in Alsdorf Park, and authorize staff to negotiate a contract with the highest ranked firm, Kool Water & Ice PB, LLC (No cost at this time.)

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

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

3. [19-555](#) Approve ranking order for RFP E-18-19 Emergency Debris Management and Disaster Recovery Technical Assistance, and authorize staff to negotiate contracts with the two highest ranked firms, CrowderGulf, Joint Venture Inc. (primary), and TFR Enterprises, Inc. (alternate), (No cost at this time.).

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchem)

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

4. [19-535](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING AN UPDATED STRATEGIC

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PLAN FOR 2019-2024 AND AN ACTION AGENDA FOR 2019/2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Ernesto Reyes)

Comr. McMahon pulled the item for Commission discussion as requested by a resident.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, apologized for not attending some of the workshops for the Strategic Plan. Mr. Phillips indicated that upon reviewing the Plan he believes it is an important initiative and recommended that Quality Affordable Housing be added to those initiatives already identified. He said the more developments that are taking place in the City the more disconcerting it becomes and the City may be losing focus and may need to redefine what is called workforce housing, which include people that are maintenance workers such as maids, store clerks, etc. who also need housing in the City. He said there is a need to redefine and separate the two components of workforce housing and to add those objectives into the City's strategic plan.

In sum, Mr. Phillips asked that staff add another initiative that is Quality Affordable Workforce Housing and that staff redefine what is considered workforce housing. In addition, he suggested that the Commission look at how the City's land is being given away to developers building single family homes. He said because of the City's growth the old definition of affordable housing no longer stands.

Mayor Hardin pointed out that under the initiative, Preferred Place to Live, one of the objectives is to have quality affordable housing options for all family generations including senior housing, which is one of the goals.

Mr. Phillips reiterated that because of the growth of the City, a redefinition and review of those initiatives and how the City is responding to them must take place, because affordable housing is no longer affordable to a number of people who live here.

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

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

**Enactment No: RES. No. 2019-219**

5. [19-562](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO



BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FORM LETTER APPROVING THE DISTRIBUTION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS FOR FEDERAL FISCAL YEAR 2018-2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

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

**Enactment No: RES. No. 2019-220**

6. [19-533](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPOINTING JANICE ANNE SIMMONS TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF THE COMMISSIONER UNTIL SUCH COMMITTEE SHALL SUNSET ON DECEMBER 31, 2020; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-221**

7. [19-534](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPOINTING DANIEL DIAZ TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF THE COMMISSIONER UNTIL SUCH COMMITTEE SHALL SUNSET ON DECEMBER 31, 2020; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-222**

8. [19-560](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING MARY G. JEFFERSON TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER RHONDA EATON, 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 Moss, seconded by Commissioner Perkins, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-223**

**D. REGULAR AGENDA**

- 9. [19-519](#) 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 BEACHFEST ENTERTAINMENT LLC, FOR ORGANIZING AND HOSTING A TWO-DAY MUSICAL FESTIVAL ON THE CITY'S MAIN PUBLIC BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: In-Kind Services from Public Works and Parks and Recreation not to exceed \$75,000. )

**POSTPONED FROM JUNE 25, 2019**

(Staff Contact: Earl Bosworth)

Earl Bosworth, Assistant City Manager, presented the item and stated that this is a resolution for approval of authorizing a five (5) year license agreement with Beachfest Entertainment LLC for organizing and hosting a two-day musical festival on the City's main public beach, to begin in 2020. The festival will feature headlining and major rock acts but will also include artists from a variety of genres. The event is a strategic plan initiative that will help promote tourism, drive economic impact and further develop it to enhance the City's cultural environment through the development of the arts. Beachfest will be an annual event to take place on a mutually agreed upon date for each year the agreement is active. The festival will be located in the enclosed secured area on the beach north of the pier up to about Northeast 5th Street.

Continuing, Mr. Bosworth indicated that three stages will be placed on the beach, one at the area behind and slightly north of the beach house restaurant, one in the central area adjacent to the restroom facilities in the center of the festival site, and one smaller stage for local acts at the north end of the site. Vendors will be situated along the eastside of north Pompano Beach Boulevard. Depending on the acts secured for the festival, attendance is estimated at up to 20,000 per day. The promoters require to submit a final site plan and schedule of the event, which will require written approval by all relevant City departments. The final site plan shall include the location of all stages, booths, box offices, tents, display areas, portalets, temporary fencing,

rideshare locations, bus and RV parking for artists, attendee parking and times for setup and breakdown of the event.

Additionally, the licensee shall provide to the City revenue in the amount of \$2.00 per ticket sold. City will donate up to \$75,000 for in-kind services, which will include staff from Public Works, Parks and Recreation, and contract and execution management of the agreement. No less than six weeks prior to the opening day of the event licensee shall provide to the City a preliminary construction and traffic flow schedule including opening and closing times for all streets and lanes including the use of variable message signs. Licensee shall also provide a final MOT (Maintenance of Traffic) plan no later than two weeks prior to the opening day of the festival.

Finally, Mr. Bosworth introduced Roy Anthony the promoter from Beachfest is available to answer any questions.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that the presentation made reference that this would be for the tourists and said the taxpayers are not tourists, who will be paying for the event. He said the City will be attracting 20,000 people which will disrupt the traffic, put burdens on City services, take the vital services of Broward Sheriff's Office (BSO) away from the homeowners and the residential neighborhoods and put them down on the event. He enquired of the 20,000 people expected how many would be Pompano Beach residents.

Mayor Hardin responded that is unknown. He asked Mr. Bosworth if he had an estimate on the economic impact of the dollars that would be brought into the City.

Mr. Bosworth stated that they looked at festivals such as Tortuga and Riptide at the Fort Lauderdale Beach and the Hangout festival in the Panhandle and they get between \$35,000 to \$40,000 over a two and a half to three days festival. Total estimated economic impact in 2013, for the event to be \$32 million. Mr. Bosworth indicated that this will be a great event for the quality of life for the residents. He said they talked with the promoter to ensure there is a comprehensive outreach and engagement plan for the residents that will be directly impacted by traffic/crowds over those two days.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated he supports this event, however, he asked if it will be a two-day festival and when will it start.

Mr. Bosworth responded it is two days and will start at noon.

In response to Mr. Skversky's question on local talent, Mayor Hardin indicated that there would be multiple stages and will have multiple acts involved.

Ms. Bosworth added that there would be major headlining acts with national and international recognition.

Roy Anthony, 534 North University Drive, Coral Springs, FL, stated with five years' experience in Broward County alone each year holding major music festivals, the average artists they have are national acts. They cater to the local scene and give them a shot on their grounds.

Jeff Torode, 310 SE 15th Avenue, Pompano Beach, FL, said he has known Mr. Anthony for approximately one year and he is a great person and he could bring what Pompano Beach wants. It would be a more affluent customer than what is seen at Riptide and Ultra Fest. This is an older customer that will bring dollars to the City. It is not just residents in the City, there are a lot of businesses that need the City's help. The City needs the influx of tourism to help the businesses bottom line as well. He hopes this will provide a great experience.

Rodney Faison, 103 NW 17th Avenue, Pompano Beach, FL, said he recently returned from California where he operated as a Lyft driver and worked at the Indigo festival where one main artist Coachello appeared. He asked what benefits can the residents of Pompano Beach look forward to receive.

Mr. Anthony responded that they hire approximately 400 people and not just for the two day weekend. Should approval be granted by the Commission, they will start immediately searching for talent to assist them pull an incredible production together that will be an annual event. They look locally for the services to help them put the production together.

Mr. Raison asked if there were any guarantees as to a percentage of local workers that will be utilized in the festival or local businesses that would be marketed. In sum, he enquired about the bottom-line number for benefits to the City.

Mr. Anthony indicated he is unable to provide an exact number. However, in his five years' experience only in Broward County with three other cities, Pembroke Pines, Miramar and Sunrise, where they have held their festival before, they brought incredible production and talent and they utilized locals. Therefore, they will be looking to the City restaurants and so forth to support the vendors' program. The average festival they had over the past years, they usually sell out about seven or so local hotels, such as the Marriott.

Mr. Raison asked which publication would be used to broadcast the festival so that everybody would be able to participate.

Mr. Anthony responded that they will use every local magazine and newspaper, such as the Sun Sentinel. They are sponsored by Sirius FM and will get the word out through satellite radio. Social media is everything today and they are the best in the business. The public will know from local to afar to cover the entire state to provide where they are, what they are doing, how they are doing and why they are doing it.

Sharon Chuppatta, 2870 NE 27th Court, Pompano Beach, FL, indicated that since music is the draw why not utilize the amphitheater and park area without having to disrupt the City's beach environment.

Mr. Bosworth responded that the maximum attendance at the amphitheater is 3,000, with a maximum of approximately 7,000 in that area. This event will be a much larger draw. He informed that the area on the beach where the festival will take place would be north of the pier up to NE 5th Street and there will be nothing south of the pier.

Comr. McGee stated that she is excited over the idea of this festival, and related her experience working a few years ago for Tortuga in production and Artist Transpo, as well as Riptide and various other places. She

encouraged staff to reach out to those organizers regarding site ops, stage location, load in load out, and artists' transportation. She indicated that there could be challenges with the sand for beach festivals, therefore, she is looking forward to see what the layout will be like. She indicated that Tortuga works with a few different groups to make sure there is an ION recycling and trash that should like to see included in this. This would mean volunteer staff coming out to constantly cleaning up and ensure that plastics and other debris is not getting into the ocean.

Comr. Perkins stated she likes the idea of the beachfest, which is great. However, she wanted to know how the residents on the beach feels about the festival.

Mr. Bosworth indicated that he spoke with the promoter and he has already formulated a plan to reach out to the residents and businesses and it is referred in the scope of business. Moreover, as the City work to develop the event permit and the application, City staff will work hand in hand with the promoter to ensure these things get done. He said the Seafood Festival was moved this year because of construction and other logistically concerns at the beach.

Comr. Perkins mentioned that she would like to see people of color as vendors and to ensure the word gets out to everybody. Also, when bringing in talents to consider the large Hispanic, Brazilian and Haitian community in the City.

Comr. Eaton indicated that she plans to attend along with her kids and friends as they will be thrilled at having something like this in the City. This will be large in scale, short in duration and will bring a lot of attention to the City.

Mayor Hardin agreed that a lot of attention plus dollars will be a tremendous economic impact for the City. It drives hotels, businesses, Uber/Lyft drivers, etc. He thanked Mr. Bosworth and City Manager Harrison for working on this event.

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

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

**Enactment No: RES. No. 2019-224**

10. [19-561](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY



OFFICIALS TO EXECUTE A REINSTATEMENT AND THIRD AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ODYSSEY MANUFACTURING CO. TO PROVIDE MAINTENANCE, REPLACEMENT, NEW INSTALLATIONS AND REPAIR WORK FOR ITS CHEMICAL SYSTEMS AT THE CITY'S WATER TREATMENT AND REUSE TREATMENT PLANTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$800,000.00)

**(Staff Contact:** A. Randolph Brown)

Phil Hyer, Utilities Treatment Plant Superintendent, presented the item and stated it is a service contract for the Commission's consideration for an amendment to renew the City's chemical feed system maintenance contract with Odyssey Manufacturing Co. This is an important contact, which provides a vehicle to replace aging chemical feed systems, as well as they provide backup assistance to the City in the event there is an emergency with a leak with the feed system, they would bring in equipment to assist until the City's system is repaired.

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

**Yes:** McGee  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** Eaton

**Enactment No: RES. No. 2019-225**

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

Mark E. Berman, City Attorney, advised that items 11-15 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

#### **11. [19-500](#) P.H. 2019-87: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED AT 801 N.E. 33rd STREET, ST. ELIZABETH GARDENS, FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated it is the second reading of a rezoning request at 801 NE 33rd Street. The approximate 7 acres site is owned by the Archdiocese of Miami, and the 153 unit very low senior housing project was built in 1970, when the property was under the jurisdiction of Broward County. After the annexation in 2000, the City used comparable zoning and land use designation that the County had for the property, which was RM-12 (Low Medium Residential) so it continued in a legal non-conforming status. The existing development has not been in compliance with the RM-12 zoning districts as it relates to height, density, unit size, and parking. The review criteria for rezoning states that competent, substantial evidence be provided, that there is consistency with the land use category, and the goals, objectives, and policies of the comprehensive plan. The rezoning request was recommended for approval unanimously by the Planning and Zoning Board at their May meeting. The first reading of the rezoning and the accompanying requests for flex units were approved at the June 25, 2019 City Commission meeting.

Suzanne Dockerty, Esq., 110 Merrick Way, Coral Gables, FL, stated she was available to answer questions.

Comr. Eaton reiterated that the project located in her district is a lovely property and there is ongoing restoration and improvement going on. Therefore, she will be supporting the project.

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

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

**Enactment No: ORD. No. 2019-74**

12. [19-527](#) **P.H. 2019-94: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF ONE HUNDRED EIGHT (108)

FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED WEST OF SOUTH DIXIE HIGHWAY ON THE NORTH AND SOUTH SIDES OF SW 11TH STREET; 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 items 12, 13 and 14 are all interrelated and asked if the Commission would allow her to present a brief overview on all three items and how they relate and then go into each item accordingly.

Ms. Gomez stated that the three items 12, 13 and 14 are site specific rezoning request, a request for flexibility units and a Right-of-Way abandonment. The subject property is located at South Dixie Highway on the north and south sides of SW 11th Street. The flex unit application, which is one of the three applications, includes the conceptual plan for the property. This includes a 129 unit development with three - four story buildings - and one - five story building along Dixie Highway.

Continuing, Ms. Gomez stated that the applicant is proposing to deed restrict the property for affordable workforce housing for a minimum of 50%. The first application is for flexibility. To meet the land use component, the project would require flexibility units and they can be assigned on either residential or commercial aspects to the project. Currently, based on the portion of the property that has a residential land use, the property would be allowed twenty one units on the residential land use. The applicant is requesting 108 flexibility units, 86 of those units will go on the commercial land use, as highlighted in red on the provided map. Twenty two of the flexibility units are proposed for the residential land use. The resolution will be conditioned upon the concurrent rezoning and associated rezoning conditions, which will be read after. Substantial conformity to site plan submitted, compliance with affordability requirements, prior site plan approval, and other site plan issues to be resolved during the site plan approval process.

The applicant is requesting a site specific rezoning for approximately 1.08 acres from RM-20 (Multi-Family Residence), which allows 20 units per acre to RM-45 (Multi-Family Residence 45), which is 45 units per acre. Therefore, to comply with the conditions of the Planning & Zoning Board with the second reading, the applicant is proposing a voluntary declaration of restrictive covenants on the RM-20 portion of the property. The density shall not exceed 32 units per acre, that there will be a Type "B" buffer along the north and west property lines and a 65 foot setback from all property lines abutting residential.

Finally, the third application is the abandonment of SW 11th Street. The original request was for the entire SW 11th Street, but through the review process they eliminated the eastern portion of the Right-of-Way. They are now asking for the piece that is above their southern property line. This roadway dead ends and is an emergency exit for the Captiva Cove and the service providers have requested the retention of an access easement for fire, as well as an utility easement. The easements will be then dedicated by resolutions upon approval by the Commission on second reading of the ordinance.

Ms. Gomez explained that each application must be voted upon separately and the criteria and staff analysis have been prepared for each individual requests in the various reports. The Right-of-Way abandonment would

increase the net acreage of the property, the flexibility units would allow the residential structure on the commercial land, and increase the allowable density on the residential land. The rezoning would allow the property to maximize the development to be consistent with the entitlements.

Michael Vonder Meulen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, provided a brief presentation regarding the reason they are appearing before the City Commission. He provided a historical background on a transportation corridor study done in 2013, to include Federal Highway, Dixie Highway and A1A, to implement strategies and bring the corridors to life. He indicated that once all three applications come together they will come up with a final site plan that was presented earlier by Ms. Gomez.

The following persons spoke in favor of the project:

- 1) Lauren McGee, 560 SE 23rd Avenue, Apt. 1, Pompano Beach, FL.
- 2) Dennis McDonald, 1401 North Riverside Drive, Pompano Beach, FL.
- 3) Sharon Chuppatta, 2870 NE 22nd Court, Pompano Beach, FL.
- 4) Brian Meade, 3403 Dover Road, Pompano Beach, FL.

Comr. McGee stated that she is also excited about the project and the crafts is a very exciting addition to the area.

Vice Mayor Moss asked if the workforce housing will be rental/ownership.

Mr. Vonder Meulen responded that the initial development will be a rental complex.

Comr. Eaton indicated that she is very familiar with the project and she likes it.

Mayor Hardin indicated that he has had ex-parte communication in the past regarding the project. He asked about the setback, the height of the buildings and how can they go after the rezoning.

Mr. Vonder Meulen responded that it will not be any taller than four stories.

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

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

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**Enactment No: RES. No. 2019-226****13. [19-525](#) P.H. 2019-93: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED WEST OF SOUTH DIXIE HIGHWAY ON THE NORTH AND SOUTH SIDES OF SW 11TH STREET; 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 the applicant is requesting to rezone the property from RM-20 (Multi-Family Residence) to RM-45 (Multi-Family Residence 45) in order to develop a mixed use project with up to 129 units that will be deed restricted up to 50% for affordable workforce housing. The property to be rezoned, constitutes only a portion of the project acreage, which is a 1.17 acre site, located on the west side of south Dixie Highway, on the north and south side of SW 11th Street. The property is current vacant and the applicant has concurrently submitted for the flex unit request, as well as the abandonment request. The rezoning request was recommended for approval by the Planning & Zoning Board at their August 22, 2018 meeting with a 6-1 vote. The vote included three conditions that had to be met prior to placement on the City Commission agenda. All conditions have been met through a submittal of a Voluntary Declaration of Restrictive Covenants, which must be executed the day of the Commission second reading meeting.

Mayor Hardin asked when the Declaration of Restrictive Covenants will be brought forward.

Ms. Gomez responded it would come at second reading of the ordinance.

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

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

**14. [19-528](#) P.H. 2019-92: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING PORTIONS OF THE RIGHT-OF-WAY ON MAGNOLIA DRIVE (SW 11th STREET) LOCATED WEST OF SOUTH DIXIE



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HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; 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 as noted previously the intent is to combine the subject properties to the north and south of the Right-of-Way in order to develop a 3.07 acre workforce housing project. There are several concurrent requests. The abandonment request was unanimously recommended for approval at the August 22, 2018, Planning & Zoning Board, with three conditions that have been met prior to the placement of the item on the City Commission agenda. Two of the conditions required easements to be dedicated and a copy of the draft resolution accepting these easements are included in the backup, and will be placed on the Commission agenda along with the second reading. The other condition number one, requiring public access easement is no longer warranted as the proposal has been amended since originally presented to the Planning & Zoning Board. The Development Services Department altered condition number one to require fire access easement as per the e-mail included in the backup. Upon approval of the proposed ordinance on first reading, the agreements will be executed by the applicant and a separate item prepared to accept the easement by resolution.

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

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

15. [19-502](#) **P.H. 2019-88: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF A1A AND NE 16TH STREET COMMONLY KNOWN AS 1508 N. OCEAN BLVD. FROM RM-45 (MULTIPLE-FAMILY RESIDENCE 45) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the applicant is requesting to rezone property at 1508 North Ocean Boulevard from RM-45 (Multiple-Family Residence 45) to PD-I (Planned Development-Infill). For the larger planned development proposals, the City

has contracted with Calvin Giordano & Associates (CGA) to offer consultant's review on behalf of staff. James Hickey, Planning Administrator from CGA provided the background information on the project.

James Hickey, Calvin Giordano & Associates, 1800 Eller Drive, Fort Lauderdale, FL, indicated that the applicant is proposing 28 residential units along with 1,500 to 3,500 square feet of commercial space, which will be located on the ground floor. This will go from RM-45 to PD-I. One of the requirements of PD-I is to have a mixed use, which is why they will have the residential and commercial use on the first floor. The proposed development is subject to the Air Park Overlay District, who have provided letters, which will expire in September, that are included in the backup. He then provided the background on the application process of the item, which was denied by the Planning and Zoning Board. One of the main reasons for denial is the lack of mixed use. Therefore, they have decided to increase the mixed use commercial square footage between 1,500 to 3,500 square feet. The original height is being decreased by 42 feet. The original proposal was at 248 feet, which was denied, so currently they are requesting 205 feet for the proposed height. The applicant is proposing a developer's agreement, which contemplates the physical improvements for the park, which is going through a number of City departments' review. A meeting is scheduled on Wednesday, July 17, 2019 to discuss this with the Parks and Recreation Advisory Board.

Mayor Hardin asked if there is a requirement for the item to go back to Planning and Zoning Board for approval.

Mr. Hickey responded that there is no requirement to go before the Planning and Zoning Board with the proposed changes.

Dodie Keith, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, stated that her team is happy to appear before the Commission. There has been a lot of miscommunication and confusion and they would like to clarify some of that information. She indicated that they listened to some of the concerns that came forward from the Planning & Zoning Board members, residents and people from the communities, and all the various persons they spoke with throughout the area. Some of the changes that have been made through the process have created a unique iconic project for the City of Pompano Beach.

Hope Calhoun, Esq., Dunay, Miskel, Bachman, 14 SE 4th Street, Suite 36, Boca Raton, FL, 33432, reiterated that this is a PD-I rezoning application before the Commission. A site plan is very important for a rezoning request, therefore, they are submitting this rezoning application and any decision that is made will be based on the substantial competent evidence that will be presented tonight, and may be the criteria as established by the City's Code. There were emails sent perhaps in opposition, but she has 51 signed letters supporting the proposed project, which she will provide to the City Clerk for the records.

Ms. Calhoun provided an overhead presentation of the project and the surrounding properties, which is attached as Exhibit 1.

Ms. Calhoun indicated that should the item be approved tonight, the next step will be to present to the Commission for approval a development agreement of some voluntary things that they have agreed to do as part of the ultimate development of the property.

Finally, Ms. Calhoun stated that they have met all the criteria consistent with the land use designation, the goals, objectives, and policies of the comprehensive plan, specifically through the contextual pictures sent, which shows that they are consistent with the surrounding areas. She noted that the PD-I district's purpose is designed to create infill development for a small parcel. This is not the first time the parcel has appeared before the staff for development. However, the applicant submitted an application, following the RM-45 regulations. The application had approximately seven variances, which was not ideal from a development perspective. Therefore, they applied to rezone to PD-I, which they felt would be a better fit.

In sum, Ms. Calhoun stated that the current PD-I rezoning application will show some changes they have made and they are consistent with the planned development in-fill purpose and design. They are creating a unique designed building, which will be nineteen stories, approximately 50 feet taller than their closest multi-family neighbor, Tiffany Gardens. There will also be twenty eight units, which will be fewer potential new residents in this development. In addition, they will be offering a public art display adjacent to A1A, which will be an improvement. The property is currently vacant and has been for some time.

Continuing, Ms. Calhoun explained the reasons they did not return to the Planning and Zoning Board and instead presented the item before the Commission. She indicated that one of the issues that was mentioned was interaction with the beach or park. With the new site design there will be beach access at NE 16th Street and A1A. New restrooms will be put in, exterior showers will be provided, drinking fountains, picnic tables, barbeque grills, trash receptacles, plenty of seating, open space in the park area, sidewalks, connectivity from A1A through to the park and the beach. There will be pedestrian lighting, park ID signage, and equipment for exercise.

Arturo Griego, 975 Arthur Godfrey Road, Suite 401, Miami Beach, FL, 33140, introduced himself as the architect for the project. He said the project started four years ago and went through quite a process. However, as mentioned prior, approximately one year ago they went through the Planning & Zoning Board with a number of inputs and the presentation today is a reflection of everything and everybody they met with within the neighborhood, staff, his personal feelings and research to redesign. He said they have reduced height, number of units, footprints, they have taken the building class up a standard. He provided extensive details on how they arrived at designing a project that would satisfy the local residents, yet appeal to people who would come in to enjoy the park and the ocean in the area. The size of the building is one of the important aspects of the project. He said they heard the concerns from the input from the City regarding traffic, density, congestion, size of the building, and intensity.

Connor Sheridan, 1080 NE 25th Avenue, Apt. 1, Pompano Beach, FL, stated that three months ago he was asked to consult for the project, because he is local and is a homegrown Pompano Beach resident. He said when he saw the design and the architecture of the building he wanted to see this constructed in his City, which he felt is right. He reached out to the residents and is aware of the anxieties regarding the height and setbacks and does not believe the precedent being set is height, rather the precedent they are setting is density - low density, better collaboration with the City government with investment in an infrastructure, and better beach access. This project will benefit the entire City as it will be adding dozens of parking spaces and investing hundreds of thousands of dollars in the local park that needs work. It will add sidewalks on A1A and provide better access to the beach. He supports this project wholeheartedly.

Ms. Keith concluded that there has been a lot of work and listening on their part and plenty of reworking and she believes in the last year they have created a much better project. She is proud of the project because it is iconic and different. They are in an area that does have height and while they may be five stories taller than Tiffany Gardens, they are a beautiful project and hopes the Commission will agree.

Mayor Hardin declared that he has had ex-parte communications with the developer and the development team and has received numerous emails and telephone calls both for and against the project.

Comr. Eaton declared that she was briefed on the development project in its present form, and received telephone calls and emails for or against the project.

Vice Mayor Moss declared that he met with the developer and have been briefed on the project and have received numerous emails and a few telephone calls about it from people that are both for and against it.

Comr. McGee declared that she met with the developer, and the Homeowners' Associations (HOAs) residents, and anyone who wanted to talk about the property.

Comr. McMahon declared that he also met with the developer and have had telephone calls and received emails from those who are for or against the project.

Comr. Perkins declared that she also met with the developer, received telephone calls and emails and have even returned some of the calls received.

There were a number of residents who have concerns regarding the proposed development, and the following persons spoke against the development plans.

- 1) Jeanie Scherrmesser, Tiffany Gardens, 1620 North Ocean Boulevard, Pompano Beach, FL, stated her home is directly adjacent to the proposed rezoning by Mount Vernon Property Holding, LLC, she provided her reasons why she is opposed to the project. She urged the Commission to vote no on the rezoning.
- 2) Dennis MacDonald, 1401 N. Riverside Drive, Pompano Beach, FL, stated that he is one block west and one block south and has a view of the water. He is pro-developing but this is not an appropriate use of the property.
- 3) Sharon Chuppatta, 2870 NE 27th Court, Pompano Beach, FL, stated that it is great on density but opposed to their "slick" presentations.
- 4) Dona Reynolds, Tiffany Gardens, 1620 N. Ocean Boulevard, Pompano Beach, FL, stated that she lives across the street from the proposed project.
- 5) Gabrielle Masters, 1450 N. Riverside Drive, Pompano Beach, FL, stated that the project is beautiful, however, it is too large for such a small area. She indicated that 1,300 other residents signed a petition against the project.

- 6) Fred Paladino, Tiffany Gardens East, 1610 N. Ocean Boulevard, Pompano Beach, FL, stated that at least 85% of the people that lives at Tiffany Gardens are against the project.
- 7) Raffafle Visone, 1630 N. Ocean Boulevard, Pompano Beach, FL, stated the buildings are beautiful but there is a problem with traffic.
- 8) Doug Borden, 525 North Ocean Boulevard, Pompano Beach, FL, stated he lives ten blocks away and he moved to Pompano for the hometown feel. This project is not in character for the City of Pompano Beach.
- 9) Mark Satchell, Tiffany Gardens East, 1610 N. Ocean Boulevard, Pompano Beach, FL, stated that Tiffany Gardens is made up of three separate buildings and each has five Board of Directors. Three of the fifteen boards spoke earlier two for and one against.
- 10) Jeffrey Sipos, 3250 NE 15th Street, Pompano Beach, FL, stated that the streets are safe, however, the proposed building is too tall and there will not be enough parking spaces.
- 11) Barb Beadnell, 1609 N. Riverside Drive, Pompano Beach, FL, thanked the City Commission for their vision, innovation, and execution of so many wonderful projects. This project is not a good fit for the City and urged the Commission to vote no.
- 12) Suzanne Turley, 3301 Quail Close, Pompano Beach, FL, urged the Commission to vote no on this item.
- 13) Charmaine Johnston, 1509 North Ocean Boulevard, Pompano Beach, FL, lives across from where the proposed building will be, she is for building but the height should be limited to 105 feet.
- 14) Mary Mornell, 3202 Beacon Street, Hillsboro Shores, FL, stated that there will be a problem with traffic. Also, she is against the height of the buildings, which will be two at the location.
- 15) Guy Marzullo, 3216 NE 15th Street, Pompano Beach, FL, stated he is only opposed because of the height of the building.
- 16) Robert Cubis, 3240 NE 16th Street, Pompano Beach, FL, stated that he lives half block from the proposed project, and does not support the twin tower proposal.
- 17) Brian Meade, 3403 Dover Road, Pompano Beach, FL.
- 18) Jill Zulo, 3405 Dow Street, Pompano Beach, FL.
- 19) Karen Manzone, 3232 NE 16th Street, #4, Pompano Beach, FL, stated she lives 500 feet away from the proposed project.



- 20) Eric Mellie, 1509 North Ocean Boulevard, Pompano Beach, FL, stated he lives directly across from the site, and does not want a precedent to be set for unrestricted development. He is not against development but rather overdevelopment.
- 21) Janet Roy, 3405 Beacon Street, Pompano Beach, FL, likes the project but the design is not compatible with the proposed site. She urged the Commission not to vote on the rezoning of this property.
- 22) Miriam Monsieigneur, 510 North Ocean Boulevard, Pompano Beach, FL.
- 23) Ramona Myrick, 1505 North Ocean Boulevard, Pompano Beach, FL.
- 24) Jerry Myrick, 1505 North Ocean Boulevard, Pompano Beach, FL.
- 25) Don McNeil, 2720 NE 6th Street, Pompano Beach, FL, stated the presentation was great and the building looks good, but it needs to go back to the Planning and Zoning Department for more work to be on as it relates to the height.
- 26) Dr. Eric Isner, 1798 Bay Drive, Pompano Beach, FL.
- 27) Sandy Von Staden, 3201 Beacon Street, Hillsboro Shores, FL.
- 28) Domenic Composeo, 3248 NE 16th Street, Pompano Beach, FL.

A number of residents expressed excitement and a desire to see the project come on board and the following persons spoke in favor of the project.

- 1) Fernando Gill, Business Owner, Las Orquideas Restaurant, Pompano Beach, FL, believes in change and growth and urged the Commission to vote yes for the project.
- 2) Mikelang Olbel, 1961 NE 25th Avenue, Pompano Beach, FL, stated this project will create jobs and economic opportunities for the City. He urged the Commission to support the project.
- 3) Gary Azarian, 1630 North Ocean Boulevard, Pompano Beach, FL, urged the Commission to grant the rezoning of the project.
- 4) Mario Ramirez, 3332 East Atlantic Boulevard, Pompano Beach, FL, stated the project is eco-friendly and good for the people and the businesses within the City.
- 5) Maria Perrado, 3450 Banks Road, Pompano Beach, FL, stated the project is beautiful and she will invest in it.
- 6) Beatrice Restrepo Londono, 3507 Oaks Way, Pompano Beach, FL, stated she resides in Palm Aire and the project is a touch of modernism.

- 7) Robert Groom, Tiffany Gardens West, 1630 N. Ocean Boulevard, Pompano Beach, FL, stated that he is the President for Tiffany Gardens West but his comments made are personal. He urged the Commission to vote for the project.
- 8) Jan Parke, 3400 Dover Road, Pompano Beach, FL, stated that she is excited about the project.
- 9) Denis Stewart, 2124 NE 7th Street, Pompano Beach, FL, stated the project is well worth it.
- 10) Carlos Castro, Tiffany Gardens West, 1630 North Ocean Boulevard, Pompano Beach, FL, stated he voted against the first design but the height has been mitigated and much improved.
- 11) Laura McGee, 568 SE 23rd Avenue, Pompano Beach, FL, stated that as a realtor, this project presents the highest value with the lowest intensity.
- 12) Shirley Fields, 2760 NW 6th Court, Pompano Beach, FL.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated he has been going to the beach for the past 25 years and asked why the Community Redevelopment Agency website had information that they were holding a meet and greet for local contractors for the building, which means it was already approved. He urged the Commission to listen to the majority of residents who do not support the project.

Mayor Hardin responded that he was unaware of the notice.

Ms. Calhoun addressed a few of the comments that were made by some of the speakers earlier. The reason stated by staff that the Planning and Zoning Board recommended denial of the rezoning application was because the application did not include a true mixed use component. Also, due to a non-engagement with the beach and the park. The site plan application is not before the Commission tonight, rather it is the PD-I rezoning designation. Through the revised rezoning application they have provided space for true mixed use. Also, the development team communicated that they have already reached out to retailers, and one of the speakers has already expressed interest to move into the space. She added that they expanded the retail space in direct response to the comment by the Planning staff. She reiterated that there are criteria established, and whether or not they satisfied that criteria or whether it is the most popular for the people who show up, it is for the entire City.

Continuing Ms. Calhoun stated that as it relates to setting precedent, they have illustrated in their overhead that they are not. Also, they are not breaking new ground, or creating something that is not already in existence for single-family homes, but for the one across from A1A, which is approximately 56 feet wide. They are not surrounded by single-family homes.

Finally Ms. Calhoun addressed a few comments that were made earlier as follows:

- 1) Someone made a comment about the need for the item to go back to the Planning and Zoning Board, because the professionals at that level needed to opine on the revised plan. However, there are

professionals on staff, the City has engaged outside professionals to review the application and the issues raised by the professionals have been addressed.

- 2) Comments were made regarding the aesthetics, traffic and appearance. These are site plans issues and if the rezoning moves forward they can continue to address those issues at the site plan level. Therefore, Planning and Zoning will get a chance to review those.

Ms. Calhoun mentioned the purpose of the PD-I listed as the requirement/criteria, and the section read earlier was from the purpose section not the criteria section. Specifically, the speaker mentioned about the design being compatible around surrounding and existing development and available infrastructure. This is a purpose not a criteria. The criteria does address compliance with the future land use designation consistent with the goals and objectives of the comprehensive plan. The density they are proposing is consistent with what is permitted in the zoning district.

Ms. Keith reiterated that there is no request for increased density. The 28 units is allowed under the current zoning, so there is no increase request for zoning with the PD-I development. She clarified that the PD-I does not allow them unlimited height. They specifically set the height limit to approximately 200 feet.

Ms. Keith reiterated that without the increase in density there will be no change in traffic and infrastructure requirements. Also, all of those things brought forward are currently contained in its existing condition. The really important point of this is when they talk about what we want a building to look like and be. It is not a threat to say if they stay at the current zoning you will end up with a block like building, which would be the only thing that could be built. Actually, under their current design their building mass in volume-wise is smaller and allows more light and air to flow. In sum, they are trying to create a Vista at the corner of NE 16th and A1A to be inviting to the residents of the City to come to North Ocean Park. In addition, they have looked at North Ocean Park, which is a great park and they have spoken with the kite boarders, the surfers and all those people, to provide amenities to the park to make it better for people who are using it. The developer agreement that will accompany this rezoning locks in that the additional parking, and the additional things discussed, the park, the crosswalks on A1A, the art plazas, are all laid out in the agreement that are required. Overall the developer has made the project better for the overall citizens of the City.

Continuing, Ms. Keith said she heard people mentioning café which is being confused, because people are talking about restaurants which will bring more traffic. However, this will be a small beachside café not a full restaurant.

Ms. Keith mentioned that some speakers suggested that the renderings were “doctored” and that things are not to scale and the concern about the size of the property. She said the drawing presented is exactly to scale. The bottom-line situation is they have worked really hard to create what is Pompano and what is “Pompanoish.”

Comr. Eaton indicated that she voted against the item when she sat on the Planning and Zoning Board when it first was resented to the Board. She had made some remarks and requests as it relates to the retail. The redesigning of the project is significantly different in looks, feel, and what it offers to the community. Projects like these with so many issues are complicated, and Comr. Eaton indicated she would like to see the whole picture when she is voting on it. Therefore, she will need some clarification on the document in the backup

regarding the Planning & Zoning Motion II Response by the Applicant.

On page 2, Errors and Omissions, under (C):

8. Applicant removed "Exhibit D"
10. All references to neighboring properties have been removed.
11. Exhibits pertaining to Public Outreach and Landscape were removed from the Application as requested.
12. Parking component removed from Exhibit D. Site plan application will include required parking.
13. Deviation request removed. The building proposed in the site plan application will meet setback requirements as requested in the PD-I document.

On page 4, item 4 under "Illustrated improvements of the North Ocean Park shall obtain approval and legally established with the City through a developer's agreement."

Response: Applicant removed illustrations of the park. Applicant submitted a developer's agreement to the City for park improvements.

Comr. Eaton mentioned that when they met with the applicant on a one on one she saw some incredible renderings of paved walkways, new bathroom facilities, pavilions and a completely revamped park with art, and possibly a water feature or at least art in the public space to be consistent with wave paver design. However, none of this was provided in the backup, but she realized this is a zoning issue and the renderings are site plan issues. Therefore, she would like to see the whole picture of what is proposed to be in the park improvements and perhaps the parking improvements, as well as 16th Street improvements and how this will improve the entire area.

Ms. Keith stated that those were items they had submitted in their application to the City. So, because this is a rezoning only, most of the elements will come when they do the site plan. However, they felt they were important elements because they were items they wanted to show to the Commission and the public because there is the fear of what will or will not happen. These are items they are committed to doing within the project so they were included in their application. Nevertheless, staff had suggested that they take the items out of the packet as it is not a site plan issue it is a rezoning. Subsequently, they decided on a Developer's Agreement, which they felt there should be a way to lock in their commitment if it was not going to be a part of the zoning packet. The Agreement will be presented at the next Commission meeting.

Mark Berman, City Attorney, asked Comr. Eaton if she has had familiarity of this project through other quasi-judicial proceedings previously. So, if her decision tonight, whether it is for or against that does not matter. It is solely going to be based on the current presentation and the evidence before the Commission and not any prior proceedings, correct?

Comr. Eaton responded she understands that.

Comr. McGee wanted to get verification, when some people brought up "pandora's box/precedent" as she understands, any zoning change and request similar to the subject, has to be completely thought about on its own merits.

Mr. Berman replied that is correct. He said each property, development, and application is considered on its own merits.

Comr. McGee asked, with the current rezoning and what they have presented and with some of the emails she received stating that they could flip. Could anything that is approved by the Commission be locked into a sale as it relates to the height and setbacks?

Mr. Berman responded that anything that is approved by the Commission for rezoning, this type of rezoning comes with a plan, there is no maximum setbacks, etc. When there is a planned development everything is set in the site plan and that is what they are bound to honor. So, anyone who purchases it is bound to the same plan. If they get approved and walk away tomorrow, that will be what they have to honor, or they will have to return and start the process all over again, if they want to make any changes.

Comr. McGee referred to the Developer and noted that many people referred to the lot as a postage stamp. She understands that the property versus what is currently allowed actually has a smaller footprint.

Ms. Keith replied that is correct, as well as a smaller volume in mass.

Mr. Griego added that in terms of numbers it is 27,000 square feet in a lot and the parking footprint is approximately 16,000 square feet and each tower is approximately 3,000 square feet each. Yes, it is a postage stamp, but everything fits comfortably now.

Vice Mayor Moss mentioned he is a bit disappointed that there have been some exaggerations and misstatements but he understands it is an emotional matter. He said he drove over the site to get familiar with the area and looked around. He could take some of the comments made about the massiveness of the building seriously, if it were not for the big concrete boxes to the immediate north of the subject site. He will support the project as he believes it is a very attractive plan. It will be good not only for the neighborhood but for the whole City, to generate a good deal of income and taxes. Change is something that a number of people do not like. This will be a change for the better in that neighborhood.

Mayor Hardin thinks this is a beautiful building, it is iconic and he loves it, which is what the City has asked for. However, it is in the wrong location. There is a problem with compatibility as the property backs up to a park. It is zoned 105 feet and he understands what ten stories represent. However, it is not compatible with the park there. He would be 100% behind the project if it was slated at a different location. Therefore, he cannot support the project.

Comr. Perkins stated that in 2017, when she saw the project she was not pleased with it. However, when the developer showed the project a few weeks ago, she was excited about it and thought it was great and a good fit. It is a nice project, and thinks it could work for the community, but after receiving calls and emails, she does have an ear to listen to the people, and based on the people within the community, the majority do not want this and this is the reason she would go against the project.

Comr. McMahon stated that this will be a difficult decision for the Commission especially for the newer



members. He respects a lot of the residents who spoke earlier and he understands where they are coming from. Also, he understands that this is not a high density unit but a 28 unit building. The value this will bring to the City is substantial. The units are not 300-400 rentals. In fact, everybody who opposed the building indicated that the design is beautiful, it is iconic and set further back than the Koi project that got approved and sits on Atlantic Boulevard. He does not think this building will have that feel and will sit back, with the beautiful round glass. The parking spots will provide for public parking, the crosswalk and the park improvements are all much needed. If a developer is willing to improve our park that will bring much value to the community is commendable. The 28 units are high end units that will bring dollars to the City and keep the taxes stable. They are actually proposing a smaller building than what is allowed in that zoning. They brought the height down from the first one and the building is modern in look.

Comr. McGee indicated that she received multiple emails, phone calls, outreach and discussions, and one thing that made the decision much harder than it is, was the amount of misinformation that was circulating. The majority of the emails against the project all referenced the 2017 plan, but when she met with the developers she saw that they came back with a new plan. The arguments regarding the project, since the density is equal then the traffic is equal. The volume is less and the height is more of an aesthetic preference. The benefit to the park that really benefits the entire City is a big thing. Compatibility is an aesthetic, and do we want to continue doing things as we did in the 1970's, which a number of cereal box buildings were constructed on the beach front. The City must decide where we want to be with the innovation district, the Casino redevelopment, the Atlantic corridor, and the future of Pompano Beach. There are definitely things she wants to ensure is covered in the Developer Agreement that we watch out for such as the scenic highway park designation is super important and the various groups be involved so this is not jeopardized. If a designation is iconic and this is an iconic building, which is architecturally interesting. As far as the usages of the park, she had spoken with the Surf camp and some of the other neighborhood, she does not know about the amenities, and there could be some "wobble room" in the details that could be "hashed out." In sum, she will support the project as the City looks toward the future.

Meeting went into Recess

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

- Yes:** Eaton
- McGee
- McMahon
- Moss
- No:** Perkins
- Hardin

**END OF QUASI-JUDICIAL PROCEEDING**

16. [19-480](#) **P.H. 2019-85: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2413, "ZONING COMPLIANCE PERMIT," TO MODIFY SIGN REGULATION STANDARDS; AND AMENDING CHAPTER 156, "SIGN CODE," BY AMENDING SECTION 156.13, "SIGN CODE COMPLIANCE PERMIT SUBMITTAL AND APPROVAL AND REQUIREMENTS," TO MODIFY SIGNAGE RELATED PROVISIONS; AND BY AMENDING SECTION 156.14, "SIGNS AND ACTIVITIES NOT REQUIRING SIGN CODE COMPLIANCE PERMIT," TO CLARIFY PERMIT PROCESSING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

### Meeting Reconvened

Jennifer Gomez, Assistant Director, Development Services Director, presented the item and stated it is the second reading of an ordinance, which is a housekeeping item for the City's sign code. The process would allow sign code compliance permits to be reviewed and approved in a more efficient streamlined manner. The Planning and Zoning Board unanimously recommended support of the text change.

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

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

**Enactment No: ORD. No. 2019-75**

17. [19-487](#) **P.H. 2019-89: (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 155.4201., "GENERAL," TO CLARIFY LIMITATIONS OF PRINCIPAL USES

INVOLVING SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.4224., "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," TO INCLUDE CUSTOMARY ACCESSORY USES; BY AMENDING SECTION 155.4302., "GENERAL," TO CLARIFY GENERAL STANDARDS FOR ACCESSORY USES IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the text amendment before the City Commission is to clarify the principal and accessory uses in Article 4 Use Standards related to sexually oriented businesses. The text amendment seeks to prohibit sexually oriented businesses (SOB) from proposing expansions or additions to the business from other uses that may be permitted within the same zoning district. The definition of a Sexually Oriented Business (SOB) is not proposed to be amended. The text amendment merely identifies certain accessory uses that may be permitted if the principal use is sexually oriented.

Continuing, Ms. Gomez stated that at the April 2019 Planning and Zoning Board meeting they unanimously recommended approval for the proposed text amendments, and also received approval at the first reading of the previous City Commission meeting.

Luke Lirot, Esq. 2240 Bel Air Road, Clearwater, FL, 33764, stated that he is representing Solid Gold and the Singing Club. The Corporate entities are, B Line Entertainment Partners LLC, 1350 Food and Beverage LLC, and the Singing Club Inc., not-for-profit corporation. He mentioned that throughout all their dealings with the City they have been upfront, transparent, and dealt with everybody in good faith. They are a little concerned with some of the things that appear to them to be an effort to deter the project that they presented in good faith. One of the first issues that they saw was the notice. He indicated the notice has some language that deviates from the statutory requirements for a notice that accomplishes this through the adoption of an ordinance. They looked at staff's report and did not see anybody on the Commission asking for this. Based on their research, there are only two licensed SOB's in the entire City. Other than the two that are lawfully established in their location now, are legally non-conforming uses. So, they cannot change their use, they cannot expand. When you "peel" away what looks to be an ordinance of general application, what this really is referred to as the bill of attainder, it only applies to two people in the whole City, it cannot apply to anybody else, because those are the new non-conforming uses in conforming areas in the City.

Continuing Mr. Lirot indicated that the issue that they see, as it relates to targeting these businesses, their concern is there is an effort to have this declared as zoning in progress, which would put an halt to any of the efforts that they met with City employees, counsel, and other people within well over a year. So rather than they receiving a notice/guidance or providing them with any kind of comments that they could address, suddenly this appears to be kind of a "slap in the face." Not being disrespectful, Mr. Lirot stated that when they have worked as hard as they have done, being as upfront as they were to establish good faith with what they

are trying to do, and all of a sudden an ordinance pops up that nobody sent them a copy. Furthermore, they did not get the notice for the first meeting, so he was not available or he would have provided the materials prior to tonight's meeting. So, it really impedes their client's due process rights.

Mr. Lirot spoke about the reasoning behind the ordinance as his other issue. What he read in staff's report is that this is to address concerns with minors being exposed to obscenity. There is nothing applicable in that concern to any of his client's businesses. In fact, there are ample state statutes that deal with that very concern. He said this stops these businesses from being able to adapt and modify their business model. A lot of the concerns that have been expressed from what they heard are really dealing with outmoded and outdated views of adult entertainment. This is not some effort to create some kind of old-fashioned type of a dance club that goes on and on. This was able to incorporate different business models, other features, and different media in an effort to try to update the whole concept of adult entertainment. This ordinance prevents that and stops that growth. Their concern is that there is no co-provision that stops a lawfully established business from adopting other forms of lawfully established businesses that are acceptable in the zoning district. The only business this would pertain to would be sexually oriented businesses. He thinks this is problematic.

Mr. Lirot stated that even if there were multiple use concerns, and there was any good faith concern to that, it does not change the SOB regulations, those would stay in place. There is nothing concerning a SOB that is affected by this. It limits their ability to modify and adapt their business models. Therefore, he urged the Commission to turn this down, at the very least table it so that research can be done on what they have, and allow them to continue to address whatever concerns the City may have.

R. Bruce McLaughlin, 900 Golf Boulevard, Indian Rocks Beach, FL, Planning Consultant to Solid Gold, stated he distributed to the Commission earlier six exhibits and requested that they be made part of the record, and that he provided a copy to the City Clerk. He reiterated that had they known about this in time, they could have sent them to the Commission two weeks ago, but they did not know. He said the only staff analysis that the Commission has, relates to the primary effect of protecting minors and the general public from being exposed to "obscene acts." He noted that minors are, by law, excluded from SOB so they are not going to be in that whether it is combined use or single use and nude dance is presumptively, non-obscene. The primary effects of what the staff's report addresses are not valid concerns. You could restate staff's purpose as preventing people from being offended by the speech of an adult cabaret. Therefore, they are requesting that the Commission look at the evidence in the handouts provided earlier. Assuming there is valid evidence to regulate adult uses, simply put, there is no evidence before the Commission supporting a reasonable belief that the combination of businesses produces harmful effects of the types asserted by the conclusory allegations in staff's report.

Continuing, Mr. McLaughlin indicated that Solid Gold is an upscale club with full meal service, and the first two documents handed out earlier, point out upscale clubs and how they differ from "back in the day." He thinks in the document about current "adult cabaret" is what the Kansas City staff said, and he explained what the City of Kansas City has in place. In addition, he said the "baby doll" study was prepared for the City of Arlington by a consultant in the course of what they called "good neighbor hearing," an annual renewal of the license of the adult entertainment use. He stated that even if there is evidence justifying the City's underlying adult entertainment regulations, and they dispute that, there is no evidence supporting the banning of the combination of uses done by the subsequent ordinance to be adopted on second reading.

Comr. McGee asked what are they trying to do, as they mentioned earlier that they are working with City staff.

Mr. Lirot stated that they are trying to move the Singing Club to the location of Solid Gold. He explained the Singing Club is B-3 zoned and its hours of operation are greater than the hours of operation allowed for the adult use. He understands that the Singing Club is across the street from a 300-unit 55 year old plus community. So, they are trying to get the City to embrace "Euclidian Zoning," which means they take a use that might be more intensive and move it into the industrial area where Solid Gold is located. This would lighten the load of the zoning district where the Singing Club is located and it combines two uses that they think provide that adaption, which is the change in the business model that they think will lend their client greater appeal to a different type of person that would come to the clubs at different hours with different interests, and thinks different than adult entertainment.

Comr. McGee indicated that she would support a motion to postpone the item to the next meeting to allow the Commission time to go over the information, which would allow staff to provide backup information of what has been done to date. Comr. Perkins seconded the motion.

Mark Berman, City Attorney stated that staff has a different view. There is a SOB at the location and it is perhaps the fourth SOB at the location. Because of the business model, apparently they feel there is a need to survive, to change the business model, and keep that location open past the 2:00 a.m. closing time. This is the methodology they plan on using to attempt to do that. He has no objection to the postponing of the item, but the City may want to supplement the staff report, which will provide him the opportunity to look at the materials that were presented prior to the meeting. Therefore, staff will supplement their own reports for the record. Also, staff is open to meet with Mr. Lirot, and Mr. Feiner, as always, to see what they want to discuss with the City. Should there is anything that the Commission would be interested to know what closes when, and what stays open, and how that is verified.

Vice Mayor Moss stated that this is too much too fast and he does not know what is going on. He knows that Solid Gold is in his district. He enquired what is a Singing Club and where is it located.

Rod Feiner, Esq., Coker & Feiner, 1404 S. Andrews Avenue, Ft. Lauderdale, FL, explained that it is a business but the Singing Club is what it is known as, which is a private club, currently located in B-3, next to RM-45 zoning, he will submit the exact location should the item be postponed to a later date.

Mr. McLaughlin provided that the club is located north of Atlantic Boulevard near the west edge of the City. He is unsure of the exact street.

Mr. Berman said he cannot recall the exact street at this time, but noted the place was once called Singers' Karaoke Club. In the past, the City has had prosecutions against the location, because instead of operating as a private club, there have been people in the club who have been determined, which it was taken to court, so it is no more of a club than if you go to the movies. It may have changed at this point, so he explained what this basically constitute. In addition, Mr. Berman indicated that should the Commission decide to postpone the item, he could meet one on one with them to go over specifically what this situation is about, so that everyone is better informed.



**A motion was made by Commissioner McGee, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until July 23, 2019 City Commission meeting. The motion carried by the following vote:**

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

18. [19-501](#) **P.H. 2019-84: (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 CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND SYNALOVSKI ROMANIK SAYE, LLC FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE FIRE/EMERGENCY OPERATIONS CENTER PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,320,300.40)

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that there have been no changes since the first reading and recommended approval.

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

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

**Enactment No: ORD. No. 2019-76**

19. [19-537](#) **P.H. 2019-96: (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 CONSENT TO ASSIGNMENT OF THE AGREEMENT BETWEEN BIG SPAN STRUCTURES, LLC, AS ASSIGNOR, AND RECREATIONAL DESIGN & CONSTRUCTION, INC., AS ASSIGNEE, FOR THE DESIGN, CONSTRUCTION AND INSTALLATION OF THE AMPHITHEATER RENOVATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that in March 2019 the Commission approved an agenda item awarding the contract to Big Span Structures, LLC and their subcontractor, Recreational Design & Construction, Inc., is part of the team. Big Span is unable to secure the performance bond that the City requires for the entire amount because of a large backlog and they are more of a design and materials supplier than they are a contractor. Recreational Design is the actual contractor that will do the physical work, and will get the “big bucks” for those projects. Not to delay the project, Big Span and the City discussed the possibility of assigning the contract to Recreational Design who has the Performance Bond capabilities, which are needed, as well as protect the City should something go wrong.

Comr. Perkins asked if this had a Request for Proposal, to which Mr. Danovich replied yes.

Vice Mayor Moss asked if the City Attorney is comfortable with this arrangement.

Mark Berman, City Attorney, responded yes, and explained the assignment agreement requirements.

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

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

20. [19-526](#) **P.H. 2019-91: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.12,

“COLLECTION REGULATIONS,” BY MODIFYING PROCEDURES AND SETTING SPECIAL SERVICE FEES FOR SPECIAL COLLECTIONS; AND BY AMENDING SECTION 96.22, "REQUIREMENTS FOR RECOVERED MATERIALS HAULERS," TO MODIFY REQUIREMENTS FOR RECOVERED MATERIALS HAULERS OPERATING IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell S. Ketchem)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until September 24, 2019 City Commission meeting. The motion carried unanimously.**

21. [19-563](#) **P.H. 2019-95: (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 THIRD AMENDMENT TO THE LEASE/CONCESSION AGREEMENT BETWEEN GLR GROUP, LLC AND THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Earl Bosworth)

Earl Bosworth, Assistant City Manager, presented the item and stated that it is an ordinance to approve and execute the third amendment to the Lease/Concession agreement with GLR Group, LLC (Gallupi's). The City entered into a 30-year lease/concession agreement with PG'S on the Green on January 11, 2005, to operate the restaurant and bar facility at the Pompano Beach golf course, which was subsequently amended on November 9, 2005 and March 9, 2009. PG'S on the Green transferred its business in favor of the lessee, GLR Group and effectively assigned its interest in the lease by assignment dated October 31, 2016. The lessee desires to expand its current leased premises to install landscaping and retaining wall, concrete and paver decking, to place tables and chairs for additional seating, and to install a concrete pad for an emergency generator, which the City will be able to utilize in the event of a storm. The expense will also provide additional storage areas for the benefit of the lessee and provide for a more secure and suitable staging area for live musical performances.

Continuing, Mr. Bosworth illustrated on a site plan presented the Area 1 - "The lessee shall remove minor vegetation and shall install brick pavers, or a concrete pad for placement of high-top tables, stools, chairs or other seating equipment for use during live musical performances." Area 2 - "Lessee shall fill the lower grassy area and install a retaining wall, concrete, or paver decking and a stage for live musical performances that accommodates the place when staging musical equipment, speakers, and low voltage lighting." Area 3 - "Lessee shall fill-in the lower grassy area and install a retaining wall, concrete, or paver decking, expand the current storage building to provide additional storage, as well as a walkway, and install a concrete pad, gas power generator and security fencing." Area 4 - "Lessee shall remove minor vegetation and install brick

decking or concrete pad for the placing of high-top tables and stools.” Included in the amendment, the lessee at its sole expense shall make all the expansion, service improvements, and shall invest no less than \$250,000, in the described capital improvements, of which 50% must be expended during the first two years of the amendment. The remaining amount shall be expended during the two years following that initial improvement period. If the lessee fails to accomplish the required improvements within the prescribed time period, the leased term from the second amendment remains in effect. So, they would not get the five-year extension.

Furthermore, the lessee use of the improved areas must not interfere with the City’s or its golf activities, which is throughout the lease. The Golf Advisory Board reviewed the proposed expansion and supports the amendment.

Vice Mayor Moss indicated he is happy for all the nice improvements but Gallupi’s have a twenty-year lease.

Mr. Bosworth clarified that it is a 30 year lease.

Vice Mayor Moss indicated that tying up a parcel of land that large for that many years, to him, it seems irresponsible. Therefore, he cannot support extending the lease for another five years.

Comr. McGee stated that Gullupi’s is a great example of a Mom & Pop that has added to the community and has become a staple. She has seen what they have been doing and have done to improve the property. She actually attended weddings there, which were beautiful. This is a success story that the City wants to continue to develop here for the residents. Therefore, she will support the item.

Mayor Hardin indicated that he respectfully disagrees with Vice Mayor’s comments. This is not unique as there are leases out at the Air Park, when people make substantial additional capital improvements the leases have been extended. When someone is putting their money into a project, it is not unusual to ask for additional time to recoup the investment.

Vice Mayor Moss clarified that he has no objection to extending the lease, but not now. Maybe fifteen years from now, but a twenty-five-year lease extending that long ties the hands of the City, in the event all the plans do not work out as currently stated. In sum, obligating the citizens to a 30-year lease is a very long time and the future is unknown. If something better comes along or there is a destruction of the building what will the City do then.

Comr. McMahon asked if the lease can be resigned, they sell, and someone take over the lease.

Mr. Bosworth responded that the lease currently cannot be re-assigned.

Mr. Berman confirmed it is assignable with authorization from the Commission. Also, there are services and food qualities standards that are in the contract and anyone it is assigned to must adhere accordingly. However, the City can amend the assignment and place additional as a condition of the assignment as well. In sum, there are provisions to protect the City that are in the contracts.

Comr. Eaton stated that Gallupi’s is the best vendor that has ever been at the golf course during the years she

has been residing in Pompano Beach.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Hardin

**No:** Moss

22. [19-541](#) **P.H. 2019-97: (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 SECOND AMENDMENT AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Increase of \$12,260 for School Crossing Guard Service since the First Amendment.)

(**Staff Contact:** Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated several months he presented the Commission with the first amendment. The safety concern was addressed and reconciled those concerns with increasing the School Crossing Guards' sites, and the number of School Crossing Guards. Therefore, the second amendment deals with the Florida minimum wage increase from the first agreement, a total increase of \$12,260.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that he has spoken about the same issue of the fiscal impact of this ordinance, which indicates it is only \$12,260. In reality, the City is paying \$659,694, for school crossing guards. In sum, the City should not be paying for school crossing guards, it should be the responsibility of the School Board not the City. He urged the Commission to save the taxpayers money and spend it on them.

**NOTE: At this point of the meeting Mayor Hardin asked for a motion to extend the meeting, which will take a super majority to extend it to midnight.**

**MOTION: A motion was made by Comr. Eaton, seconded by Comr. McGee to extend the meeting**



past 11:00 o'clock. The motion passed unanimously.

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

- Yes: Eaton
- McGee
- McMahon
- Perkins
- Moss
- Hardin

23. [19-483](#) **P.H. 2019-82: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE II, SECTION 6 TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, MODIFYING THE DATES FOR MUNICIPAL GENERAL ELECTIONS; EXPANDING THE TERMS OF OFFICE OF CITY COMMISSIONERS; STAGGERING TERMS OF CITY COMMISSIONERS; PROVIDING THAT IF ANY OF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE SPECIAL ELECTION OF MARCH 10, 2020, THEN EACH SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$55,000.00)

**POSTPONED FROM JUNE 11, 2019**

(Staff Contact: Mark E. Berman)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be STRICKEN. The motion carried unanimously.**

24. [19-539](#) **P.H. 2019-90: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE II, SECTION 6 TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, MODIFYING THE DATES FOR MUNICIPAL

GENERAL ELECTIONS; EXPANDING THE TERMS OF OFFICE OF CITY COMMISSIONERS; STAGGERING TERMS OF CITY COMMISSIONERS; PROVIDING THAT IF ANY OF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE SPECIAL ELECTION OF MARCH 17, 2020, THEN EACH SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$55,000.00)

**(Staff Contact:** Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated that this is a revision of the prior version that was brought to the Commission. The ordinance was re-advertised, which constituted striking item 23. Even though the Supervisor of Elections indicated March 10, 2020, will be the election date, the City Clerk checked into the date and determined that March 17, 2020, is the actual election date, the third Tuesday, due to the Presidential Primary Preference election year. In addition, the sections were partially changed. Proposed Amendment 1, is correct and has not changed - this extends the changes in municipal election dates by extending the current terms four months into March. Should the voters prevail for the change of the election into March instead of holding it in November 2020, it would move to March 2021, an extra four months to be approved to provide additional time.

Section 6 was slightly modified. Proposed Amendment 2, "Shall Section 6 of the Charter be amended to provide for election for district Commissioners for the term of four years." What was added based on comments at the first meeting, "from the current two-year terms," so the voters will be fully informed as to what is proposed and what it is now.

Finally, Proposed Amendment 3, was changed significantly. It requires, "Shall Section 6 of the Charter of the City of Pompano Beach be amended to stagger." This is meant for the staggering, which is the most requested and important provision that the Commission would like to see. This provides elected commissioners for odd numbered districts at the next scheduled municipal election would be for the initial term of three (3) years, then with equal terms of office for all commissioners in future elections. This would mean commissioners elected from odd numbered districts at the next municipal election when it is held, whether in March or November, there will be a term of three years for the odd numbered, and either two years for the even numbered or four years for the even numbered depending on what passes. So, it would either be greater or less depending on the voters. In sum, it will be successful in staggering terms.

Mr. Berman pointed out that each one of the provisions is non-dependable on the other. They will operate independently, to stagger, they will operate independently to extend the terms, and they will operate to move the elections to March if approved. There will be no issue whether one is approved, two approved, all three approved or none approved. Copies have been provided to the Commission and Mr. Shulmister, chair of the Charter Amendment Committee, because he had comments and was interested in this matter as well.

M. Ross Shulmister, 500 SE 12th Street, Pompano Beach, FL, confirmed that Mr. Berman has done a superb

job, as he usually does, in fixing the titles, and in adapting that third amendment. The issue as it seems to him is not whether or not these should be passed but whether the public is properly informed about the amendments. Mr. Berman is correct, this does inform the public as to what each amendment does, and each one can stand alone. So, anyone can pass and still be effective or any two can pass or all three can pass or all three can fail. Whatever happens at the polls it works. He thanked the City Attorney for doing a fantastic job.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, restated his comments from the last meeting. Putting the charter change of expanding commissioner's term from two terms to four terms, staggering terms and changing the municipal date to March are important questions. He then provided an opinion on the scenario of voters' trend and likely results should the elections be changed at the March 17, 2020, elections. Therefore, he determined that some voters will be disenfranchised if these questions are placed on the March 17, 2020 ballot. Therefore, he urged the Commission not to pass the item.

Mayor Hardin clarified that he has no intent to disenfranchise or block anyone from voting.

Doug Gordon, 525 North Ocean Boulevard, Apt 1722, Pompano Beach, FL, doubted his single voice will be heard to do any good. He reiterated his comments made at the last meeting that it is important this vote happens on November, which will be at the Presidential election. Unless, the Commission is trying to disenfranchise the rest of the voices of Pompano Beach for every election when they come up. He opined that this is border line voter repression. He said the November election is important to him. He urged the Commission to change the voting date to November 2020, and not March 2020, which is when a significant amount of voting constituents are left out.

Comr. McGee indicated that she had voiced similar concerns about the date and the turnout for this matter. She asked if there is another option for having this ballot on another date.

Mr. Berman explained that in March 2020, there will be a guarantee for another non-staggered election cycle. Nevertheless, the polls will be opened and all citizens have the right to go out and vote on City issues, whether they are democrats or republicans.

Comr. McGee concluded that although it is open for the polls, she has a concern on the turnout.

Mr. Berman indicated he would be happy to draft it anyway the Commission would direct him.

According to Asceleta Hammond, City Clerk, the other option is that the City could call a Special Election, with the approval of the Broward County Supervisor of Elections, and to hold it at a specific time that the City would prefer to hold it. She informed the Commission that this will also result in tripling the cost of the election, because it would then become a Standalone election with no shared costs with the County's scheduled elections.

Vice Mayor Moss indicated that whether there are two hundred people voting, two thousand or seventy-five thousand people voting, perhaps it should not be assumed that the voters will approve a March election as opposed to a November election, or any of the other proposed amendments, because of when the election is held. He cannot see the logic. There are no guarantees as to how the voters will vote on these amendments.

He does not understand why the date of the election would influence the outcome of the vote, because it is nonpartisan.

Comr. McGee clarified that her concern is to ensure the City gives its populace the fairest showing.

Mayor Hardin opined that the people who are interested in these questions will show up in March if the election is held at the Presidential Preference Primary. While there may be more democrats showing up to vote at this time, nevertheless the interested republicans, and independents will be coming out to vote on these questions. In sum, the questions are important, and these are important considerations, which he supports for the governance of the City. In his mind it makes sense to put it before the voters sooner rather than later so voters can make a decision before the next November election. How the results will turn out will depend on the voters. Of the options available he would not support a standalone election where it would be one third of the cost of the Presidential Preference Primary. Therefore, the number of people turning out to vote would even be less on the date selected for a standalone election. The two options to consider is either the March or November 2020 elections.

Comr. McGee asked about the absentee ballots.

Ms. Hammond responded that each voter will be eligible for what the supervisor of elections is now referring to as Mail ballot, which takes the place of Absentee ballot for either of their elections in 2020.

Comr. Perkins indicated that it is important how the City plans to market this for the Presidential election, which will be all over Florida news encouraging people to come out to vote on March 17th if a person is a democrat. So, those people who are either a republican or an independent should be made aware of what is going on in the City of Pompano Beach. She opined that the City must do a big job of getting the word out to the voters that the City of Pompano Beach will have questions on the ballot.

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

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

25. [19-538](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHARRA AARONIAN TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Sharra Aaronian, *Incumbent* - District 5

Robert J. Sikorski - District 1

Kenneth A. Campbell - District 3

Veronica Thomas - District 4

Rita Neri - Coconut Creek

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name SHARRA AARONIAN and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-227**

26. [19-549](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **BARBARA ARMBRISTER-BOYNTON** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Barbara Armbrister-Boynton, Incumbent - District 5

Carlton Gillespie - District 1

Carmen Jones - District 4

Jazzman LeSane - District 4

Marguerite K. Luster - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name BARBARA ARMBRISTER-BOYNTON and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-228**

27. [19-542](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WILLIAM R. GRISSINGER** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE.



(Fiscal Impact: N/A)

**APPLICANTS:**

William R. Grissinger, Incumbent - District 1  
Louis Riva, Incumbent/Alternate 1 - District 3  
John R. Chapman, Incumbent/Alternate 2 - District 1  
Corey Staniscia - District 1  
Jon Burkert - District 3  
Veronica Thomas - District 4  
Corey Thompson - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name WILLIAM R. GRISSINGER and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-229**

28. [19-543](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **LOUIS RIVA** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE..

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-542 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-230**

29. [19-544](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOHN R. CHAPMAN** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE..

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-542 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner**

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**McGee, to insert the name JOHN R. CHAPMAN and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-231**

30. [19-552](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ROGER GINGERICH** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

Roger Gingerich, Incumbent - District 5

Donald Totter, Incumbent - District 1

Corey Staniscia - District 1

Frank N. Sellers, Jr. - District 3

Corey Thompson - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name ROGER GINGERICH and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-232**

31. [19-553](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DONALD TOTTER** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**PLEASE REFER TO FILE ID NO 19-552 FOR APPLICANTS.**

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name DONALD TOTTER and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-233**

32. [19-557](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SHARON FORNES** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

**APPLICANTS:**

Sharon Fornes, Incumbent/Alt. 1 - District 5  
Connie L. Tidwell, Incumbent/Alt. 2 - District 3  
Claudia Mazzocchetti - District 1  
Frank Sellers, Jr. - District 3  
Veronica Thomas - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to insert the name SHARON FORNES and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-234**

33. [19-558](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CONNIE TIDWELL** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-557 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name CONNIE L. TIDWELL and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-235**

**E. REPORTS**

**City Manager Gregory Harrison - Business and Bagels Meet** - Mr. Harrison reported that he circulated some flyers created by Dahlia Baker for "Business and Bagels Meet" for a series of Construction Business Development Technical Assistance to be held at the E. Pat Larkins Community Center, 520 Dr. Martin Luther King, Jr. (MLK) Blvd. at 9 a.m. and 11 a.m. There are several dates projected for this event. There will be a kickoff meeting for construction permitting, contractor bonding and insurance, introduction to Cooke construction estimating, and meet and greet, which is a good program put together for the residents.

**Work Place Violence Training** - Mr. Harrison reported that the Human Resources Department has been busy organizing a "Work Place Violence" training for the employees. To date 333 members of staff have been trained. The training session was offered by Broward Sheriff's Office (BSO). Another session is planned for July 23, 2019, with a third session planned for August 22, 2019. He thanked BSO for handling this training for the City.

**New Security System at City Hall** - Mr. Harrison stated that the City has been receiving a lot of positive comments about the check-in system with the photo ID in the lobby at City Hall in the security efforts of City Hall.

**Update on the Chicken Issue** - Mr. Harrison announced that since last July, the City has caught 680 flying chickens and 204 chicks, that totals 884 birds taken off the streets of Pompano Beach.

Comr. Perkins thanked the City Manager and encouraged him to keep going.

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

**City Clerk Asceleta Hammond - Local Complete Count Committee** - Ms. Hammond reported that the Local Complete Count Committee will be having their first meeting on August 13, 2019, at 6:00 p.m. at the City Commission Chamber Conference Room.

**Poll Workers Needed** - Ms. Hammond reported that the Supervisor of Elections Office has sent out a flyer for Election Day Workers needed especially in the City of Pompano Beach.

**Commissioner Rhonda Eaton** - No Report.

**Commissioner Andrea McGee - Fourth of July festivities** - Comr. McGee thanked City staff for the July Fourth festivities on the beach, and stated that all the feedback she has heard have been great. The slight hiccup with the traffic was worked on, but the people are loving what the City is doing.

**Commissioner Tom McMahon - Fourth of July festivities** - Comr. McMahon echoed the sentiments expressed by Comr. McGee. He thanked the Public Works Department, BSO, and the entire staff who worked to keep the beach safe. Additionally, the Fire Department was out in full force. He said residents in his district are probably still "launching."

**G.O. Bond Meeting Update** - Comr. McMahon reported that Monday, July, 15, 2019, at 6:00 p.m. there will be a G.O. Bond meeting held at the Emma Lou Olson Center, regarding the improvement to Kester Park.

**Commissioner Beverly Perkins - Ely Museum Visit** - Comr. Perkins encouraged the residents to stop by and visit the Ely Museum. The hours are Tuesday and Thursday, from 10:00 a.m. to 2:00 p.m. and Saturday from 10:00 a.m. to 4:00 p.m. During the summer time it is a good time to take the kids to visit the museum. In addition, she did speak with Assistant City Manager Earl Bosworth and he will ensure there is a fence placed at the front gate, as well as get the professor's car put back in the garage.

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**Vice Mayor Barry Moss - John Knox Village and Library/Cultural Center Upcoming Events** - Vice Mayor Moss announced that on Wednesday, July 10, 2019 at 10:00 a.m. he will be participating in the groundbreaking for the new John Knox Village Welcome Center.

On Saturday, July 13, 2019 at 12:30 p.m. he will be dedicating the new statue at the library and cultural center. He invited cultural enthusiasts to show up.

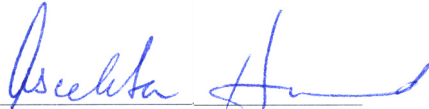
**Mayor Rex Hardin - Upcoming Budget Workshop** - Mayor Hardin reminded everyone about the City's Budget Workshop, which will begin on Monday, July 15, 2019 at 9:00 a.m. in the City Commission Chamber, and continue on the Fourth Floor City Manager's Conference Room at City Hall. The public is welcome to participate.

**F. ADJOURNMENT**

The meeting adjourned at 11:27 p.m.



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



\_\_\_\_\_  
Asceleta Hammond, City Clerk

**F. ADJOURNMENT**

The meeting adjourned at 11:27 p.m.



Exhibit I

# OCEAN PARK BEACH RESIDENCES: REZONING FROM RM-45 TO PD-1



**CITY OF  
POMPANO  
BEACH CITY  
COMMISSION  
MEETING  
JULY 9, 2019**

# SITE LOCATION: WEST VIEW





# SITE LOCATION & CONTEXT: NORTH VIEW





# SITE LOCATION & CONTEXT: SOUTH VIEW



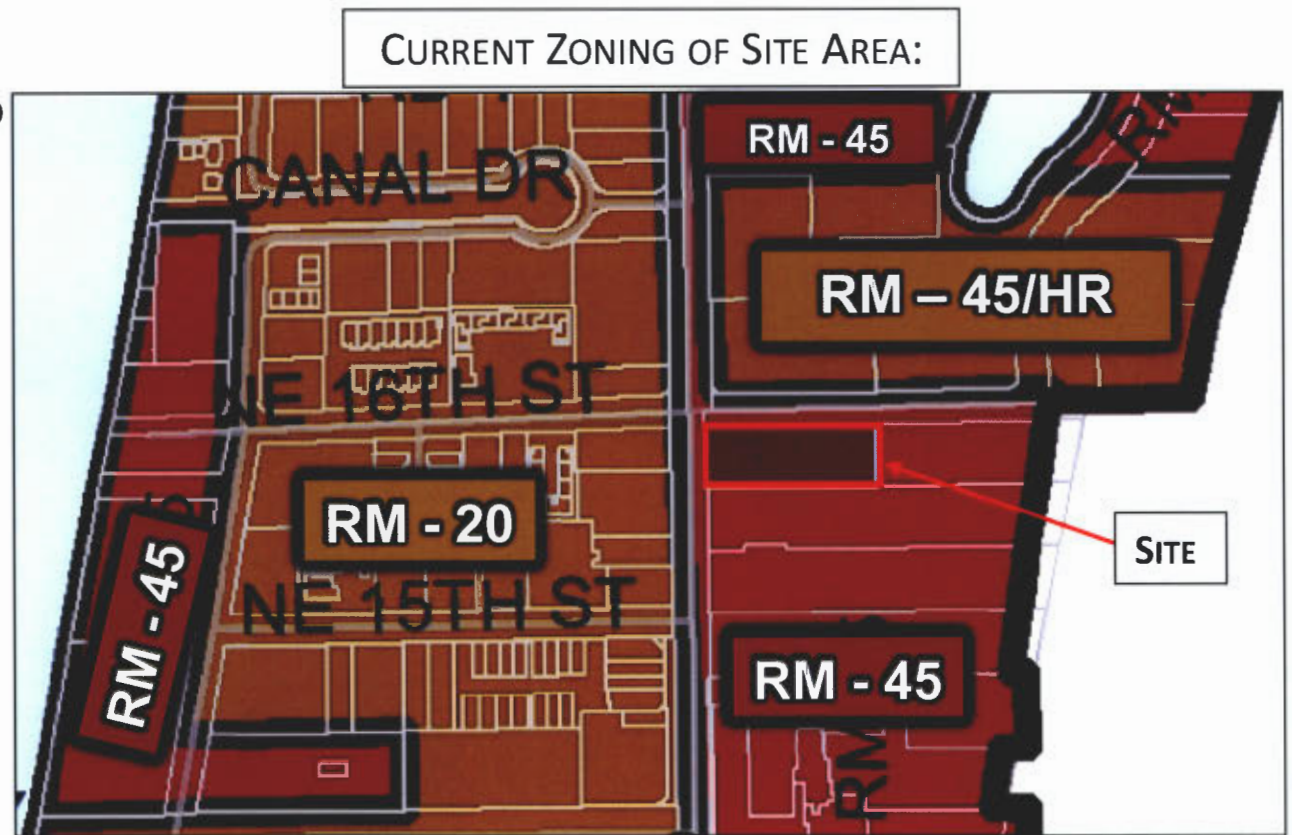
# SITE LOCATION & CONTEXT: AERIAL VIEW OF SITE & NORTH OCEAN PARK





# APPLICATION REQUEST

- Rezone property from RM-45 Zoning District to PD-I: Planned Development Infill District
- Master Plan Approval to redevelop Vacant Site into uniquely designed residential condominium with accessory retail
- Development Agreement to establish Design Guidelines for proposed PD-I



# APPLICATION REQUEST: REZONING CRITERIA

## **PURPOSE OF THE PLANNED DEVELOPMENT**

### **INFILL (PD-I ) DISTRICT**

(SECTION 155.3607)

- Designed for small-site, infill development within developed areas
- Flexible to enable high-quality, mixed-use development on relatively small sites
- Design is compatible with both surrounding existing development and available public infrastructure. Neighboring properties directly to the north are zoned RM-45/HR; with a High Rise Overlay Planned Development District

## **OCEAN PARK BEACH RESIDENCES PROPOSAL:**

- Complies with Future Land Use
- Consistent with Comprehensive Plan
- Density is within vested rights
- Height totals 205'-6"

# PREVIOUS PROPOSAL



# PREVIOUSLY PROPOSED PLAN: COMMUNITY CONCERNS

Note: This slide has been intentionally left blank. Please let me know if you'd like to present this information, and I will add details to the slide.



# NEW PROPOSAL

## OCEAN PARK BEACH RESIDENCES:

**A Uniquely Designed** Residential condominium with a single unit per floor, resulting in 360d views

**19 Stories** in Height, equal to nearby Sabbia Beach (Along A1A, 0.7 miles to the south)

**28 Units** – Very low impact on public services, i.e.: traffic, schools, emergency services, etc.

## PUBLIC BENEFIT GENERATED BY PROJECT:

- Public park improvement
- Art in public plaza along A1A ●
- Increased public parking
- Improved pedestrian experience
- Increased property tax base & property values

## THE PROJECT INCORPORATES:

- Ground-level residential lobby
- Public parking
- Limited retail
- Private 2-level parking garage for residents
- Recreation and amenity area for residents





# NEW PROPOSAL





# POTENTIAL IMPROVEMENT OPTIONS



## LEGEND

- |                             |                         |
|-----------------------------|-------------------------|
| 1 WATER FEATURE             | 6 SPLASH PAD            |
| 2 VEHICULAR ENTRY           | 7 LAWN                  |
| 3 PROPOSED PARALLEL PARKING | 8 RESTROOM / FOUNTAIN   |
| 4 SPECIAL PAVING            | 9 EQUIPMENT ROOM        |
| 5 RETAIL FRONT              | 10 BUFFER / SCREEN WALL |
|                             | 11 TO THE BEACH         |



Potential Improvement Options - GROUND FLOOR



# PROPOSED OCEAN PARK IMPROVEMENTS



1. Pavilion
2. Restrooms
3. Exterior Showers
4. Drinking Fountain

5. Picnic Tables
6. BBQ Grills
7. Trash Receptacles
8. seating areas

9. Open Space
10. Landscaping
11. Irrigation
12. Sidewalks

13. Bicycles Racks
14. Pedestrian Lighting
15. Decorative Park ID signage
16. Interior signage



# PROPOSED OCEAN PARK IMPROVEMENTS



# MASTER PLAN CONCEPT: GROUND LEVEL

**LEGEND:**

- └ WATER SERVICE
  - └ SANITARY SEWER SERVICE
  - LANDSCAPE, HARDSCAPE, AND
  - PEDESTRIAN ACTIVITY ZONE
  - GROUND FLOOR RETAIL
  - PARKING GARAGE / PODIUM
  - LOBBY
- BACK OF HOUSE
  - VEHICLE CIRCULATION / ACCESS
  - ACTIVITY NODE
  - BICYCLE / PEDESTRIAN CIRCULATION
  - PROPERTY LINE



VICINITY MAP  
2021 TO S-044

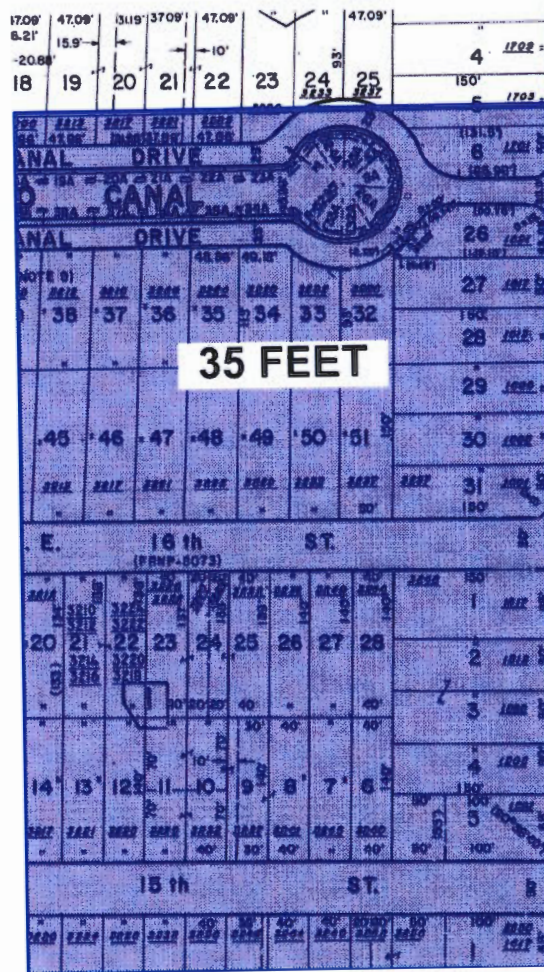


PRELIMINARY PLAN  
NOT FOR CONSTRUCTION

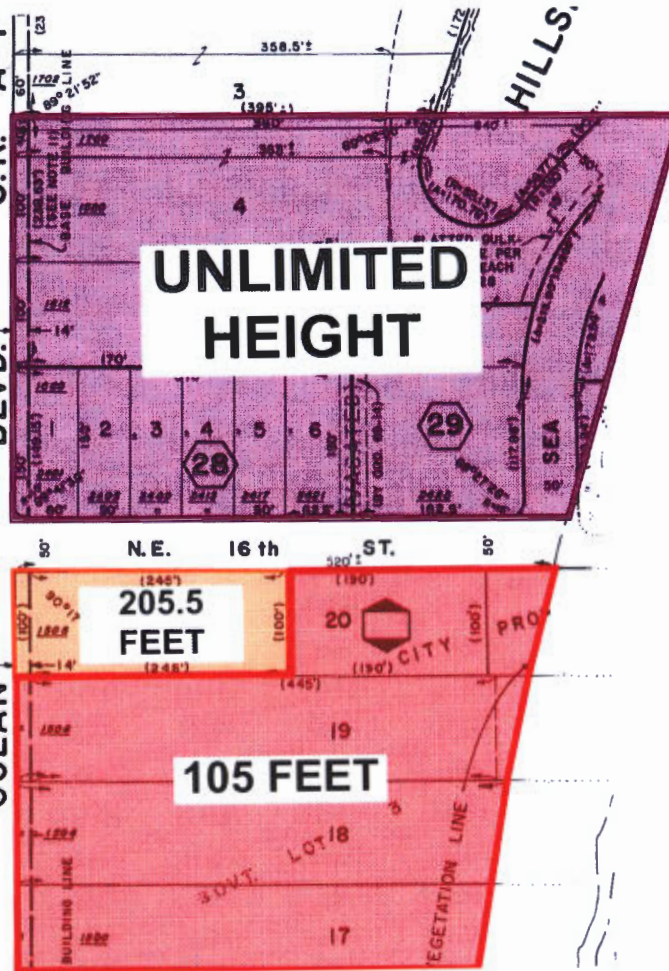




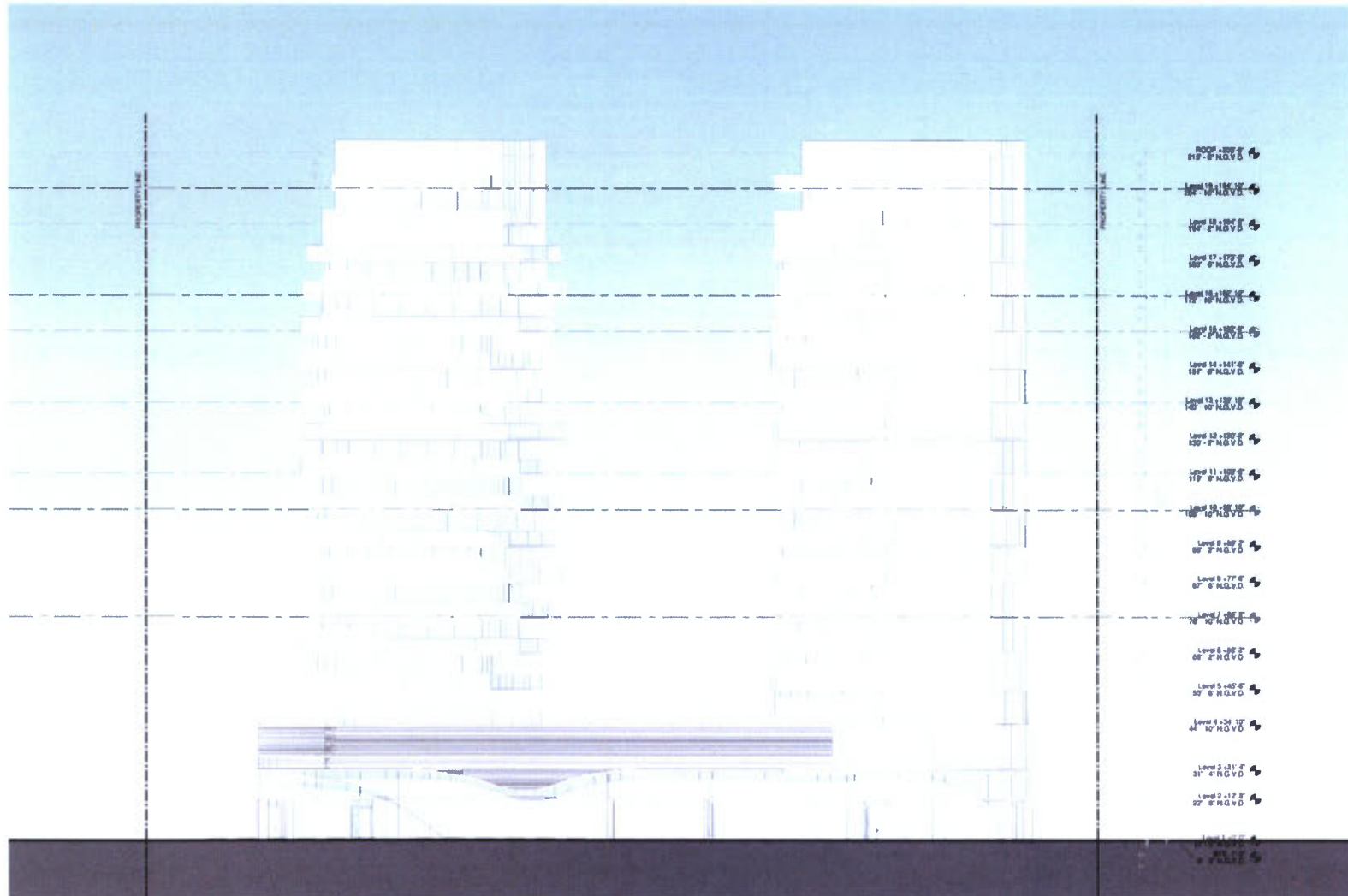
# PROPOSED HEIGHT



SEC. 30-48-43  
BLVD. SEC. 29-48-43 S.R. A-I-1  
OCEAN 1350.26'

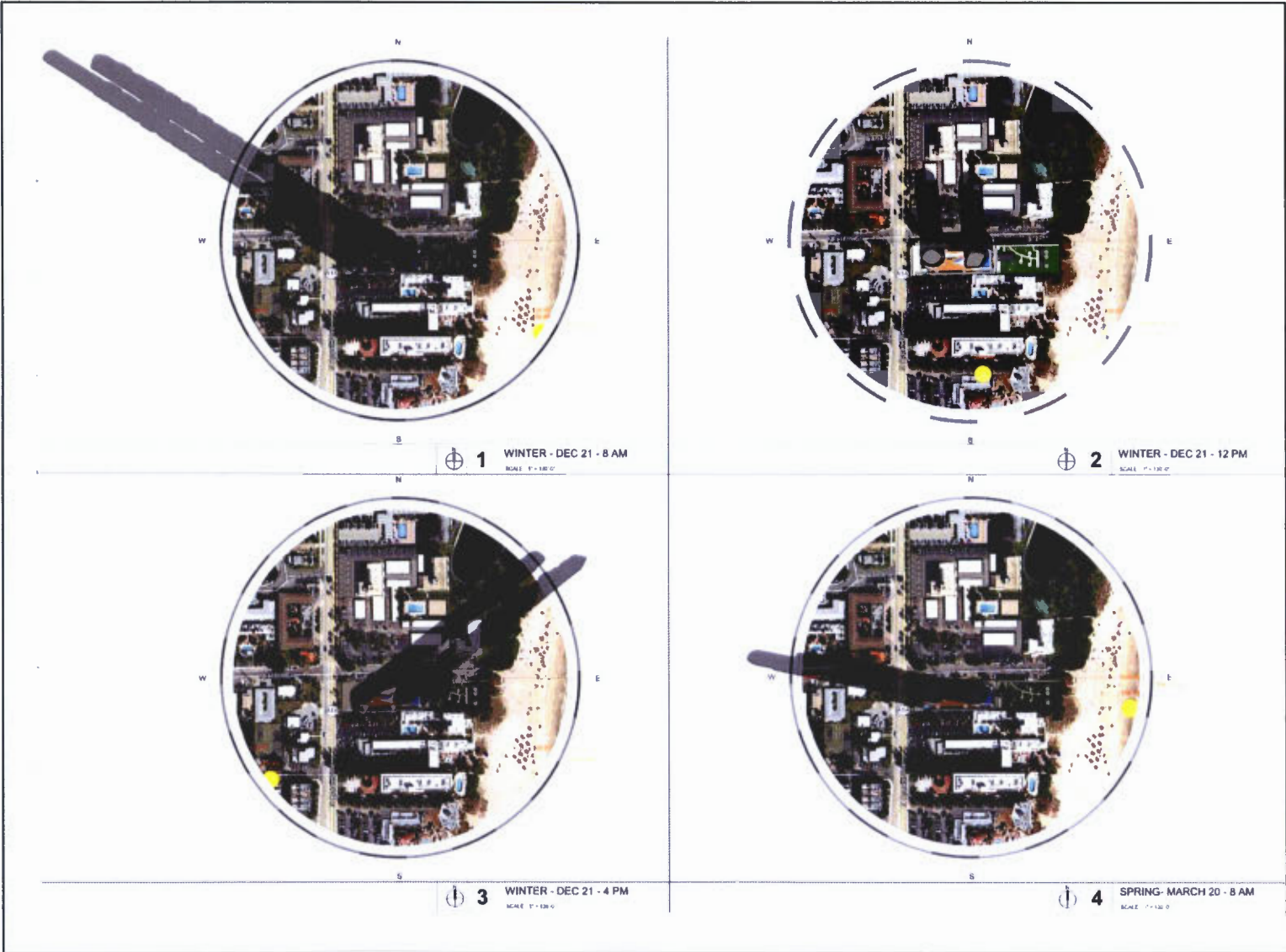


# CONCEPTUAL ELEVATION





# SHADOW ANALYSIS: WINTER - SPRING



# SHADOW ANALYSIS: SPRING - SUMMER





# SHADOW ANALYSIS: SUMMER – FALL



# ENVIRONMENTAL DESIGN COMPONENTS

THE PROPOSAL INCORPORATES THE FOLLOWING **SUSTAINABLE DESIGN ELEMENTS**  
TO SUPPORT THE ENVIRONMENT:

- Solar electric
- Lighting power density below 0.8 watts per square foot
- Energy Star appliances in common areas as well as individual units
- High efficiency washers
- Compact hot water distribution in units w/ insulated pipes
- Low flow toilets, shower heads, and kitchen faucets
- High density promotes sustainability
- Bicycle storage
- Preferred parking for low-emission vehicles
- Electric charging stations for electric cars
- 100% drought-tolerant landscaping
- Rain water collection for irrigation and non-potable uses
- Energy Star roof with high reflectivity
- Shaded, covered hardscape
- Pervious hardscape/pavers
- 100% covered parking
- Treat and store 100% water runoff on-site
- Low VOC ceiling and paints
- Recycled content finishes
- Used certified wood
- Construction waste recycling
- Maximize regional materials
- Impact resistant facade
- Low maintenance, resilient finishes

# CONCEPTUAL RENDERING





# THANK YOU!



QUESTIONS?