

## 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*

---

Tuesday, September 10, 2019

6:00 PM

Commission Chamber

---

### City Commission Meeting

#### CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission 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

Apostle John L. Mohorn, of the Word of the Living God Ministries, offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

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

[19-691](#) Regular City Commission Meeting Minutes of July 23, 2019

**APPROVAL OF AGENDA**

Mayor Hardin announced that items 16, 37, 38, 39, 40 and 41, will be postponed until September 24, 2019, City Commission meeting, as well as, Item 12, postponed until October 7, 2019, City Commission meeting. In addition, the Presentation of the Strategic Plan 2018-2023 and Action Agenda 2018-2019 Quarterly Progress will be postponed until the September 24, 2019, City Commission meeting.

**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 3, 5, 6, 7, 18 and 20 would be pulled for City Commission discussion.**

**A. PROCLAMATION****19-668 National Preparedness Month Proclamation**

Mayor Hardin recognized September as National Preparedness Month in Pompano Beach. Kimberly Cristiano, Emergency Manager for the City of Pompano Beach, accepted the proclamation and gave a brief presentation on the City's emergency management progress.

Mayor Hardin indicated that the City does a remarkable job of this already. He said it is amazing to see what goes on behind the scenes to get the City ready for hurricane preparations, which staff makes it look easy.

Kimberly Cristiano, Emergency Manager Pompano Beach Fire Rescue, thanked the Mayor and the Commission for the proclamation recognizing September as National Preparedness month. She indicated that it is because of the City's leadership that the City of Pompano Beach is strong and resilient. She thanked Gregory Harrison, City Manager, and John Jurgle, Fire Chief for their unwavering support of emergency management. It has been two years since Hurricane Irma impacted the City; since that time the City has made significant improvements and preparedness. While heartbreaking, Hurricane Dorian showed us how our community could come together, neighbors helping neighbors. She then related how individuals such as the City's emergency response employees, partners, and volunteers dedicated themselves to meet the challenge of a potential dangerous hurricane such as Dorian could have affected our area in a completely different way. Notwithstanding, the emergency operations do plan for not just hurricanes but natural manmade disasters.

Finally, Ms. Cristiano encouraged everyone to remain vigilant. In addition, they have redesigned the Fire Department's Emergency Management webpage to make it easier to navigate, which will serve as a one-stop shop for planning for manmade and natural disasters, as well as acts as a portal for key disaster related

messages during these times. Therefore, the [pompanobeachfl.gov/getready](http://pompanobeachfl.gov/getready) web will provide as much information you may need to get ready for your family and businesses. You can also join the Fire Department's volunteer workforce, and can register for the next Community Emergency Response Team (CERT) class on this page. This training will take place on September 26, 2019.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**B. PRESENTATION**

[19-686](#) Strategic Plan 2018-2023 and Action Agenda 2018-2019 Quarterly Progress Presentation.  
(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

**Mayor Hardin announced that this Presentation item would be postponed until September 24, 2019, City Commission meeting.**

**C. AUDIENCE TO BE HEARD**

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

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:

**Unlimited Abuse and Maltreatment of Children in the City** - Patrick Jovanov, 405 NE 23rd Avenue, #1, Pompano Beach, FL, spoke about using other children’s property for private profit and political gain and provided to the City Commission and City Clerk an outline of his comments on this matter. He asked if the City Manager and the Mayor could sponsor on the next agenda, a Pompano child abuse item for discussion.

**Registering of Voters in Pompano Beach** - Rodrick Phillips, Broward Democratic Party, 2620 NW 10th Street, Pompano Beach, FL, spoke about the concerns they have regarding the City of Pompano Beach residents being eliminated, deactivated and removed from the voting role. He then provided an outline of how this was accomplished. He mentioned that the census shows the City has 5,000 voters removed from the voters’ role, which will affect the Commissioners running for office next year. To date, his Democratic Club have registered 300 to 500 people in the various districts throughout the City. In sum, he said something is going on with the deactivating of voters and it is affecting the voters’ registration process. “Black people are being systematically eliminated” in the Pompano Beach community. The Commission needs to be concerned about their numbers being low and to be understanding of the people losing their rights to vote. Therefore, he is requesting the Commission to support them financially, so that they can continue to knock on doors and through phone banking to assist people with being registered. They have been working as a group and have already spent approximately \$600 on this venture. This is a crisis of the voters’ system being attacked. He indicated that they are located at 164 North Powerline Road, and anyone who wanted to assist them in getting people to register to vote could call (954) 274-6094.

Terese Black, Broward Democratic Party, 2620 NW 10th Street, Pompano Beach, FL, indicated that as a representative of the Democratic Party she supports the efforts in getting people to register to vote, as well as Kerry Ann Parsons, Broward Democratic Party, 3030 NE 11th Avenue, Pompano Beach, FL.

**City’s Zoning Code** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that “little by little, bit by

bit the City is changing the zoning code,” which is making it confusing for people. He said more density has been placed in places where there was none and he cited the LIVE! project that started out with 2,100 units and now they want to put 4,100 units, as well as the innovation district was increased up to 2,000 units. He said all these places will need a plumber, a house cleaner, even air conditioning, and he does not see how the City’s infrastructure can hold this. In sum, Mr. Drum complained that the City is building too much and “Pompano is building too big for their britches.” Therefore, he urged the Commission to stop with the density.

**Illegal Dumping** - Janice Simmons, 28 NW 15th Place, Pompano Beach, FL, reported that she witnessed someone dumping trash just across the street from her house, which she caught on video. She apologized for the language she used on the video when she witnessed this incident. She did call the police but did not get a response. However, she has been working with Major Adkins and he restored her faith in the police officers. He was very nice and he got all the information they needed. Notwithstanding, she would like to know if she would qualify for the reward that the City Manager has in place for reporting illegal dumping.

Mayor Wayne Adkins, Chief of Police, Broward Sheriff’s Office (BSO), stated that the person was identified through Ms. Simmons and her neighbor’s efforts, and he anticipates an arrest for a felony charge sometime tomorrow.

Mayor Hardin thanked Ms. Simmons for sending in the video on this session, which has led to what is being reported regarding illegal dumping. This makes a difference in the community, so if everybody did what they did that day and let the authorities know about it this could stop a lot of the illegal dumping taking place in the City.

**Expressions of Appreciation on Gun Violence Event** - Nikitra Jones, 212 NW 14th Street, Apt. 2, Pompano Beach, FL, along with Oneshi Blue, 212 NW 14th Street, Pompano Beach, FL, expressed thanks to Mayor Hardin, Major Adkins, and everybody that attended the meeting on Monday. Ms. Jones indicated that she appreciated the support given to them in getting their community back on track. There is a Gun Violence Awareness event coming on October 12, 2019, and without the Mayor’s help and everybody else who attended, it would not happen.

Mayor Hardin thanked Ms. Jones and Ms. Blue for coming forward, which means a lot for the community and is a good thing for the community to recognize the issue with gun violence and to work together to solve it. He also thanked the City Management and the Commission for their support.

**First Time Homebuyer Program** - Paul Sedlier, 381 SE 7th Street, Pompano Beach, FL, stated he met with a few Commissioners over time and nothing has been done in regards to what he has been trying to do with the first time homebuyer’s program. It is a great program and he is thankful that he was able to participate in it for approximately eleven years. However, he does have an issue with the established policy and procedures, as well as the criteria of the program that has been set so high, which requires people participating in the program to be in their home for over twenty years to repay the money. He complained that the time is too long and he suggested a ten-year period would be better, and explained how the numbers would work out over that period for the participants versus what is currently in place.

Mr. Sedlier’s second issue is with the subordination program for people wishing to remodel their houses, which allows them to do so as long as they do not take any cash out. The current policy states, “The loan

subordination policy maybe amended at any time by the Commission” but this has not been amended and has been like this for numerous years. He related an experience he had to go through with the department since April to get his interest rate reduced without success. He feels participants within the program are punished for having good credit because the program does not allow a person with good credit to get a reduced interest rate after working hard to get a good credit rating.

Finally, Mr. Sedlier asked for two things, that the Commission reviews these policies for those future recipients would not have to go through these issues and they would have a better experience and timeframe. In addition, he had a meeting with the City Manager about the matter and nothing has been done. Therefore, he would like a fair chance to have someone else review his application other than the Office of Housing and Urban Improvement Director.

Comr. Perkins indicated that she is happy Mr. Sedlier brought the matter up because she has scheduled an Empowerment Meeting with the residents in her District to take place the second Monday in October, at which time they plan to discuss the matter further.

**Evacuation Shelters Update** - Robert Alexander, 1559 NW 4th Avenue, Pompano Beach, FL, stated that for the last two years, he has appeared before the Commission asking for an update regarding the evacuation shelters for the northwest area. He indicated that there are no shelters for the area. People in his community have been asking him where would they go in the event of a hurricane. Currently, the centers are only located at Pompano Beach High School and Coconut Creek, which are not enough shelters.

Mayor Hardin mentioned that Broward County identifies and handles the shelters based upon certain characteristics. They have to be safe enough to be shelters. In fact, Mayor Hardin promised to get a list of possible shelters that could be opened from Broward County for Mr. Alexander.

**Ali Building and Rock Road Photos** - Michael Boykin, 860 Arabia Avenue, Opa-Locka, Miami, FL, donated to the Ali Building, two photos that he took in 1970, when he came to Florida. One picture was of the Ali Building and the other was of Rock Road, also known as Hammondville Road and has been renamed Martin Luther King, Jr. Boulevard. He said he was a tenant at the Ali Building from 1970 to 1971.

Mayor Hardin thanked Mr. Boykin for the photos, which is a bit of the City’s history.

Comr. Perkins stated that it was good to see Mr. Boykin because they both were in politics in the 1980’s. He showed up at the Commission meeting at the time the meeting used to be held at 7:30 p.m., thus he was a bit late. Mr. Boykin has contributed a lot to the City of Pompano Beach.

**D. CONSENT AGENDA**

Items 1, 2, 4, 8-15, 17, 19, 21-23 were Approved/Adopted without discussion.

1. [19-616](#) Approval to purchase Barricade and Flasher rental, as needed for the Public Works and Utilities Departments, per the City of Fort Lauderdale Cooperative Bid #12265-393 from the awarded vendors MOTPlans.com LLC, Pedrail Systems, LLC. and All American Barricades, Corp. in the estimated total amount of \$98,000 for life of contract.

(Fiscal Impact: As needed, estimated \$24,500 annually)

(Staff Contact: Robert McCaughan)

**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.**

2. [19-617](#) Approval to Piggyback Sourcewell (NJPA) Contract #0601417- MML and #061417-SHC “Medical Supplies and Pharmaceuticals” as needed, from Moore Medical (McKesson Medical-Surgical Government Solutions, LLC) and School Health Corp, in the estimated amount of \$150,000.00.

(Fiscal Impact: Estimated annual \$150,000.00)

(Staff Contact: Frank Galgano/John Jurgle)

**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. [19-618](#) Approval to purchase Sulfuric Acid, as needed, for the Water Treatment Plant, per the City of Deerfield Beach cooperative bid #2018-19/22, from Sulphuric Acid Trading Company, at an estimated total cost of \$200,000.00 per year, to be paid for from the Utilities Department budget.

(Fiscal Impact: Estimated \$200,000.00 annually)

(Staff Contact: A. Randolph Brown)

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked to pull the item for City Commission discussion. He asked about the percentage of purchasing Sulfuric Acid.

Randolph Brown, Utilities Director, responded that the City is buying Sulfuric Acid for the cleaning of the membranes.

Mr. Skversky asked a number of questions as to the exact amount of acid being provided, and where is the firm located.

Mr. Brown responded that he would check into the information and provide the answers to Mr. Skversky. In addition, the company providing the product must be NSF approved for the DEP regulations that the chemicals meet the water treatment specifications for purity and process.

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

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

4. [19-631](#) Approval to piggyback the Lee County Contract #RFP-170384ANB for the purchase of Odor Control & Corrosion Services from Evoqua Water Technologies, LLC, in the estimated amount of \$420,000.00  
(Fiscal Impact: \$420,000.00)

(Staff Contact: A. Randolph Brown)

**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.**

5. [19-621](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND SZABOWORKS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$96,600.00)

(Staff Contact: Laura Atria/Phyllis Korab)

Laura Atria, Public Art Program Manager, displayed a model that the artist created. She said for the piece, there was a call to artist posted for approximately eight weeks that attracted 188 applicants. The committee short-listed these to three finalists, who received \$1,000 to create a detailed proposal and provide mock-ups that were similar to what she displayed earlier. Most of the artists flew in or was conferenced in to make their presentation. After extensive discussion, the Committee selected the item being presented to the Commission under the item. The piece is made of bronze with a patina finish and stainless steel. It will be sixteen feet tall and seven half by seven half feet wide.

Comr. McGee indicated that she would love to be inspired by some of the art being seen in the City and

especially in the place such as the front of the Cultural Center. She would rather see something that is unforgettable.

Mayor Hardin agreed that art is subjective and he felt it was a “cool” piece. There are certain pieces like the one in the City of Chicago that has a huge chrome sphere and it does not say much of the City, but it is iconic. Nevertheless, he asked if something better comes along could the piece be moved.

Ms. Atria responded it is a permanent piece that could be relocated if necessary. In addition, Ms. Atria mentioned that the Public Art Committee meets every fourth Thursday of the month at 5:00 p.m. at the Cultural Center in the Multi-media room. Therefore, their next meeting will be held on September 12, 2019.

Comr. Eaton suggested that in the future, they could be part of the decision makers or have an idea or some input on what they will see. It is difficult to have this kind of discussion at this meeting. She thinks the art is incredible because she loves modern art.

Mayor Hardin indicated that when the project was set up there was a lot of discussion about it. The Commission makes the decision ultimately.

Comr. McGee asked if there is a need to approve this item at this time.

Mr. Atria responded that the artist is quite famous and has a very hectic workload, so she was hoping to get this approved tonight to get it moving forward. Otherwise, this will delay further the project just by the sheer demand of his artwork.

**MOTION: A motion was made by Comr. McGee, seconded by Comr. Perkins to postpone this item to the September 24, 2019, City Commission meeting. The motion failed by a 2-4 vote.**

Comr. Perkins agrees with Comrs. McGee and Eaton regarding the art and that it should be relatable with wherever it is being located. Art can be interesting, but a lot of it passes through the Commission and they do not pay much attention. She believes a lot of money is passing through the art department that needs the Commission paying closer attention to it.

Continuing, Comr. Perkins suggested that when something similar to this item is being presented to the Commission that each Commission be contacted individually to get their individual opinion on the piece prior to formal presentation.

Ms. Atria agreed to send out the recommendations made and set up a meeting to discuss. She also explained the process involved on the placement of the sculpture.

Vice Mayor Moss mentioned that the minutes of the Advisory Board stated the concept behind the piece, which he had read months ago. He likes the piece, but he also understands the subjectiveness of art.

**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  
McMahon  
Moss  
Hardin

**No:** McGee  
Perkins

**Enactment No: RES. No. 2019-256**

6. [19-635](#) 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 T E P M, INC. FOR THE CITY'S PLACEMENT OF A MOSAIC MURAL ON AN EXTERIOR WALL OF 135 NE 1ST AVENUE PURSUANT TO THE ARTISTS ALLEY MOSAIC MURAL PROJECT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$10.00)

**(Staff Contact:** Laura Atria/Phyllis Korab)

Comr. McGee pulled the item for City Commission discussion. Comr. McGee indicated that in the backup it shows the proposed and enquired if it is the actual proposed art.

Laura Atria, Public Art Program Manager, responded that it is the actual proposed art.

Comr. McGee reiterated that art is subjective but to her it looks like something from Home Depot that will be put on the wall. She would like to see something altogether. At least this is \$4,000 less.

Mayor Hardin stated that this art piece will be placed in the area where the City has all the murals leading back to where the Friday night Untapped events take place in that area.

Comr. McMahon disclosed verbally that a family member, his father, owns the property and that he will recuse himself from voting on the item and file the necessary forms with the City Clerk.

Ms. Atria indicated that this would be for the location where the artwork will be placed.

Comr. McGee indicated that she has no problem with the location.

**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  
Perkins  
Moss  
Hardin

**Recused:** McMahon

**Enactment No: RES. No. 2019-257**

7. [19-637](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND CYNTHIA TREZONA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,000.00)

(**Staff Contact:** Laura Atria/Phyllis Korab)

Comr. McGee pulled the item for City Commission discussion and enquired if the City could use the same artist but ask for another design.

Ms. Atria responded that the artist submitted the designs and the Committee selected this design, the other ones were not selected.

Comr. McMahon disclosed verbally that a family member, his father, owns the property and that he will recuse himself from voting on the item and file the necessary forms with the City Clerk.

**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  
Moss  
Hardin

**No:** McGee  
Perkins

**Recused:** McMahon

**Enactment No: RES. No. 2019-258**

8. [19-628](#) Approval to piggyback the City of Jacksonville Contract #ESC-0497-15 for Pompano Beach Pier Concession Operation and Management Services and award to Dania Pier Management Corp. (Revenue Contract)  
(Fiscal Impact: \$66,000 in annual revenues to the City.)

(Staff Contact: Mark A. 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.**

9. [19-622](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EMBRACING TEAM, INC. TO PROVIDE FREE CULTURALLY BASED PROGRAMMING AT MITCHELL MOORE PARK; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Mark A. 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.**

**Enactment No: RES. No. 2019-259**

10. [19-672](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PAYLESS SWIM LLC FOR THE AQUATIC CENTER PRO SHOP; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$1200/ year Revenue to the City)

(Staff Contact: Mark A. 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.**

**Enactment No: RES. No. 2019-260**

11. [19-629](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UNIFIED CONTROL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HADAR HOMES, LLC; PROVIDING AN

EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

**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. 2019-261**

12. [19-649](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO DECLARATION OF RESTRICTIONS BETWEEN POMPANO BEACH LIVING, LLC AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Consent Agenda/ Resolution be POSTPONED until October 7, 2019 City Commission meeting. The motion carried unanimously.**

13. [19-619](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNERS(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Michael Rada/David Recor)

**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. 2019-262**

14. [19-605](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR THE ISSUANCE OF BUILDING PERMITS PRIOR TO PLAT RECORDATION BETWEEN BROWARD COUNTY, MARQUIS PARTNERS, LTD., AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

**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. 2019-263**

15. [19-670](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE BROWARD METROPOLITAN PLANNING ORGANIZATION'S COMMITMENT 2045 METROPOLITAN TRANSPORTATION PLAN COST FEASIBLE PLAN SUPPORTING VARIOUS ROADWAY IMPROVEMENT PROJECTS WITHIN THE CITY OF POMPANO BEACH; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

**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. 2019-264**

16. [19-633](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SEA TURTLE LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

17. [19-638](#) Approval to purchase Household Hazardous Waste Collection & Disposal Services, as

needed, for the Solid Waste Department, per the City of Coconut Creek RFP #06-06-18-11, from Clean Harbors Environmental Services, Inc, at an estimated total cost of \$125,000 annually, to be paid from the Solid Waste Department budget.

(Fiscal Impact: Estimated \$125,000 annually)

(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.**

18. [19-644](#) Approve ranking order and short-list for RFQ E-16-19 Step-1, Master Development of City Owned Property, with the short-listed firms to be solicited for Step 2 proposals, E2L Real Estate Solutions, LLC, OHL Infrastructure, Inc., and Kaufman Lynn Construction. (No cost at this time.)

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, requested the item be pulled for City Commission discussion. He indicated that this was the first major iconic P3 project and asked that the Commission allow a fourth firm to be added to the ranking.

Suzette Sibble, Assistant City Manager, stated that she would not have an issue with the request. However, there was a committee of five voting members, with a total of six proposals and one was non-responsive and the committee decided to rank the remaining five. The top three were thought to be more qualified and that they presented a more comprehensive proposal in terms of understanding the project and P3 experience. The committee thought this ranking would be the best fit for the City in terms of moving forward.

Mr. Thrower indicated that UBS is a major financial institution and the fourth company had UBS on their team, and for what the City is looking to undertake this would be good to see if this team could actually perform.

Ms. Sibble clarified that the City required a team member to finance the project and UBS was part of the team. In fact, all the proposers did have a financial arm in terms of who was submitting and able to have the team member to finance the project. This was part of the minimum requirements to be considered responsive. There was certain criteria that the committee was looking for to include those with P3 experience and with mixed-use projects, therefore, they were ranked accordingly. She then explained the process involved with the ranking, step one would be the request for qualifications and step two would be the detailed robust proposals.

Mayor Hardin indicated that he has no problem moving all forward at this stage, if all want to submit proposals then it could be allowed.

Vice Mayor Moss expressed his concern regarding micro managing, because there are committees making decisions and providing advice to the Commission, as well as they have gone through a process that they have gone through all the time. He is unaware of the reputation of any of the companies presented. Therefore, if

every time somebody comes along that does not like a decision that has been made by either an advisory board or by staff nothing will ever get done. Consequently, he would agree to go with what the people who made the decision.

Mr. Thrower indicated that he is not disagreeing with staff's recommendation; rather he is asking if the Commission would consider the other firms who have the financial wherewithal to do it.

Mayor Hardin asked Mr. Thrower if he has any interest in any of the firms involved with this matter.

Mr. Thrower responded no.

Comr. McGee asked if the general policy is to move forward with the top three.

Ms. Sibble responded that in the request for qualifications it stated a minimum of three firms. Therefore, it was at the discretion of the selection committee as to how many they want to move to the next phase to be considered, therefore, there would not be a violation in this case.

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

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

19. [19-696](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING STATE ACTION TO ADDRESS THE PROLIFERATION AND ENVIRONMENTAL IMPACT OF SINGLE-USE PLASTIC PRODUCTS AND SINGLE-USE POLYSTYRENE PRODUCTS; URGING THE LEGISLATIVE ADOPTION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FEBRUARY 1, 2010, STUDY RECOMMENDING STATE ACTION REGARDING SINGLE-USE PLASTIC PRODUCTS AND SINGLE-USE POLYSTYRENE PRODUCTS; OPPOSING CONTINUED PREEMPTION OF LOCAL LEGISLATIVE EFFORTS TO ADDRESS THE PROLIFERATION OF SINGLE-USE PLASTICS AND SINGLE-USE POLYSTYRENES IF THE STATE IS REFUSING TO TAKE ACTION; SUPPORTING INITIATIVES BY LOCAL MUNICIPALITIES IN FLORIDA TO LESSEN THE NEGATIVE IMPACT OF SINGLE-USE PLASTIC PRODUCTS AND SINGLE-USE POLYSTYRENE PRODUCTS ON THE ENVIRONMENT; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

**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. 2019-265**

20. [19-701](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO JOIN IN THE FILING OF A BRIEF WITH OTHER LOCAL GOVERNMENTS SUPPORTING THE PLACEMENT OF THE INITIATIVE PETITION ON THE BALLOT ENTITLED, "PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS" AND TO TAKE ANY ACTION REQUIRED FOR SUCH PARTICIPATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000.00)

(Staff Contact: Earl Bosworth)

Comr. McMahon pulled the item for City Commission discussion.

Mark Berman, City Attorney, indicated that Mr. Bosworth asked him to read into the record the following information

This is a proposition by Ban Assault Weapons Now (BAWN). They have proposed a Constitutional Amendment that prohibits possession of assault weapons in Florida and also ten rounds of ammunition or holding more than ten rounds of ammunition that once it is in either fixed or detachable magazines or other ammunition-feeding devices such as shotguns. They are proposing a Constitutional Amendment and they are in the process of getting signatures in July of this year. The Attorney General's office and the State of Florida filed a request for an advisory opinion seeking to invalidate that ballot question, claiming that the ballot language is misleading and defective. The City of Weston did not agree, they believe the language is sufficiently clear and not misleading. So, the City of Weston City Commission voted to file a brief in the Florida Supreme Court in support of the ballot language. They have authorized their City Attorney, Mr. Cole of Weiss, Serota, Helfman Cole and Bierman to file a brief. They are asking other cities to participate in that brief, indicating that the \$25,000 will be the limit. The more cities in it, the less cost for each city. They are not taking the position and they are not asking the City of Pompano Beach Commission to take a position at this time for this purpose, as to the validity of the question of whether there should be assault weapons or not. All they are trying to do is to get this on the ballot so that the people in the State of Florida can vote on it and the people can speak and be heard as to their opinions on this issue.

Therefore, if the Commission decides to participate in this in a financial way, and to join on the brief to the Supreme Court, they would be advocating for the right of the people to make this decision and have it move forward.

Mayor Hardin asked about the financial impact, and Mr. Berman responded that it would be up to \$25,000, which is for multiple cities. If they get a few cities, they are estimating it would cost approximately \$3,000 per city. It is unknown as to what the actual amount would be for each City until they determine how many cities come on board throughout the state. Therefore, it would not be any more than \$25,000 total.

Comr. McMahon expressed concerns that at this level he does not think it is the City Commission's job to speak on behalf of the residents of their district in regards to topics such as this, and should be more at the state or national level. Furthermore, he does not think everybody in his district would support something like this. Therefore, for that reason he cannot support it.

Comr. Perkins understands that the City wants to prohibit possession of automatic rifles and shot guns.

Mayor Hardin responded no, and explained that this is about allowing the question to be placed on the ballot.

Comr. Perkins asked if the \$3,000 would go towards the City Attorney for Weston.

Mr. Berman explained this is not the attorney's fee. The attorney for Weston, if the City signs on as a client, he would be the attorney for Pompano Beach on this matter. It is the same attorney that handled the matter that went before the Court in Tallahassee with regard to the penalties that is currently under appeal. The City is not paying for Weston but will be paying for its participation as a member municipality.

Comr. Eaton asked if the language have already been denied at the State level.

Mr. Berman responded no. He stated that the petitions are being signed, which is an ongoing process. The Attorney General's Office is challenging the ballot language proposed indicating that it is defective and misleading. Those interested cities concerned about firearms usage and weapons support it, and believe the people should get to decide that the language is clear enough. The Court will ultimately make a decision. However, does the City want to participate in the brief to the Florida Supreme Court?

Comr. Eaton asked if they received enough signatures and met the criteria in order to be put on the ballot.

Mr. Berman responded no.

Comr. Eaton indicated that they are still fighting for the language and are still working towards getting it on as a Constitutional Amendment on the ballot.

Mr. Berman stated that it is going well enough that Weston and the other cities that will be joining the City of Pompano Beach are confident it will be successful.

Comr. Eaton feels that this is a difficult issue but the City has methods and ways to place Constitutional Amendments on the statewide ballot. She suggested that the City postpone this until it can determine how it is working, what their projections of the signatures are. She feels it is premature to commit \$25,000 to this.

A discussion between the Commission and the City Attorney followed regarding the feasibility of entering into this partnership at this particular time.

Mayor Hardin is hopeful that they will be able to pass some sort of sensible legislation to address some of these issues. The second amendment looms large over all of these types of discussions. He is not in favor of taking people's guns away but the overall majority of the country and the State of Florida has spoken out that enough is enough and they want something done. He hopes this group does not have to go any further and disband because the legislature will take the "bull by the horns" and actually pass some sensible legislation to deal with the issue of these large magazines and these types of weapons. In sum, he would support this and if the City wants to limit it to \$3,000.

Comr. Eaton provided her reasons why she would not support this.

Vice Mayor Moss believes this is all about allowing the people to make a decision about what they want to do on a particular issue not anything else.

Comr. McGee does not think anyone is taking away the group's ability to put it on the ballot. They still can go through their petition rights and can still go through Tallahassee, as well as still pay their own attorney to fight the Attorney General and put it on there. The Commission decision is whether the City of Pompano Beach should get involved in defending the cause.

Patrick Jovonov, Pompano Beach, FL, asked if this was some kind of promotion of gun culture versus doing away with it.

M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, FL, stated that they are focusing on the wrong issue. He indicated that the issue is whether the language in the amendment meets constitutional requirements. He then provided a brief background on the matter.

Tom Terwilliger, Pompano Beach, FL, understands that the motion is not against the wording concerning guns, but it is about whether the Commission should support the citizens' right to have a citizen's initiative petition put on the ballot so they can vote yes or no.

Mr. Berman stated that the question is, "Do we believe the voters should have the chance to vote." The issue currently being disputed is the language misleading or is it not misleading. So, that is what the City has been asked to participate in that argument.

Comr. Perkins said she does not have a problem supporting anything legislation wants to do or anything that the City can help to put on the ballot for people to vote on. However, when it comes to weapons, she thinks this is something good that should be on the ballot. Nobody should have an assault rifle. To place something like this on the ballot is a good thing, which she would support.

Comr. Eaton restated that this has nothing to do with whether they have a right to vote on something or put an item on the ballot. That right is existing under the constitution and this group that is seeking signatures on a petition for the opportunity of placing it on the ballot, is having trouble with their language. So, it is not about not

being able to vote. The language is going to be either wrong or right, and if wrong, they will have to do it over and if it is right, the opportunity will present itself. By voting against or for it makes no difference as to whether it gets on the ballot, except for the fact that a group of attorneys or cities want to befriend the court and help this group defend themselves against the Supreme Court of Florida.

Comr. McGee stated that if the cities do not pay the bill for this attorney who is challenging the language, this group that is putting it on the ballot could fund raise and continue the fight. So, by supporting this right to be put on the ballot, we are saying that we support the wording that was submitted to the Attorney General. Comr. McGee indicated that she does not see how the City can support the wording without supporting the words.

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

**Yes:** Perkins

Moss

Hardin

**No:** Eaton

McGee

McMahon

21. [19-576](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPOINTING KERRY ANN PARSONS TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER RHONDA EATON, 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. 2019-266**

22. [19-585](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BRIAN ANTHONY CAMPBELL TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Ascelela 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. 2019-267**

23. [19-656](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JEANNINE LESBURT TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ascelela 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. 2019-268**

**E. REGULAR AGENDA****24. [19-598](#) P.H. 2019-100: (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 FIFTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC, RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 23, 2019**

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager presented the item and stated that it is the second reading and there have been no changes since the first reading.

**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. 2019-87**

**25. [19-601](#) P.H. 2019-101: (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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR A PORTION OF MCNAB PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 23, 2019**

(Staff Contact: Nguyen Tran)

Nguyen Tran, CRA Director, presented the item and stated that this is the second reading to the lease agreement and there has not been any changes since first reading.

**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

Moss

Hardin

**No:** Perkins

**Enactment No: ORD. No. 2019-88**

26. [19-620](#) **P.H. 2019-119: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE LIVE! RESORTS POMPANO REGIONAL ACTIVITY CENTER (RAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 24, 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that this is an exciting project and the next two items are both for the LIVE! Resorts Pompano project. The first one is the Land Use Plan Amendment (LUPA) and the one immediately following is for the zoning. They will go quickly through the Land Use Plan, and the applicant is available for any questions. Next, they will go right into the zoning where oftentimes most of the questions relate to the zoning. So, if there are questions that come up during this phase that is more appropriate for the next item, she respectfully asked to wait until the next item comes up for discussion.

Continuing, Ms. Dolan introduced the team that has been working very hard on this project moving it forward. She has been in charge of the LUPA process, Max Wemyss, City staff has been taking the lead on the Planned Development (PD) zoning, James Hickey, Calvin Girodano and Associates (CGA) consultant on the PD zoning

and Gavin Jones, traffic consultant for the PD zoning traffic. In addition, the applicant is present, Abraham Rosenthal from the Cordish companies, Debbie Orshefsky, Esq, the lead attorney, Mike Vonder Meulen, Keith and Associates, and John McWilliams from Kimley Horn as their traffic consultant.

Ms. Dolan explained that the loop is a long process. The first thing that happens is the City's Plan Amendment process, which has started. After first reading, the City transmits to the County and request that they amend their plan to match the City's. All entitlements are borne in the County's plan and that plan has to be amended prior to the final second reading of the City's plan. Second reading of the Amendment is expected in Spring of 2020. The subject property is located on Powerline Road between the railroad track and Powerline Road south of the Racetrack Road. Palm Aire is on the west and Cypress Bend on the south. Palm Aire and Cypress Bend are residential communities on the west/south, the industrial area to the east and there is an industrial park in the Walmart Shopping Center to the north.

Further, the property received its original entitlements in 2010, so at that time it had more commercial recreation square footage than they are currently proposing. This plan amendment will reduce the commercial recreation component by almost 1,822,000 square feet and on the other hand, they will increase the office by the similar amount. They are adding another 2,800 residential units. They will be changing the character by adding more units that are residential and swapping the commercial recreation for office. An impact analysis is done whenever there is a LUPA to ensure there are public facilities to serve the project. Finally, the recommendation is for the Commission to approve the LUPA. The Planning and Zoning Board unanimously recommend approval of the amendment.

Debbie Orshefsky, Esq., the Attorney representing the applicant, Abraham (Abe) Rosenthal, Senior Development Director for the Cordish Companies, Dodie Keith and Mike Vonder Meulen, Keith and Associates, John McWilliams, Omar Kanaan, Kimley-Horn and Associates, and Andy Dolcart, Economist.

Ms. Orshefsky indicated the presentation is lengthy and it goes to the Planned Commercial rezoning but if staff wants to proceed then they can combine their presentation. She added that as a land use planning matter, the development program that is proposed in the Regional Activity Center (RAC) represents a reduction of 3,000 trips of what could be generated today based on the current approved land use plan. Furthermore, in the rezoning as provided in the backup, they did a very extensive traffic analysis related to the rezoning, and even with that reduction in units, there are some proposed improvements in connection with it, which will be discussed with the Commission later.

Finally, Ms. Orshefsky stated that unless the Commission have questions on the land use they would prefer to defer to staff to proceed to the next item.

Ms. Dolan suggested that the Commission could go ahead and close out public hearing on the land use and vote on it and then hear the zoning after would be the preference at this time.

Carol Eisman, 4020 West Palm Aire Drive, #311, Pompano Beach, FL, requested clarification regarding the proposed residential units being increased to 4,100, which she did not hear in the presentation.

Ms. Dolan responded that the total is 4,100, currently, they have 1,300 in their entitlements and they have

requested an additional 2,800.

Ms. Eisman indicated that she is in favor and supportive of the project. However, she does have a number of concerns. First, will these units be residential units, rentals or owner, and what size will they be? Second, she attended a meeting in April where the Cordish Group made their presentation and she liked it. They mentioned that they would have meetings with the community but they have not honored that and it is very important to get the community and inform them of the proposed plans. Lastly, she requested they get the Tri-Rail stop in as quickly as possible.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, reiterated his complaint earlier about overcrowding and overdevelopment. In this case, they are increasing from 1,300 to 4,100.

Ms. Orshefsky responded to Ms. Eisman's comments and questions. First, they do not define rentals versus ownership; this is a zoning matter and will be driven by the market. They suspect that the first residential developments that come in and given the market reaction so far are going to be rentals. In terms of affordability, in connection with the LUPA process, they are required to advise the County and the City that 15% of the residential units will be workforce housing, which is affordability level that goes from 80% to 120% of area median income. Currently, the area median income for Broward County is \$68,000.

Continuing, Ms. Orshefsky stated that in terms of community meetings they have very large neighbors as it relates to the number of residential units around them. Consequently, they worked with the leadership within each of the Cypress Bend communities, as well as within Palm Aire. On August 21, 2019, they held a meeting with ninety representatives from the leadership groups from each of the associations. There were eight in Cypress Bend, and on August 27, 2019, they had a meeting with the leadership group from the twenty-two associations within Palm Aire. She mentioned that they have thousands of neighbors so their opportunity would be to come to the Commission Chamber. The leadership was able to get the word out to their associations, buildings and communities and they knew who to contact with any questions. She added that Vice Mayor Moss has been very helpful in working with them to identify the leadership groups so they could have these meetings.

Mayor Hardin asked if they plan to have additional meetings as they move forward.

Ms. Orshefsky responded yes and mentioned that they had spoken with the groups about that. Once they get through these initial steps of the zoning and the land use replaced, then the machine that is the Cordish Companies' and their community outreach public relations can start to set up a regular dialogue.

Abraham Rosenthal, Cordish Companies, reiterated that they are excited about the project and they have had great reception from all the Commissioners that they have met with on more than one occasion individually. They have had input, concerns, and the needs expressed which they try to accommodate all those in their plans for Planning & Zoning. Currently, it is a code they are developing and requesting the Commission's approval, it is not a master plan, which will follow once they have a Planning & Zoning code in place.

Comr. Perkins expressed a desire to see them meet with the Esquire Lake Community and the Collier City Committee.

Vice Mayor Moss reported that the Collier City meeting is in the works.

Vice Mayor Moss provided an update on the meetings scheduled and the attendance, which initially it was chaotic, because so many people attended that no reasonable dialogue could be had with everyone there. Therefore, they decided to invite all the members of the Boards of Directors of the twenty-two different associations to the meeting as referenced by Ms. Orshefsky. At the initial meeting, some people were looking for intimate details, which could not be provided. However, as they moved forward and these details evolve that will be the best time to include the larger community.

Comr. McMahon asked has there been studies done in reference to police and fire and how this will affect them in the future.

Ms. Dolan responded that the police and fire aspects have been addressed through zoning, which is a concurrency issue. This is not addressed at the Comp Plan level; nevertheless, it is being addressed.

**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 roll call vote:**

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

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

Mark E. Berman, City Attorney, advised that items 27-32 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.

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

#### **27. [19-683](#) P.H. 2019-123: (PUBLIC HEARING 1ST READING)**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO**

BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF RACE TRACK ROAD (SW 3RD ST), EAST OF S POWERLINE ROAD (SW 26TH AVE), WEST OF THE TRI-RAIL RAILROAD TRACK, AND NORTH OF N CYPRESS BEND DRIVE FROM B-3/PCI (GENERAL BUSINESS/PLANNED COMMERCIAL/ INDUSTRIAL DISTRICT), I-1/PCI (GENERAL INDUSTRIAL/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT), AND CR (COMMERCIAL RECREATION) TO PCD (PLANNED COMMERCIAL/INDUSTRIAL DISTRICT); PROVIDING FOR CONFORMANCE TO AN APPROVED MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Max Wemyss/David Recor)

David Recor, Director, Development Services Department, presented the item and stated that in the last ten years, this is the largest and most significant redevelopment project the City has seen. There has been a lot of coordination, collaboration, and dialogue between the City and the applicant. Therefore, with large complex projects like this, on occasion, the City uses consultants to assist with the review process. Therefore, he introduced James Hickey, Calvin Giordano and Associates (CGA), who assisted the Development Services Department with the review of the rezoning application. He recognized the tireless efforts of City staff, specifically, Jennifer Gomez, Jean Dolan and Max Wemyss, as well as the staff on the fourth floor of City Hall. He said it was a true collaborative effort and they are all excited about the project and look forward to the Commission's feedback.

James Hickey, Consulting Planner, Calvin Giordano and Associates (CGA), 1800 Eller Drive, Fort Lauderdale, FL, indicated that the item is to request rezoning of the subject property from a B-3/PCI (General Business/Planned Commercial/Industrial District), an I-1/PCI (General Industrial/Planned Commercial/Industrial District), and a CR (Commercial Recreation) to a PCD (Planned Commercial/Industrial District). Due to the size and scale of the development, many considerations need to be determined as to how and when the infrastructure and proposed amenities will be in place as the development occurs. The applicant identified three phases of development, however, the applicant cannot specifically state, when and what development will occur as this large area becomes developed.

Conditions of implementation will be established to identify how and when certain requirements or amenities must be completed. The majority has been identified and expressed as number 7, as Exhibit C in the backup material. In addition, he identified attachment 1 in the backup, which is the updated plans for LIVE! Resorts Pompano. The updates were received on August 28, 2019, which was the same night of the Planning & Zoning Board meeting. Therefore, numerous items that were identified within the document was a cross-purpose, because they had put the items together for Planning and Zoning and when the P&Z items came in there was a new submittal that came in, so some of that will be discussed later in the meeting. Newly added was a request for signage modification. They are looking to do some high definition digital screens, as well as other types of signage. Staff has reviewed this and agreed with moving forward with the digital screens. However, for the other signage, staff will work with them either through a minor deviation or when site plans come in, thereafter, staff can make those deviations to have things go through.

Debbie Orshefsky reiterated what Mr. Recor said earlier and mentioned that they had an extraordinary experience with City staff. This has been a collaborative effort in terms of what they will present tonight, which is a zoning code for the most part for 230 acres. When you have such a large acreage with a seven to ten year build out, the whole scope of the review on both sides, the inputs and outputs change. In sum, Ms. Orshefsky commended everyone for the work done to date. Ms. Orshefsky gave a presentation to the Commission regarding the project, which is attached as **Exhibit 1**.

The traffic portion of the presentation was presented by John McWilliams, Kimley-Horn and Associates, 600 North Pine Island Road, Plantation, FL. Also, Ms. Orshefsky highlighted information regarding a potential fly over being built.

Abraham (Abe) Rosenthal, Senior Development Director, Cordish Companies, mentioned that a site plan has not been presented because a definitive one has not been done. However, they do have some clear ideas of what they think it would be as far as an environment for Live, Work, Play. The presentation shows public spaces, gathering spaces, and the concept of a crystal lagoon.

Ms. Orshefsky continued her comments on the presentation regarding the parks and the new exhibits. Exhibit U (included in Exhibit 1 attached), is part of the PCD and the graphic was created to respond to concerns both from the community and staff that they better identify where the various heights within the project can go. Particularly, focusing on where buildings that could be up to 400 feet high. Consequently, they created the graphic Exhibit U, where up to six 400-foot high buildings could go. They proposed to make two as offices and four would be residential.

Ms. Orshefsky indicated that they have a revised Exhibit U that they are requesting the Commission to make part of the PCD. This has two fundamental differences from the prior Exhibit U. 1) It will better define where the 400-foot buildings could go. This was the biggest issue for their neighbors. 2) They only have one "yellow area" to the south end, that is a parcel that will be 150 feet deep and the height would be limited to no more than 100 feet. There was a similar height proposed in the northwest corner on the prior graphic. There is a potential at the corner of Racetrack Road and Powerline Road, which is a great office site could be located. The zoning and the land use will permit office at that location but at a height of only 100 feet would not permit the kind of office building they were considering. Therefore, they have asked that the height in that corner be permitted to go up to 200 feet. This will be subject to many setbacks.

Ms. Orshefsky indicated that they have added an amendment to the presentation, which is Exhibit O1 (Exhibit 1 attached) and request that the Commission approve it to accommodate the required amendments to the PCD.

Mark Berman, City Attorney, pointed out that Mr. Rosenthal previously in item 26 spoken on the record that he had met with everyone individually. Therefore, since this item is now under Quasi-Judicial proceedings, he would respectfully ask that at this time in accordance with 30.08 of the City's Code and Chapter 286 Florida Statutes, if the Commission has any type of disclosure at this time to do so prior to proceeding further. The nature, and whom they met with should be disclosed.

Mayor Hardin disclosed that he has had ex-parte communications, and have met numerous times with the developer and their representatives and have gone over all the matters presented to the Commission at this meeting.

Vice Mayor Moss disclosed that he has had ex-parte communications and attended numerous meetings with the developer and their staff regarding all the matters that have been presented to the Commission at this meeting.

Comr. Perkins disclosed that she has had ex-parte communications and has met with the developer and their representatives regarding all the matters presented to the Commission at this meeting

Comr. Eaton disclosed that she has had ex-parte communications and has met with the developer and their representatives on numerous occasions regarding the project.

Comr. McGee disclosed that she has had ex-parte communications and has met with the developers, their representatives, and attorney on a couple of occasions to discuss what was presented at this meeting.

Comr. McMahon disclosed that he has had ex-parte communications and has met with the developers on several occasions to go over the project to understand it better prior to this meeting.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that in the zoning issue it also concerns the state regulation, the current zoning on this property is commercial recreational due to the race track formerly located there. He wanted to find out under the zoning that this applicant is looking at now, for their entertainment facilities, as well as restaurants and other dining facilities, will this group be seeking the same exemption under the state rules to serve alcohol 24 hours a day on Friday and Saturday and 18 hours a day on Sunday through Thursday.

Mr. Berman stated that the City ordinance regulates establishments that serve alcoholic beverages by stating that after 2:00 a.m. businesses must close. However, that has not been applicable because Florida Statutes regulate the hours of operations of casinos, racetracks and other various betting or gambling establishments. Whether it would affect this process entirely, likely not. The bottom-line is the City would not treat them differently and tell them when they can or cannot be opened, when preempted by state law. In this case more than likely no.

Denise Woodstock, 2220 North Cypress Bend Drive, Pompano Beach, stated that they met with Mr. Rosenthal and his group and they are aware of what they are going to do. She is pleased because she is in real estate and work with Canadians who complain that there is nothing in Pompano Beach except one or two restaurants and the casino. Therefore, she is pleased with the proposed project.

Comr. Eaton wanted to discuss the 10-foot buffers and the 300-foot buffers that are proposed and depicted in Exhibit U. In sum, the entire project is the biggest in Pompano Beach in all the years she lived here going on 28 years. In addition, the record of accomplishment of the Cordish Group as demonstrated by some of the photographs show very creative designs and elements that come alive. Therefore, she supports the amendment of Exhibit U to allow for a 200-foot maximum building height in the areas to allow for the creativity and

flexibility to continue to create the great projects that she is confident they will do here in Pompano Beach.

Mayor Hardin asked if the Commission need to amend the PCD to reflect the new Exhibit U and also Exhibit O1.

Comr. McGee suggested in one of the notes in the six towers total to eliminate designating two offices, two residents at this time. In that way, it could allow for something like a regional headquarter, so if it ends up being three and three and they are able to make that commitment at the time.

**MOTION: A motion was made by Comr. Eaton, seconded by Comr. McGee to replace the prior Exhibit U and accept the new Exhibit U, and deleting the reference to what the towers will be designated as in the 400-foot range. The motion passed unanimously.**

Comr. McGee referred to Exhibit O and indicated that she has some concerns regarding the changing of the setbacks for buildings under 100 feet and losing the step back on that. Thereafter, Comr. McGee, Mr. Rosenthal, Ms. Orshefsky discussed at length the step back and setback additional standard being requested through the newly revised Exhibit O1.

Comr. McGee wanted to be assured that it does not allow for being monolithic and not too much too close or too tall, because it is a large track of roadway to come right up close to.

**MOTION: A motion was made by Comr. McGee, seconded by Comr. Eaton to replace the prior Exhibit O and accept the new Exhibit O1. The motion passed unanimously.**

With reference to the wall between the project and Cypress Bend, Comr. McGee asked if there is going to be a fob access point.

Ms. Orshefsky responded that they asked them not to create access from the project's site to Cypress Bend.

Vice Mayor Moss explained that it will be a big separation from what is in Cypress Bend and what will be built in the project. Therefore, he wanted the residents in Cypress Bend to understand that, and as the project move forward with every building proposed to be built, they will be going before the Planning and Zoning Board and staff getting approval on an individual level. So, they do not have a carte blanche to do whatever they want to do and whenever they want to do it. In sum, there will be more approval processes as the different buildings move forward.

Finally, Vice Mayor Moss indicated that as Commissioner of the District, he is flabbergasted at the lack of controversy with this project. The residents are happy about what is happening as is evidenced of very few people attending this meeting except for one person with a concern and the other expressing her love for the project, which is how most people in District 5 feel about it. This will be a transformation of District 5 and the whole City as well as the northern part of Fort Lauderdale. It will be an economic engine and will make a difference for the area. He complimented the Cordish Companies and their team for being very accessible, communicative, for holding meetings with the community and being very open to suggestions from him, staff and

the community. He concluded that this will be a real game changer for all of Pompano Beach and Broward County.

Mayor Hardin indicated that on the 400-foot area recently designated as the new Exhibit U, the City has done a lot to ensure that Cypress Bend is buffered from those buildings. Therefore, as the project moves forward and the buildings get developed, he would hate to see 400-foot buildings on the south side, one next to the other on the south end before making that turn with two monolithic buildings close to each other.

Mr. Rosenthal stated that they would not do that and indicated that their objective is to try to bring either regional or national headquarter building to the office park, that immediately takes two out of the six buildings, which will be near where the Tri-Rail station will be. The other two residential towers will be on the east side of the property where it would not interfere or loom over anyone because they will be three football fields away from the closest neighbors. Where the final two will be that is not determined yet. Nevertheless, they are sensitive to what they have heard from the citizens of Cypress Bend.

Finally, Mr. Rosenthal stated that they would not do something that would cause the citizens any angst.

Mayor Hardin echoed Vice Mayor Moss compliments. He said the Cordish Companies and their team have gone out of their way to be accessible and really worked to make this a good development and project and a good partnership with the City of Pompano Beach. Also, hats off to City staff for doing such an outstanding job with this. He commended City Manager Harrison on his staff's superb efforts to work to meet the tight deadlines and to accommodate everybody, and would like Pompano Beach to be known for this type of effort. Mr. Rosenthal seconded this statement. So overall it has been quite a work in progress and the City will continue with the process.

#### **Meeting went into Recess**

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

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

#### **28. [19-389](#) P.H. 2019-72: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THAT CERTAIN TWENTY-EIGHT FOOT ROAD RESERVATION EASEMENT LOCATED PARALLEL TO POWERLINE ROAD AND NORTH OF NW 9TH STREET,

PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**FIRST READING: JULY 23, 2019**

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

**Meeting Reconvened**

Daniel Keester-O'Mills, Development Services Department, presented the item and stated this is a request to abandon a 28-foot wide road reservation easement, which was recorded in 1988. The applicant, John McLaughlin on behalf of Gateway LLC, is requesting to abandon a portion of the easement since the property is currently undergoing platting, and Broward County has determined that the entire 28 feet reservation is no longer needed. The easement is parallel to Powerline Road north of Northwest 9th Street. The review standards for an abandonment have been included in the backup. This is the second reading of an ordinance, which has not been changed since the first reading and approved unanimously by the City Commission.

**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. 2019-89**

29. [19-678](#) **P.H. 2019-124: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ENACTING A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF ALLOWING OR PERMITTING THE CONSTRUCTION OF ADDITIONAL SELF-STORAGE FACILITIES IN THE CITY; PROVIDING FOR VESTED RIGHTS DETERMINATION; PROVIDING FOR A SIX MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Development Services Department, presented the item and stated this is an ordinance for a proposed Moratorium. City staff engaged in a contract with a consultant to analyze the number of self-storage facilities in Pompano Beach. He then provided details on the information regarding self-storage facilities nationally, locally and specifically in Pompano Beach, which this report is included as part of the backup.

Richard Speno and Tom Speno, 1723 Banks Road, Margate, FL 33063, spoke about the vested rights determination. For their specific scenario, the short story is they purchased property in the City of Pompano Beach and have been through the site plan approval process, been to the DRC (Development Review Committee) meetings, gone before the Planning and Zoning Board public hearing, gone before the Architectural Appearance Committee and were fully approved with a development order in place today. They want to confirm with their development order this moratorium would not apply.

Mark Berman, City Attorney, stated that this is why the City placed a vested rights process in the ordinance, so they can make their claim of vested rights based upon the situation they just testified to, talk to Development Services, and go through the process. This is not the place or time for this but procedures have been included in the ordinance for people such as the Speno's who are in process.

Mr. Speno noted, for the record, they appeared before the City Commission.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that in America we are a free enterprise society, where government stays out of the allocation of business. He said what the City is trying to do is "central planning" and while he can appreciate the City trying not to have too many buildings in the City of Pompano Beach, centralized planning by the state or the city in this case, does not normally work. He concluded that there should be free enterprise and to let the system regulate the number of any type of business instead of being centrally planned.

Vice Mayor Moss stated that this ordinance is long overdue. These are hulking buildings that occupy a great deal of foot space and employ a handful of people. When you look at the analysis of employees per acre, it employs no one and it brings very little money or economic development to the City. In addition, contrary to what Mr. Terwilliger mentioned, the City cannot allow too many of any one type of business and allow for all manner of businesses and the municipality relinquish its authority to monitor what goes on in the City. He is delighted this is coming in place and will support this item.

Mayor Hardin echoed Vice Mayor Moss's comments. He said the entire zoning code is for planning purposes so the City does not have too much of certain businesses or have certain businesses in certain areas. He agrees this is long overdue. His one concern was satisfied with the rights provision being included in the ordinance for those who are already in the process.

Comrs. Eaton and McGee echoed Mayor Hardin and Vice Mayor Moss comments.

**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

30. [19-674](#) **P.H. 2019-121: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING A FIVE-FOOT WATER EASEMENT LOCATED PARALLEL TO THE WESTERN BOUNDARY OF A PARCEL LOCATED WEST OF I-95 ON THE SOUTH SIDE OF NW 15TH STREET, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Development Services Department, presented the item and stated this is a request to abandon a five-foot water easement on property located at 1200 NW 15th Street, just west of I-95. The applicant, Michael Vonder Meulen, Keith and Associates Inc., on behalf of FR1200 NW Street LLC. The applicant is proposing to construct a 141,000 square foot industrial building on a site without being constrained by the easement. The major site plan application was approved by the Planning and Zoning Board and one of the conditions of the approval was to abandon the five-foot water easement. The review standards for the abandonment have been included in the backup. The request was unanimously recommended for approval at the Planning and Zoning meeting with one condition that has been addressed prior to placement on this agenda.

Continuing, Mr. Keester-O'Mills indicated that the next item on the agenda is a companion item to this easement. Item 31 is a resolution for plat approval.

Keith Poliakoff, Esq., on behalf of the applicant, stated that for this item and the following item they have a full presentation for the Commission if so desired.

**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

31. [19-675](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FIRST INDUSTRIAL POMPANO PLAT LOCATED TO THE WEST OF I-95 ON THE SOUTH SIDE OF NW 15 STREET; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Development Services Department, presented the item and stated that this is a proposed plat for a property of approximately 8 acres in size, located just west of the I-95 on the south side of NW 15th Street. The applicant, Michael Vonder Meulen, Keith and Associates Inc., is proposing to construct a 141,000 square foot industrial building on the site. The major site plan was approved by the Planning and Zoning Board. The plat was reviewed by the Development Review Committee (DRC) on April 2019, and found to be in compliance with the City's land development regulations. All comments from the DRC have been addressed. The review standards for a plat have been included in the Planning and Zoning report. The Board unanimously recommended approval of the plat at its July hearing with two conditions, which were addressed prior to placement on the City Commission agenda.

Thundra King, 124 NW 15th Street, Pompano Beach, FL, asked if this will be on NW 15th Street. Mayor Hardin responded yes. Ms. King expressed concerns with the traffic that this will generate in the area, considering there were concerns already expressed regarding the traffic that will be generated from the property of where the Mosque is located in that area. To add another building, this will continue to generate more traffic to those residents living in the area.

Mr. Keester-O'Mills indicated that generally speaking, the traffic issues or concerns can be addressed retroactively and if there is a traffic issue the Broward Sheriff's Office (BSO) can do a traffic analysis to determine if there are traffic calming measures that can be implemented.

Keith Poliakoff, Esq., stated that they know the site plan now. However, when they were approved by the Planning and Zoning Board (P&Z), they were concerned about the traffic issue. In the backup presented to the P&Z, regarding the site plan it reflects where trucks will be prevented from turning east to go towards the residential area. They were very cognizant of the issue and prevented it when they did their site plan.

Ms. King hopes post approval, the residents will get BSO's support if this requirement is not adhered to in the future.

Comr. Perkins expressed concerns regarding the traffic. She said this is just a few feet from Markham Elementary School. The building is located at the westside of Hopewell Missionary Baptist Church. In addition, recently the Ely High School had an event and the traffic was backed up to her house and she had to wait fifteen minutes before she could even pull out of her driveway due to the traffic backup. If there was an incident during that time, the emergency vehicle would not have been able to get through. In the northwest area everybody is continuously building without thinking about the impact on the residents and the traffic issues. With this particular project at first it was 44,000 square feet but now it has increased to 141,000 square feet, which will generate a lot more traffic in and out of the location, and this is not even a block away from the Elementary school.

Mayor Hardin mentioned that it appears the traffic concerns on this particular project, have been addressed at site plan to keep the traffic backup on NW 15th Street and to direct it back to Andrews Avenue extension.

Comr. Perkins enquired how many employees will occupy the proposed site.

Mr. Poliakoff responded that he will have to provide a guesstimate based on the office space anticipated, which would be approximately 30 to 40 employees. There is also no development agreement with the property owner.

Greg Harrison, City Manager, reminded the Commission that NW 15th Street traffic issues have been discussed several times. Also, this is a Broward County road and anything that the Commission wants staff to communicate with regard to this, City staff would be the vehicle to communicate it to the Broward County Transportation.

Comr. Perkins indicated that she has spoken to Broward County Mayor Bogen about several issues in the area to address things like speeding, as well as the second railroad track where some young children were killed. She also had requested staff to see how they could add more lighting in the area, but she is still awaiting a response on that. Notwithstanding, Comr. Perkins requested that the City request that Broward County Transportation perform a traffic study on NW 15th Street.

**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 roll call vote:**

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

**Enactment No: RES. No. 2019-269**

32. [19-679](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2015-32 TO REAFFIRM THE ALLOCATION OF SEVENTY-SEVEN RESERVE UNITS FOR A PROPOSED MIXED USE DEVELOPMENT LOCATED AT 3350 EAST ATLANTIC BOULEVARD AND TO PROVIDE AN EXTENSION FOR A PRINCIPAL BUILDING PERMIT CONSISTENT WITH SECTION 155.2405 OF THE CITY CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated the project is referred to as Atlantic 3350, and was approved in 2012, to have 77 flex units, which through various means they kept those flex units alive all these years. Through a hiccup in their company, they had them expire in 2017. The City has looked at ways to reaffirm those units. Therefore, the City staff agreed to create a resolution to amend the resolution that was passed in 2015, to allow them more time to build those 77 flex units.

Rich Berry, Berry Architectural and Design, 2301 W. Sample Road, Pompano Beach, FL, stated that he is the designer of the project that was designed prematurely, which was right after the recession. Therefore, now it looks like an opportunity to move forward with this project. It was fully vetted once through Community Redevelopment Agency (CRA) and supported by them and the Commission. It went through Federal Aviation Administration (FAA), Florida Department of Transportation (FDOT), Architectural Appearance Committee (AAC) and completely approved and the Development Order issued. He is prepared to present and answer any questions the Commission may have.

**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

**Enactment No: RES. No. 2019-270**

**END OF QUASI-JUDICIAL PROCEEDING**

33. [19-645](#) **P.H. 2019-122: (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 CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CROWDER-GULF JOINT VENTURE, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: None until contract is implemented to recover from a disaster.)

**(Staff Contact:** Russell Ketchum)

Russell Ketchum, Solid Waste Manager, presented the item and stated that this is a contract for the new Emergency Contract, which is an existing contract that was used for many years through many storms. In addition, this is the first reading of the ordinance.

Vice Mayor Moss asked if this is the same firm during Hurricane Irma that tried to “stiff us.”

Mr. Ketchum responded no.

Mayor Hardin indicated that considering the fact that we are in hurricane season, he would entertain a motion to declare the item an emergency for second reading.

Mr. Ketchum stated that the expiration date of this contract does fall outside of hurricane season, so this will not be repeated.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to declare the item an Emergency Reading, after the City Commission voted unanimously to Approve First Reading.**

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, 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. 2019-90**

34. [19-684](#) **P.H. 2019-118: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, “STREETS AND SIDEWALKS,” BY AMENDING SECTION 100.01, “MINIMUM RIGHT-OF-WAY, FOR CONSISTENCY

WITH BROWARD COUNTY REQUIREMENTS; AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY REQUIREMENTS AND CORRECT A SCRIVENER'S ERROR; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY FEE SCHEDULE; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO REFERENCE THE FEE AMOUNT PER UNIT, DEED RESTRICTIONS, AND PERIOD OF TIME; BY AMENDING SECTION 155.2101., "SUMMARY TABLE," SECTION 155.2202., "CITY COMMISSION," SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)," AND BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2207., "CITY STAFF," SECTION 155.2301., "PRE-APPLICATION CONFERENCE," SECTION 155.2304., "STAFF REVIEW AND ACTION," AND SECTION 155.2305., "PUBLIC HEARING SCHEDULE AND NOTICE," TO MODIFY PROCEDURES AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2307., "DECISION-MAKING BODY REVIEW AND DECISION," SECTION 155.2308., "POST-DECISION ACTIONS AND LIMITATIONS," AND SECTION 155.2401., "OVERVIEW," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2402., "TEXT AMENDMENT," TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2403., "GENERAL ZONING MAP AMENDMENT (REZONING)," SECTION 155.2404., "SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)," SECTION 155.2405., "PLANNED DEVELOPMENT," SECTION 155.2406., "SPECIAL EXCEPTION," AND SECTION 155.2407., "SITE PLAN," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2409., "CERTIFICATE OF APPROPRIATENESS," SECTION 155.2410., "PLAT," AND SECTION 155.2411., "TREE PERMIT," TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," SECTION 155.2414., "ZONING USE CERTIFICATE," SECTION 155.2415., "INTERIM USE PERMIT," AND SECTION 155.2416., "MASTER SIGN PROGRAM," TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO CLARIFY THAT ADJUSTMENTS SHALL NOT BE USED TO CORRECT UNAUTHORIZED WORK, AND CLARIFY PROCESS FOR APPROVAL OF A MAJOR ADMINISTRATIVE ADJUSTMENT CONCURRENT TO A MAJOR SITE PLAN, AND REMOVE OR MODIFY INACCURATE REFERENCES, AND PRIORITIZE SUPERIOR DESIGN AND OBJECTIVES OF EACH APPLICABLE ZONING DISTRICT; BY AMENDING SECTION 155.2422., "AIR PARK OBSTRUCTION PERMIT," TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2423., "INTERPRETATION,"

SECTION 155.2424., "APPEAL," SECTION 155.2427., "PLACEMENT ON LOCAL REGISTER OF HISTORIC PLACES," AND SECTION 155.2428., "DEVELOPMENT AGREEMENT," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2430., "RIGHT-OF-WAY OR EASEMENT DEDICATION ACCEPTANCE," TO AUTHORIZE THE CITY MANAGER TO ACCEPT DEDICATIONS AND MODIFY REFERENCES; BY AMENDING SECTION 155.2431., "RIGHT-OF-WAY EASEMENT VACATION OR ABANDONMENT," SECTION 155.2432., "REASONABLE ACCOMMODATION," SECTION 155.2433., "NONCONFORMING CERTIFICATE," AND SECTION 155.2434., "COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE," TO MODIFY REFERENCES; BY CREATING SECTION 155.2435., "PUBLIC PURPOSE ADJUSTMENT," TO PROVIDE A MECHANISM TO PROVIDE FOR RELIEF TO PUBLIC PROJECTS THAT COMPLY WITH THE PROVIDED ADJUSTMENT STANDARDS; BY CREATING SECTION 155.2436., "COMPREHENSIVE PLAN MAP AMENDMENT," TO PROVIDE PROCEDURES AND REFERENCES; BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," AND SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," TO MODIFY EXAMPLES; BY AMENDING SECTION 155.3501., "TRANSIT-ORIENTED (TO)," TO MODIFY REFERENCES AND BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.3502., "PARKS AND RECREATION (PR)," SECTION 155.3503., "COMMUNITY FACILITIES (CF)," SECTION 155.3504., "PUBLIC UTILITIES (PU)," AND SECTION 155.3505., "TRANSPORTATION," TO MODIFY REFERENCES; BY AMENDING SECTION 155.3507., "LOCAL ACTIVITY CENTER (LAC)," TO CREATE A PROCESS FOR THE APPROVAL OF MASTER PLANS AND SITE PLANS SPECIFIC TO THIS ZONING DISTRICT; BY AMENDING SECTION 155.3603., "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)," TO ADD PARKING DECK OR GARAGE DESIGN STANDARDS TO MODIFICATIONS PROHIBITED; BY AMENDING SECTION 155.3604., "PLANNED COMMERCIAL/INDUSTRIAL (PCD)," SECTION 155.3605., "PLANNED DEVELOPMENT - TRANSIT-ORIENTED (PD-TO)," AND SECTION 155.3607., "PLANNED DEVELOPMENT - INFILL (PD-1)," TO PROHIBIT ADDITIONAL MODIFICATIONS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY REFERENCES AND STANDARDS, AND TO REMOVE REQUIREMENTS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO CLARIFY REQUIREMENTS; BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO CLARIFY THE DISTRIBUTION OF DENSITY WITHIN A DEVELOPMENT PARCEL, AND MODIFY REFERENCES AND REQUIREMENTS IN THE USE TABLE TO THE PR ZONING DISTRICT, AND TO INCLUDE FAMILY COMMUNITY RESIDENCE AND TRANSITIONAL COMMUNITY RESIDENCE WITHIN THE RM36 USE AREA, AND TO REMOVE AND REPLACE THE STREET NETWORK CONNECTIVITY REGULATING PLAN, AND TO REMOVE AND REPLACE THE STREET DEVELOPMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD

LIVING USES,” TO ADD PERMITTED USES AND STANDARDS; BY AMENDING SECTION 155.4204., “INSTITUTIONAL: COMMUNICATION USES,” TO CLARIFY SCREENING REQUIREMENTS; BY AMENDING SECTION 155.4303., “STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES,” TO MODIFY DEFINITIONS AND STANDARDS FOR CONSISTENCY WITH STATE REQUIREMENTS AND THE CITY’S CODE; BY AMENDING SECTION 155.5101., “ACCESS AND CIRCULATION,” TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND TO RELOCATE STANDARDS TO ARTICLE 5, PART 10; BY AMENDING SECTION 155.5102., “OFF-STREET PARKING AND LOADING,” TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND SIMPLIFY CODE LANGUAGE, TO ADD USES AND REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.5203., “LANDSCAPING,” TO ADD MISSING ZONING DISTRICTS AND SIMPLIFY CODE LANGUAGE AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.5301., “SCREENING,” TO CLARIFY SCREENING REQUIREMENTS AND SIMPLIFY CODE LANGUAGE; BY AMENDING SECTION 155.5302., “FENCES AND WALLS,” TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.5401., “GENERAL EXTERIOR LIGHTING STANDARDS,” TO CLARIFY APPLICABILITY; BY AMENDING SECTION 155.5509., “UTILITY LINES LOCATION,” TO AUTHORIZE PARTIAL COMPLIANCE WHERE PRACTICABLE; BY AMENDING SECTION 155.5602., “COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS,” TO PROVIDE FOR ADMINISTRATIVE DISCRETION; BY AMENDING SECTION 155.5605., “PARKING DECK OR GARAGE DESIGN STANDARDS,” TO APPLY DESIGN STANDARDS TO ALL PARKING GARAGES; BY AMENDING SECTION 155.51003., “STANDARDS,” TO INCLUDE LANGUAGE REMOVED FROM ARTICLE 5, PART 1; BY AMENDING SECTION 155.7502., “APPLICABILITY,” TO MODIFY REQUIREMENTS FOR CONSISTENCY WITH ADOPTED LANDSCAPE CODE AMENDMENTS; BY AMENDING SECTION 155.9402., “EXCEPTIONS AND VARIATIONS,” TO REORGANIZE STANDARDS AND CLARIFY EXCEPTIONS; BY AMENDING ARTICLE 9, PART 5, TERMS AND CONDITIONS,” TO MODIFY DEFINITIONS; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO ADD PERMITTED USES; BY AMENDING APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS, TO MODIFY REFERENCES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO REFLECT ALL AMENDMENTS; AMENDING CHAPTER 156, “SIGN CODE,” BY AMENDING SECTION 156.03, “DEFINITIONS,” TO MODIFY DEFINITIONS; BY AMENDING SECTION 156.08, “OVERLAY DISTRICTS,” AND SECTION 156.12, “PROHIBITED SIGNS,” TO MODIFY REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jennifer Gomez, Assistant Director, Development Service Department, presented the item and provided a brief

overview of what they are calling “Streamlining the Code.” This is actually streamlining the code and procedures, as well as making a lot of housekeeping edits, which will ensure that the codes are clear, using concise terminology, are consistent throughout all of the sections, and are easy to navigate. Every change is to be made no matter how small, it needs to be read into the title of the ordinance. A brief presentation will be provided, and hopefully it will take less time than reading the actual title. It will summarize a lot of the minor housekeeping edits, as well as the larger edits that were made to fulfill objectives and policies within the strategic plan.

Continuing, Ms. Gomez stated that there are many strategic plan objectives that are related to this item to include the Preferred Place to do Business, enhance the City’s reputation as being business friendly, to deliver services in the most cost effective and efficient manner, maintain a customer focused City organization. Also, there is a specific objective related to John Knox Village and their master plan.

Ms. Gomez and David Recor, Director of Development Services Department, over the last several years have attended many meetings with developers, with the public, with various departments, which is done on a regular basis to try to identify those codes and procedures that have presented barriers in the past and what can be done to streamline those issues. They have presented a series of text amendments, the first was done in July 2018, which were the zoning codes and those end up streamlining the procedures and so those amendments were very well received. In April 2019, they went with the landscape code amendments before the Commission, which was unanimously voted in favor for approval and was well received. Following this one, they already have plans to continue looking through the City’s zoning code and it will be an ongoing process for staff.

In addition, to all of the locations that she referenced earlier in terms of where they got ideas for these code amendments, the biggest code amendments ideas came from staff. This was a team effort throughout the entire staff and everyone was excited to look at the codes and figure out what has presented barriers, what has confused people, are there things that could be labeled differently and make it clearer. There are three categories of code amendments to help and digest the long title. Two of the three are largely housekeeping type edits; one is to modify cross-references, footnotes, headings, correct footnotes that no longer exist, amendments to clarify the current code and policy some of which have been done through administration interpretation or other things that developers have found confusing. The last set of code amendments, which are introducing new and more significant changes.

Max Wemyss will describe the changes as a housekeeping item. The City Attorney’s Office has asked to make a small edit to the body of the document, Section 2 to clarify that these streamlining efforts impact with the zoning code and also Chapters 100, 154, and 156. Therefore, they have provided that ordinance revision which they will incorporate it within the second reading.

Max Wemyss, Development Services Department, stated that there are three categories. The first is to modify cross references, footnotes and headings. This category makes up the bulk of these amendments, they are minor things that they have been seeing in the code year after year, and this was identified as the time that staff sought to correct them. One of the larger ones, within every code section, where there is an application, there is a process for a reapplication conference that word was changed to meeting. Footnotes were corrected throughout the zoning code where there may have been a reference to a footnote that did not exist because

either it was removed in the past or it was improperly numbered. They modified the parking requirements table, which included all kinds of uses. These uses would frequently align to our use categories permitted within zoning districts. Sometimes the names were slightly off, therefore it was ensured that every use aligned with a permitted use within the City. In summary, there are lot of changes but they are not changes of substance and no change to any standards.

The second category, which will be clarification on current policies. These are where standards are added but there still is not a change to any of the City's practices. These policies are internal that are now implemented into the code. One of these to be clarified in the code is within the downtown overlay district. There are specific streetscape standards and there was not this additional language on the applicability of when these street standards are applied. This needed to be made consistent from one of the other overlaying districts, which has been inserted in this section as well. Continuing, Mr. Wemyss said they removed second requirements for businesses to have gates that remain open during business hours. This is another internal policy that is included in the code.

The third category is where staff is introducing new policies. The first amendment is in the building design section. There is a process for a major building design applications and minor building design applications. Minor being everything that is not major, which turned into a real barrier to approving development. He then provided a sample to clarify his point on this. This was a cumbersome additional process that can now be eliminated and the applicant will now be allowed to move straight to building permit.

The second amendment to introduce new policy is for right-of-way dedications. The City's public right-of-ways have minimum dimensions that are required by the City. When a building permit is received for example a single family home, on a roadway that is 30' wide instead of 50' wide, they are required to dedicate the additional 10' on their half of the road to the City. This process requires presentation to the Commission. Staff's proposal is that the City Manager or his designee could accept this.

The third area amendment to introduce new policy will be what is called a "Public purpose adjustment." This is creating a mechanism by which relief from the zoning code can be received for public projects only with a specific set of criteria. This is relevant now due to the G.O. Bond projects, but it would be applicable to all public projects.

Continuing, Mr. Wemyss stated that there is the Local Activity Center (RAC), which is a zoning designation specific to the John Knox Village development. One of the strategic plan items was the approval of a John Knox Village master plan. To facilitate that effort, staff is creating a process for the review, approval and acceptance of that master plan, as well as any site plans that are subject to that master plan moving forward. The master plan would be reviewed and recommended by the Planning and Zoning Board, then approved by the City Commission, then any development done within that master planning and compliance with that master plan could be approved as a minor site plan. This would be an administrative approval.

Lastly, there is an amendment to the Appendix A, which is the consolidated use table. On this table, they have added single family and two family uses to the B-1 and B-2 Commercial zoning districts. This would be permitted with a flex allocation. It is limited to where it would apply, but still there do exist some parcels where single family or two family development would be appropriate and they would be required to receive flex units

in order to do so.

Mr. Wemyss concluded that they have had no objection from the Community Redevelopment Agency (CRA) or the various departments with much coordination. They received recommendation for approval from the Economic Development Council (EDC) and from the Planning and Zoning Board, and finally staff recommend approval as well.

Mayor Hardin thanked staff for all the work they put into this.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that this particular ordinance is four pages long, which is not the first time that staff has brought these monumental ordinance changes to the Commission. He recalled in the past, the Commission has asked staff to discontinue bringing these long broiler plate amendments to the ordinance for approval.

**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

**35. [19-632](#) P.H. 2019-120: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.02 "PROHIBITED ACTS," TO PROVIDE ADDITIONAL RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Mark Beaudreau)

Mark Beaudreau, Recreation Program Administrator, presented the item and stated it is a proactive step to protect children and families who visit the City's parks and playgrounds. Also, to safeguard against any unlawful activities. He said they would be adding to the definition Section 98.01 the terminology, "Designated Children Play Areas." An area or section within a City park designated for use by children ages 12 or younger only, and posted by signage in prominent locations indicating such limited occupancy and use. Additionally, they will be amending, Section 98.02 "Prohibited Acts" will read, "Section MM for any adult eighteen years or

older to enter or remain in a designated play area as defined in Section 98.01, unless the adult is supervising and or accompanying children who are utilizing the play area.”

Thundra King, 124 NW 15th Street, Pompano Beach, FL, stated she is excited to see this type of verbiage. One concern she had and asked if the police do come in contact with the person that may not fall under this ordinance as it relates to the age of the child, and they are not accompanying the child, does the police have “teeth” to take it any further.

Mr. Beaudreau responded yes.

Comr. McGee asked with the two age restriction definitions, what about those children between the ages of 13 and 17.

Mr. Beaudreau responded that it is very specific to 12 years and younger. He noted that typically playground design is between the ages of 2 and 5 groups and between 5 and 12 years of age. Therefore, they are not designed for 13 years and older. The intent is not to police the area like that, instead, it is to prevent any unlawful activity that might be occurring there. If a 17 year old is playing on a playground equipment designed for 2-5 year olds, the park rangers would be expected to intervene and have that person move along.

Comr. McGee indicated that she has two conflicting thoughts on this rule. 1) It seems that there is a gap there and close either that gap one way or the other and 2) At the same time she is concerned, because kids age differently such as developmental age versus chronological age can be very different between a 12 year old and a 14 year old. Therefore, she would suggest designate it children play areas 17 and younger and then 18 and older, so this way there would not be a hole in the technical definition of children are all covered.

Mayor Hardin understands that the prohibition is for any adult 18 years or older. Therefore, 17 year olds can go into the playground area, and if it is designed for 12 year olds then the park ranger can ask them to leave. So, they are not prohibited from being there. This will prohibit an 18 year old or older to remain in the designated play area unless they are supervising.

Historically, the playground design is 2-5 age grouping and 5-12 age grouping, beyond that there should not be a 17 year old on a piece of playground equipment designed for a 5 year old.

Mayor Hardin added that a 17 year old is not prohibited from being in the area; however, they are not allowed to use the equipment.

Comr. Eaton reiterated that this is a proactive step and will allow the park rangers to monitor any adult that is not allowed to be in the designated areas where the children from 2 to 12 years are unless they are accompanying that child. In sum, this is protection and safety of the children.

**The Regular Agenda/ Ordinance was APPROVED FIRST READING.**

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

36. [19-643](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MONA SILVERSTEIN AS ALTERNATE #1; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Molly Moor - District 1  
Mary C. Antoine - District 1  
Patricia DeSanctis - District 1  
Rafal Dradrach - District 1  
Brooke Johnston - District 1  
Bruno Munoz - District 1  
Corey Staniscia - District 1  
Sarahca Peterson - District 3  
Hazel K. Armbrister - District 4  
Monifa Aruwajoye - District 4  
Lucretia Hicks - District 4  
Marie Goodrum Johnson - District 4  
Marcus A. McDougale - District 4  
Shelton Pooler - District 4  
John Reed - District 4  
Janice A. Simmons - District 4  
Veronica Thomas - District 4  
Bettye A. Walker - District 4  
Andy Cherenfant - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the names Molly Moor as nominated by Mayor Hardin, and Andy Cherenfant as nominated by Vice Mayor Moss. The Regular Agenda/ Resolution was DENIED. The motion failed by the following vote:**

**Yes:** McGee  
McMahon  
Moss

**No:** Eaton  
Perkins  
Hardin

37. [19-651](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Willie Ruth Heath, *Incumbent* - District 4  
Carmen Jones, *Incumbent* - District 4  
Gary McLamore, *Incumbent* - District 4  
Woodrow Poitier, *Incumbent* - District 4  
Carolyn Rhone, *Incumbent* - District 5  
Latoya T. Almonord, District 1  
Lisa Ferreri, District 1  
Michelle Rhoulhac, District 2  
Charles H. Bechert, III, District 3  
Monifa Aruwajoye, District 4  
Marcus A McDougale, District 4  
Mary S. Phillips, District 4  
Shelton Pooler, District 4  
Joseph Wells, District 4  
Andy Cherenfant, District 5  
Doreen L. Malcolm, District 5  
Clovis B. Nelson, District 5  
Wayne Vereen, District 5

(Staff Contact: Asceleta Hammond)

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

38. [19-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

39. [19-653](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

40. [19-654](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

41. [19-655](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

42. [19-690](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPOINTING ANDY CHERENFANT TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #1 FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF THE ELECTED OFFICIALS UNTIL SUCH COMMITTEE SHALL SUNSET ON DECEMBER 31, 2020; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: Enter dollar amount or N/A, if not applicable)

**APPLICANT:**

Andy Cherenfant - District 5

(Staff Contact: Asceleta Hammond)

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

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

**Enactment No: RES. No. 2019-271**

**F. REPORTS**

**Gregory Harrison, City Manager - Business and Bagels Construction Development Event** - Mr. Harrison announced that Dahlia Baker is coordinating a Business and Bagels Construction Business Development event at the E. Pat Larkins Community Center on Thursday, September 12, 2019, from 9:00 a.m. to 11:00 a.m. This is a consorted effort with the Chamber of Commerce and the Small Business Groups.

**Human Resources Training Activities** - Mr. Harrison reported that the Human Resources Department had a successful Active Intruder training drill at City Hall for all City Hall employees on Thursday, August 22, 2019, and 150 employees participated. The City partnered with Broward Sheriff's Office (BSO), the Department of

Homeland Security, and Guardian Defense Inc. to conduct the training.

Additionally, on Wednesday August 28, 2019, the Human Resources staff provided the opportunity for customer service training and 118 employees participated.

**Utilities Department Report** - Mr. Harrison indicated that a copy of a report on the Utilities Department should be in the Commission's mailbox by Wednesday, September 11, 2019, which has been mailed to all Pompano Beach citizens. It is a good report on the Utilities Department that is comprehensive and informative.

**Mark Berman, City Attorney - Board Certification Announcement** - Mr. Berman announced that Deputy City Attorney, Tracy Lyons passed the Certified Board exam and has been designated a specialist in City, County & Local Government Law by the Florida Bar. Therefore, Ms. Lyons and he are the two attorneys that are Board Certified specialists in the City Attorney's Office. The City Commission congratulated Ms. Lyons.

**Asceleta Hammond, City Clerk - City Commission Meetings Rescheduled/Cancelled** - Ms. Hammond requested the City Commission's consideration to change the October 8, 2019 Commission meeting to October 7, 2019, due to the Yom Kippur holiday. In addition, traditionally the Commission cancels its last meetings in November and December and respectfully requested that the November 26, 2019, and December 24, 2019, City Commission meetings be cancelled.

**MOTION:** A motion was made by Comr. Eaton, seconded by Comr. McGee, to move the Commission meeting of Tuesday, October 8, 2019, to Monday, October 7, 2019, and to cancel the Commission meetings of November 26, 2019, and December 24, 2019. The motion carried unanimously.

**Commissioner Rhonda Eaton - Cresthaven Civic Association meeting** - Comr. Eaton reminded everyone that the Cresthaven Civic Association meeting would be held on Thursday, September 12, 2019, at 7:00 p.m. at the Moose Lodge. The residents are looking forward to future meetings to be held at the new Charlotte Burrie Center when it opens.

**Commissioner Andrea McGee - Beach Restoration** - Comr. McGee reported that during the August break, she met with some residents and staff to try to coordinate the dune restoration projects on the beaches. This group has done multiple restoration projects working with the condominiums and getting grants from Broward County over the years. Therefore, she requested that the Commission direct staff to look into a Dune restoration project that has been identified between the lines of NE 7th Street and NE 7th Place in front of the Breaker's Condominium. The County requires that the City apply for the grant because this is City land. The consensus is to move forward with this action. In addition, it would be good to have staff checking into coming up with a more comprehensive long-term dune restoration plan. Therefore, as grants are identified with the state or federal agencies for beach restoration, the City will know where the dune lines are located moving forward with a longer-term cohesive plan.

**City of Deerfield Beach Visit** - Comr. McGee announced that on August 24, 2019, she was invited by the

City of Deerfield Beach to the ribbon cutting of the Vern Hilder Richardson Knowles Memorial Park in Historic Cemetery, which was a very cool project their City put together. They actually built hills, which is different in Florida. The Deerfield Beach Commission reiterated their invitation to do a joint workshop with the City of Pompano Beach, at a mutually agreeable date when the cities can meet up to see what each City is doing.

**Bahamian Relief Effort** - Comr. McGee said she had a “reach out” from someone with the Ed Knowles Foundation over at the Bahamian relief, thanking the City for its quick movement and involvement in collecting and getting donations to the Bahamas.

**Commissioner Tom McMahon - Plant and People Day Event** - Comr. McMahon reported that during the August break he attended one of the Parks and Recreation meetings. He learned about one of the new programs they are working on with the football athletes, and working directly with the schools to ensure the athletes’ grades stay where they need to be so they can continue to play football. He believes this is a great initiative by the Parks and Recreation staff and Advisory Board members for the youth because they tend to listen and take advice from their coaches.

**Hurricane Preparedness** - Comr. McMahon thanked staff and the Solid Waste team headed by Russel Ketchem, Assistant City Manager Earl Bosworth, City Manager Greg Harrison, Emergency Operations Manager Kimberly Cristiano, and Public Communications Director Sandra King, who were “all hands on deck” in getting the City ready. It takes quite a bit to get a city as big as Pompano Beach ready for a storm. He thanked them for doing a great job.

**Broward County Sheriff’s Office (BSO) Female Chief** - Comr. McMahon stated that today BSO made an announcement regarding the promotion of Nicole Anderson, the first female chief under the Sheriff and in the history of Broward County, which is an exciting thing for the County.

**Entranceway Signs** - Comr. McMahon asked if staff could provide an updated report for the next meeting about what is happening with the entranceway signs. These would be the major signs such as those on Federal Highway, Coconut Creek, and so forth. He said the new sign at the Community Park looks nice and it matches City Hall colors with the blue and white logo. He is aware the entranceway signs are in the works but was curious as to where staff is with these.

**Commissioner Beverly Perkins - Complaints about Code Inspectors** - Comr. Perkins reported that she has been receiving quite a few complaints regarding the Code Inspectors for the City of Pompano Beach. Several residents indicated that they were fined or received a notice that they needed to repair or fix up their swales or stop parking on it. The concern is that some residents on the same block has similar issues with their swales but they are being singled out. Therefore, she wanted to know how the Inspectors go about issuing fines to one home versus the other for what appears to be the same violation.

Mark Berman, City Attorney indicated that Mario Sotolongo, Code Compliance Manager could provide more insight on the process. The majority of Code Compliance is complaint based, so it is undetermined who made a complaint. In fact, some complaint may even be from visibility and the officers stop and issue a citation. The argument of being singled out is something over the years and in other cities in his experience can be several

different scenarios, which he offered a few examples to include someone could be fined but not at the same time as the neighbor who has the same violation. There is nothing in the code that determines how a person is picked out to be cited.

**Bahamas Hurricane Dorian Relief** - Comr. Perkins thanked those people that were giving donations to the Bethel AME church. If anyone is interested to send funds to the Bahamas for the hurricane relief, the official site is: The National Association of the Bahamas and the website is [www.nabmia](http://www.nabmia) <<http://www.nabmia>> or send it to [www.nabmiami.org/donate](http://www.nabmiami.org/donate) <<http://www.nabmiami.org/donate>> This organization has been in place since 1993 and is a 501 C(3) to the Bahamas.

**100th Birthday Celebration** - Comr. Perkins wished Ms. Rebecca Spencer a happy 100th birthday. She will be celebrating this milestone at the E. Pat Larkins Center from 4:00 p.m. to 8:00 p.m.

**Vice Mayor Barry Moss - Collier City Family Fun Day** - Vice Mayor Moss reported that during the August hiatus he attended the Collier City Family Fun Day, which is the fifth year in a row. It was a success and all who attended had fun. He thanked the Family Fun Day group, the sponsors and those who put the program on. He thanked them for the lovely award that they gave to him and thanked them for all the good work they are doing.

**Streetlight at NW 27th Avenue** - Vice Mayor Moss happily announced that the streetlight on the intersection of Dr. Martin Luther King, Jr. Boulevard and NW 27th Avenue is under construction and should be hooked up soon.

**New Business - Carmella Café** - Vice Mayor Moss welcomed to District 5 a new business, Carmella Coffee Company, which is a new café on Powerline Road on the east side of the road a little south of the C14 canal bridge. He encouraged everyone to stop by and sample their wares.

**District 5 Population** - Vice Mayor Moss stated that he has always been curious as to what the real population of District 5 is. So, he did an exercise and counted how many units there are in District 5. In Palm Aire there are 6,830 and in the other multi-family buildings non-Palm Aire buildings, there is another 6,536 units for a total of 13,366 units. If you make the assumption each unit is lived in by two people then the population is 26,732, then add to that Collier City and Golfview Estates, which has a combined population of 4,769. He explained the reason he researched this information and wanted to bring to the Commission's attention that the US census will start in the near future within the City. Some of these units will not be counted because the population of snowbirds owns them and they are counted in whatever state they live in. We must ensure that everybody who live here and use the City's services, and can be counted are counted during the census period. He will provide a copy of the information to the City Manager.

**Mayor Rex Hardin - Hurricane Preparedness** - Mayor Hardin echoed the comments made by Comr. McMahon regarding the storm preparedness, which was excellent. Kimberly Spill-Cristiano, the City's Emergency Operations Manager organized everything and it really shows that the City is on top of things and we got things done and most importantly, the City was prepared. Great job to everybody involved and congratulations to City Manager Harrison on that.

**Bahamas Relief Update** - Mayor Hardin asked if the City is still accepting donations at the Emma Olson Community Center for the Bahamas relief.

Mr. Harrison replied no, and mentioned that the way everyone is going is the way Comr. Perkins described earlier on giving donations.

**Remembering 9/11** - Mayor Hardin reminded everyone about the 9/11 events. There will be a memorial over at Founders Park for the unveiling and dedication, which will take place on September 11, 2019 at 5:00 p.m.

In addition, at the Pompano Beach Cultural Center across from City Hall, on September 11, 2019 at 7:00 p.m. there will be the official ceremony, which the City holds each year for the 9/11 Remembrance. He encouraged everyone to keep those people in our thoughts tomorrow.

**Broward County School Resource Officers** - Mayor Hardin stated that a discussion has started at the County level with the School Board regarding the School Resource Officers (SRO). One meeting was held with the Mayors and School Superintendent Runcie and there is another meeting scheduled on Thursday, September 12, 2019, to talk about this issue and hopefully the School system will step up to the plate and start paying for the SRO's.

#### **G. ADJOURNMENT**

The meeting adjourned at 11:08 p.m.

---

Rex Hardin, Mayor

---

Asceletha Hammond, City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McMahon, Thomas		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pompano Beach City Commission	
MAILING ADDRESS 473 NE 1st Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach 33060		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Broward		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED September 10, 2019		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas McMahon, hereby disclose that on September 10, 20 19.

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, Father \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on September 10, 2019, I abstained from voting on the following Agenda Item:

• Item 6 - 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 T E P M, INC. FOR THE CITY'S PLACEMENT OF A MOSAIC MURAL ON AN EXTERIOR WALL OF 135 NE 1ST AVENUE PURSUANT TO THE ARTISTS ALLEY MOSAIC MURAL PROJECT; PROVIDING AN EFFECTIVE DATE.

• Item 7 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND CYNTHIA TREZONA; PROVIDING AN EFFECTIVE DATE.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that the subject property is owned by a family member, which is my father.

September 16, 2019

Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT 1



# LIVE!

# Resorts Pompano

Land Use Plan Amendment & PCD Rezoning

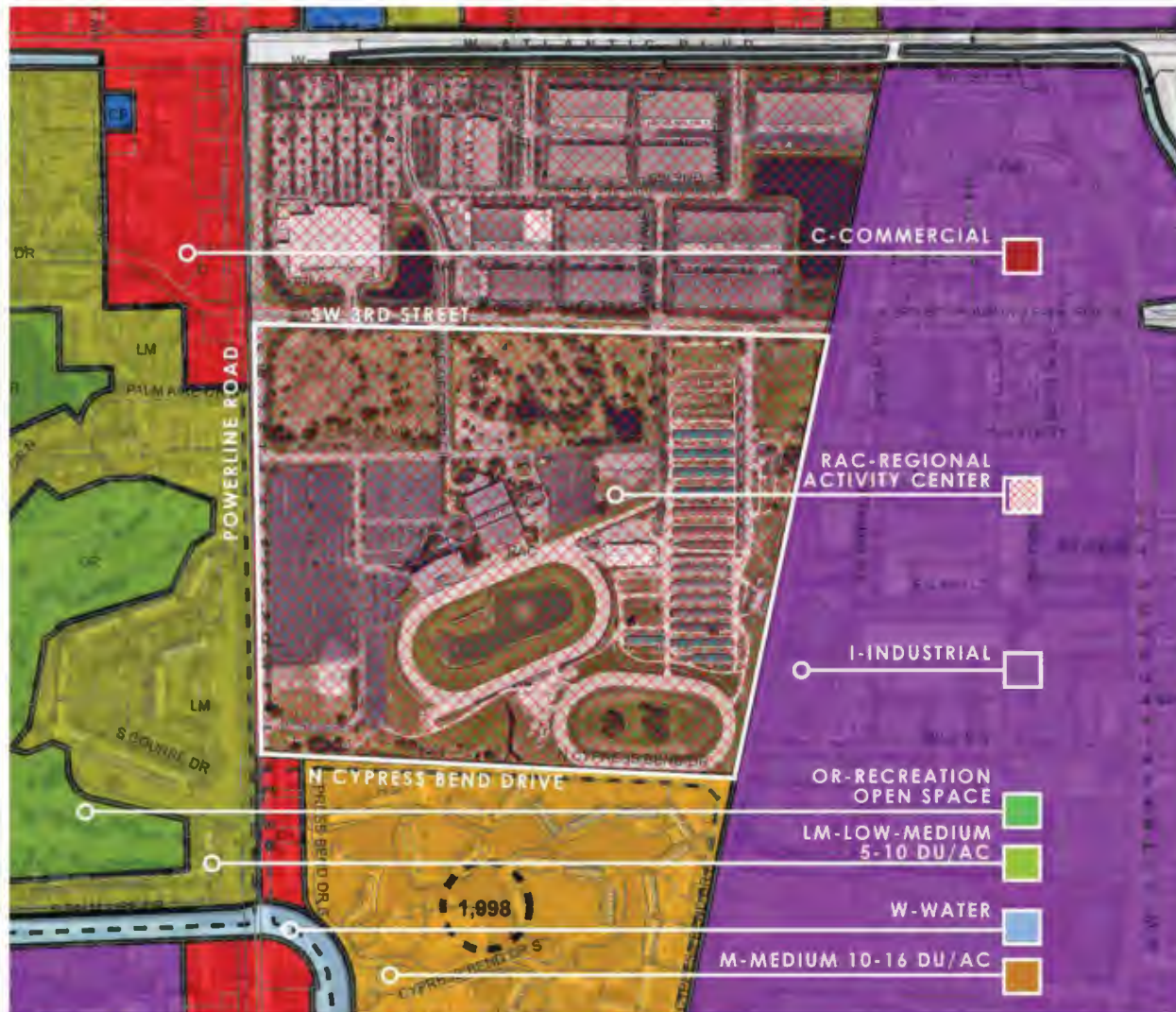


Pompano Beach City Commission

September, 2019



# EXHIBIT I



POMPANO BEACH LAND USE MAP

## APPROVED POMPANO PARK SOUTH REGIONAL ACTIVITY CENTER

- RESIDENTIAL
  - 43 ACRES
  - 1,050 MID-RISE APARTMENT UNITS (6-8 STORIES)
  - 250 GARDEN APARTMENTS
- COMMERCIAL RECREATION LAND USE
  - 35 ACRES
- COMMERCIAL LAND USE
  - 27 ACRES
- OFFICE LAND USE
  - 26 ACRES



## Uses

## Approved RAC

## Proposed

**Commercial  
Recreation**

**1,882,986 sf**

**1,000,000 sf**

**Commercial**

**764,418 sf**

**300,000 sf**

**Office**

**951,350 sf**

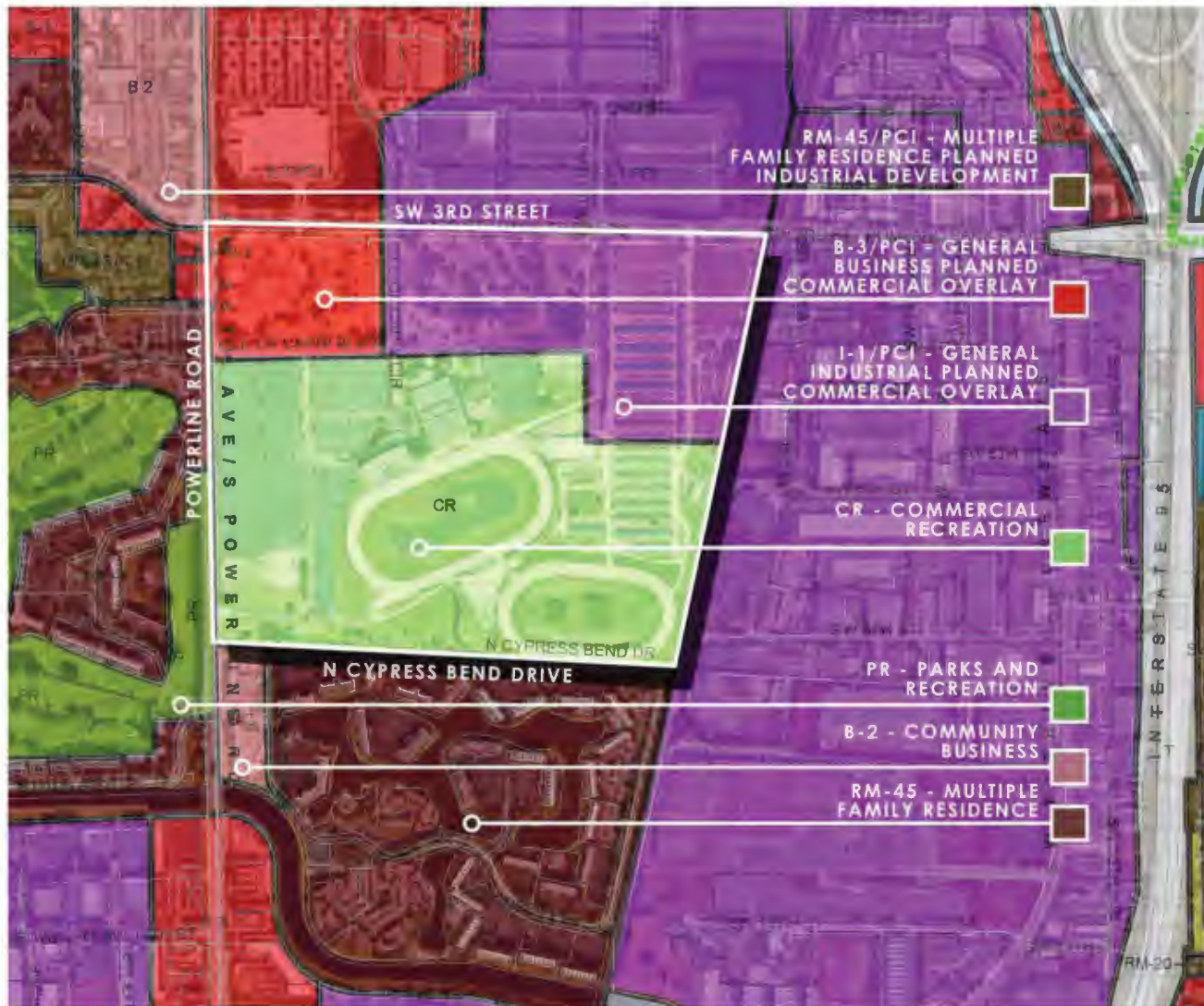
**2,000,000 sf**

**Residential**

**1,300 units**

**4,100 units**

# EXHIBIT J



POMPANO BEACH ZONING MAP

## ZONING:

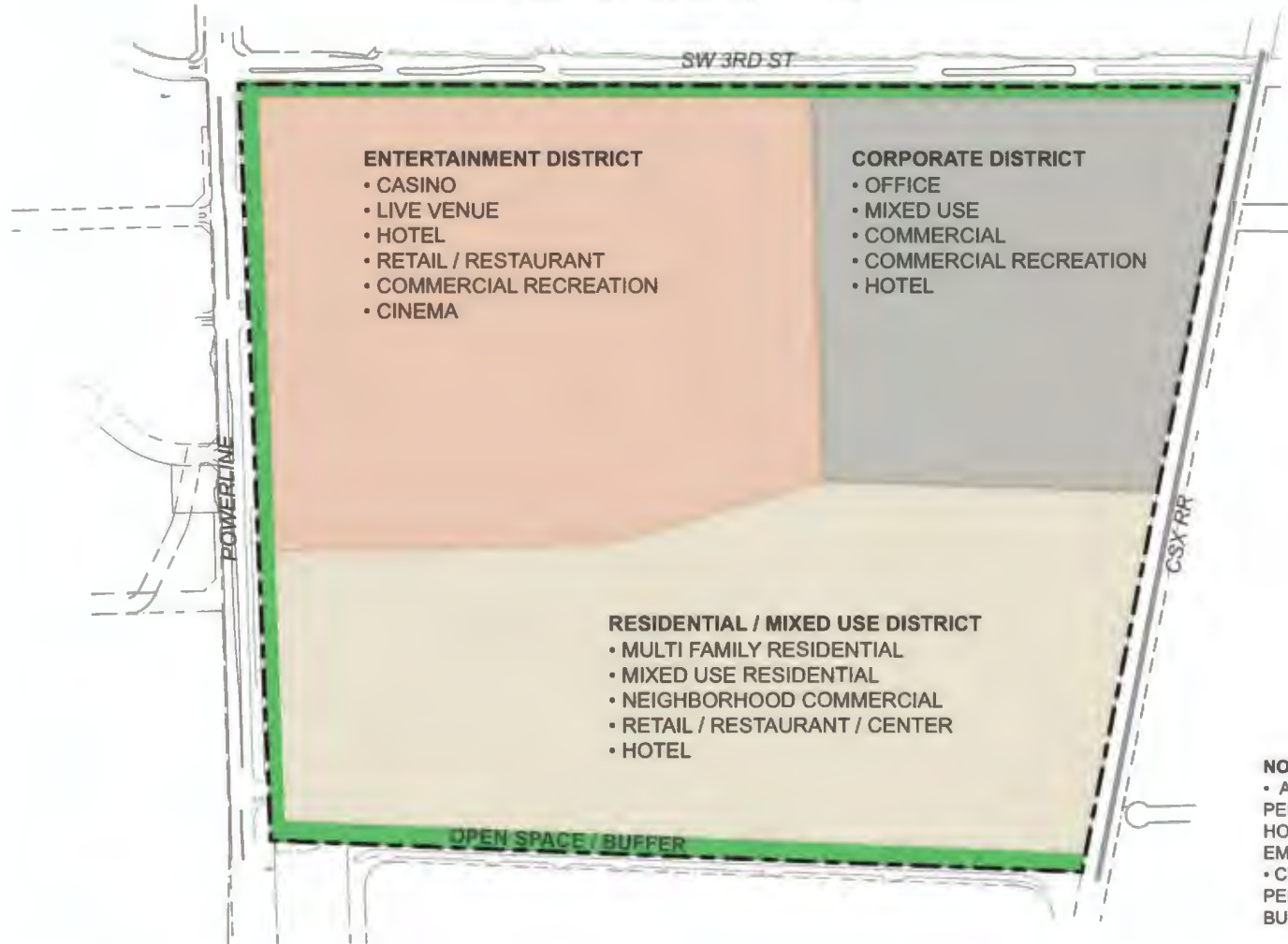
- COMMERCIAL RECREATION (CASINO & PARK)
- B-3/PCI NW CORNER OF SITE (COMMERCIAL)
- I-1/PCI REMAINDER OF SITE - INDUSTRIAL

## RESIDENTIAL

- NOT PERMITTED BY ZONING, ONLY RAC



# EXHIBIT E



## ENTERTAINMENT DISTRICT

- CASINO
- LIVE VENUE
- HOTEL
- RETAIL / RESTAURANT
- COMMERCIAL RECREATION
- CINEMA

## CORPORATE DISTRICT

- OFFICE
- MIXED USE
- COMMERCIAL
- COMMERCIAL RECREATION
- HOTEL

## RESIDENTIAL / MIXED USE DISTRICT

- MULTI FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL
- RETAIL / RESTAURANT / CENTER
- HOTEL

## NOTES:

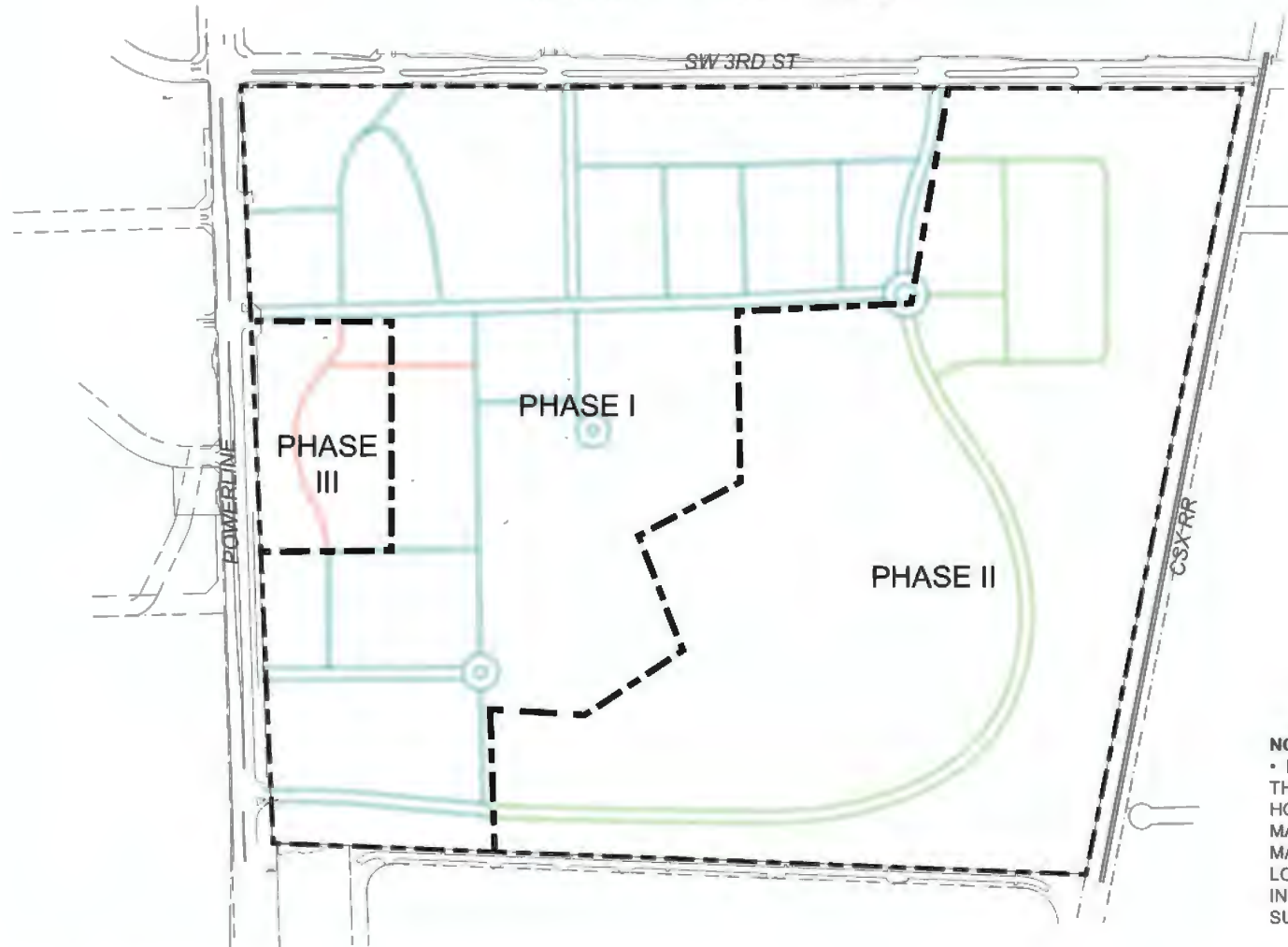
- ALL USES WITHIN PCD ARE PERMITTED IN ALL DISTRICTS. HOWEVER, SPECIFIC USES WILL BE EMPHASIZED BY DISTRICT
- COMMERCIAL RECREATION USES ARE PERMITTED WITHIN THE OPEN SPACE / BUFFER

DISTRICT PLAN



N.T.S.

# EXHIBIT M



**NOTE:**

- PHASE I HAS BEEN IDENTIFIED AS THE PRIMARY DEVELOPMENT AREA; HOWEVER, IN ORDER TO RESPOND TO MARKET CONDITIONS, DEVELOPMENT MAY PROCEED IN ANY PHASE SO LONG AS THE NECESSARY ON-SITE INFRASTRUCTURE IS IN PLACE TO SUPPORT THE USES.

PHASING PROGRAM



# EXHIBIT M<sub>2</sub>



 BUFFER

**NOTE:**

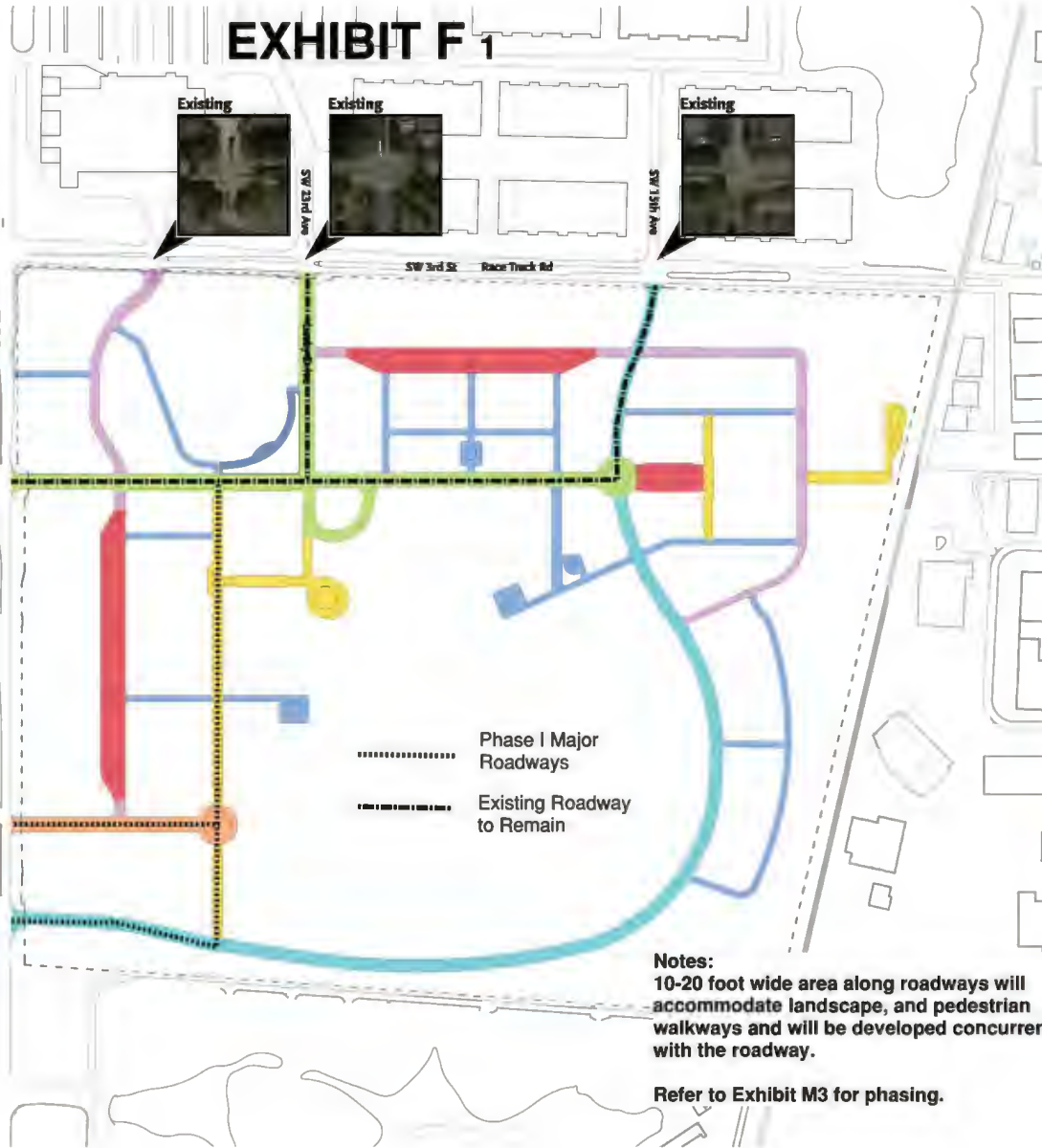
\* THE BUFFER WITHIN DEVELOPMENT AREA A SHALL BE INSTALLED PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR NEW DEVELOPMENT, EXCEPT FOR ANY CASINO RELATED EXPANSION.

\* BUFFERS WITHIN DEVELOPMENT AREAS B, C AND D WILL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR NEW DEVELOPMENT WITHIN EACH OF THOSE DESIGNATED DEVELOPMENT AREAS.



BUFFER SEQUENCING PLAN

# EXHIBIT F 1



T1

T2

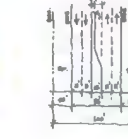
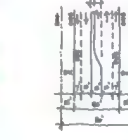
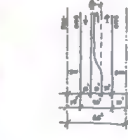
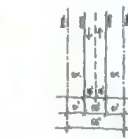
T3

T4

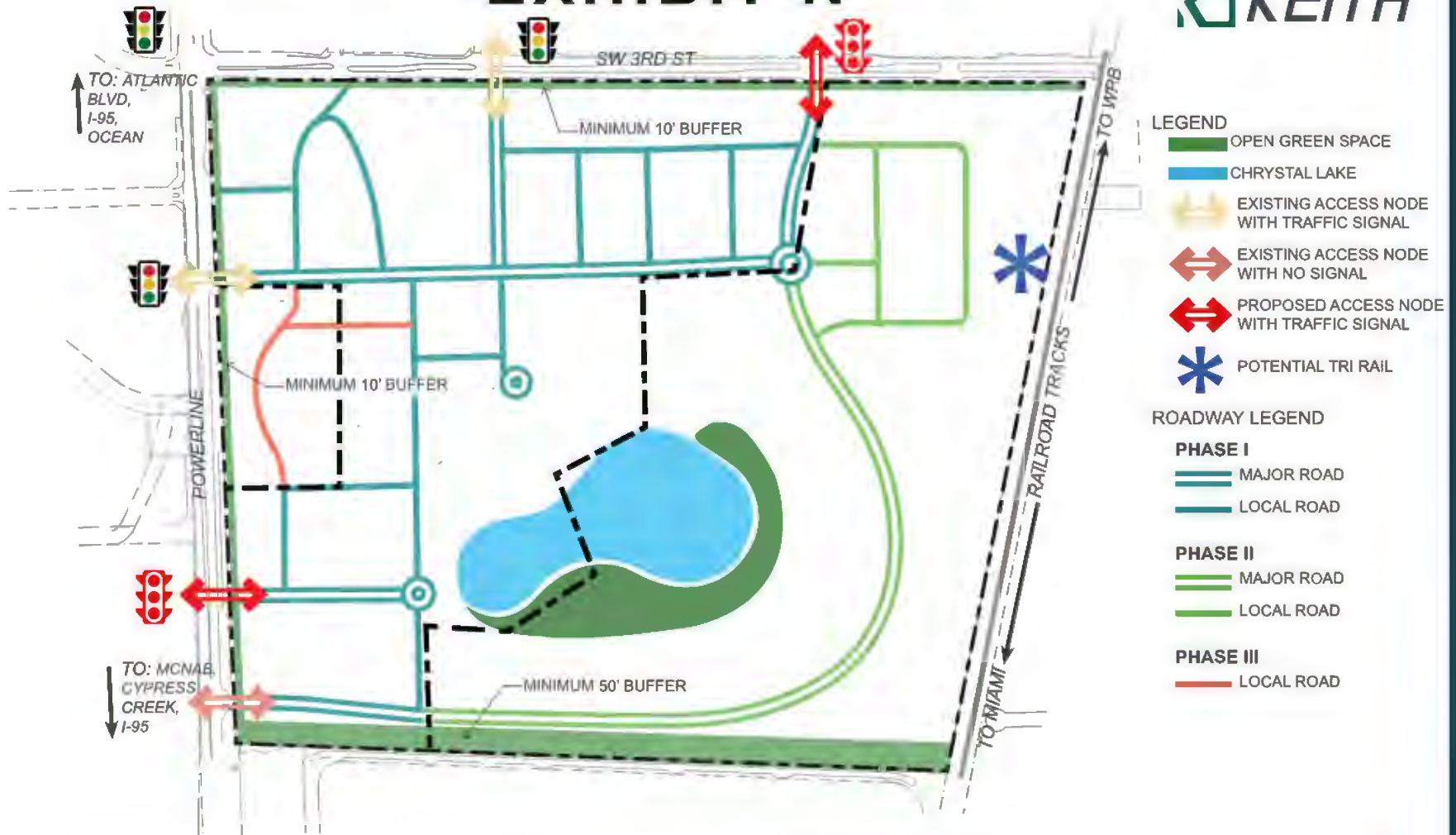
T5

T6

T7



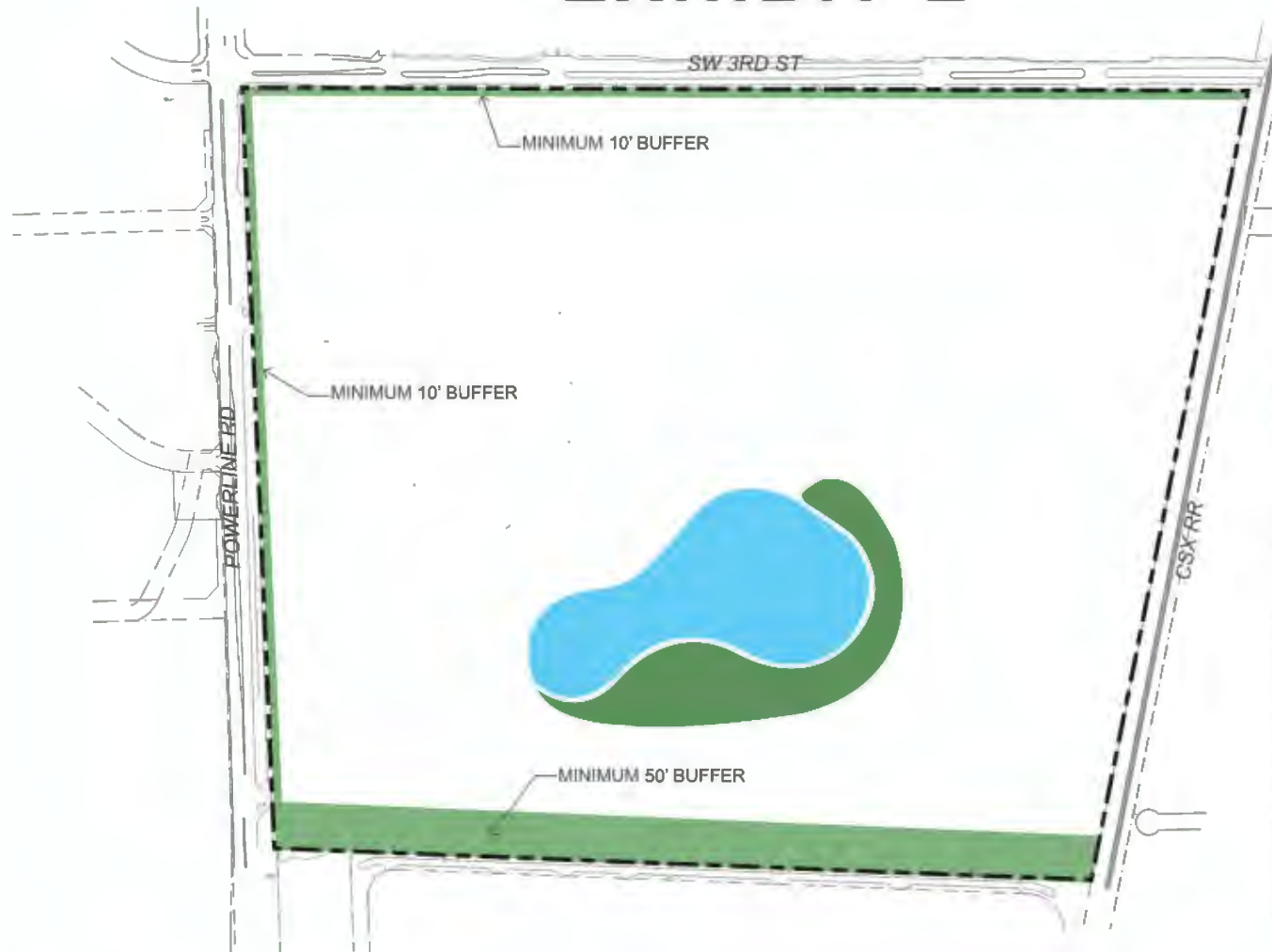
# EXHIBIT N



OVERALL EXHIBIT MAP



# EXHIBIT L



## LEGEND

- OPEN GREEN SPACE
- CHRYSTAL LAKE

## NOTE:

- OPEN SPACE AREAS INCLUDES WATER BODIES, DRIVEWAYS, NATURE AND FITNESS TRAILS
- DEVELOPABLE AREAS WILL INCLUDE ADDITIONAL GREEN SPACE AND PLAZAS
- INCORPORATE INTO EACH SITE PLAN ELEMENTS THAT WILL PROVIDE THE CONTEMPLATED COMMUNITY-WIDE PARK AREAS, URBAN PLAZAS AND OPEN SPACES PROVIDING A VARIETY OF RECREATIONAL OPPORTUNITIES COMBINED WITH A ROBUST NETWORK OF GREEN SPACES, TRAILS, BIKE INFRASTRUCTURE AND WATER FEATURES (INCLUDING A 12-15 ACRE "CRYSTAL LAGOON"). IN ADDITION, EACH RESIDENTIAL DEVELOPMENT WILL INCLUDE PRIVATE RECREATIONAL AMENITIES, SUCH AS SWIMMING POOLS, FITNESS CENTERS, MEETING ROOMS AND PASSIVE OUTDOOR AREAS.

OPEN SPACE





#### Study Intersections:

1. SR 814/W Atlantic Boulevard and SW 27th Avenue
2. SR 814/W Atlantic Boulevard and SR 845/Powerline Road
3. SR 814/W Atlantic Boulevard and SW 23rd Avenue
4. SR 814/W Atlantic Boulevard and Premier Drive
5. SR 814/W Atlantic Boulevard and Magner Drive
6. SR 814/W Atlantic Boulevard and Andrews Avenue
7. SW 3rd Street/ Race Track Road and SR 845/Powerline Road
8. SW 3rd Street/ Race Track Road and SW 23rd Avenue/West Project Driveway
9. SW 3rd Street/ Race Track Road and SW 15th Avenue/East Project Driveway
10. SW 3rd Street/ Race Track Road and Gate No. 5
11. SW 3rd Street/ Race Track Road and S Andrews Avenue
12. SR 845/Powerline Road and N Palm Aire Drive/North Project Driveway
13. SR 845/Powerline Road and S Course Drive
14. SR 845/Powerline Road and South Project Driveway
15. SR 845/Powerline Road and N Cypress Bend Drive
16. SR 845/Powerline Road and Gateway Drive
17. SR 845/Powerline Road and W McNab Road
18. SR 845/Powerline Road and Proposed Project Driveway



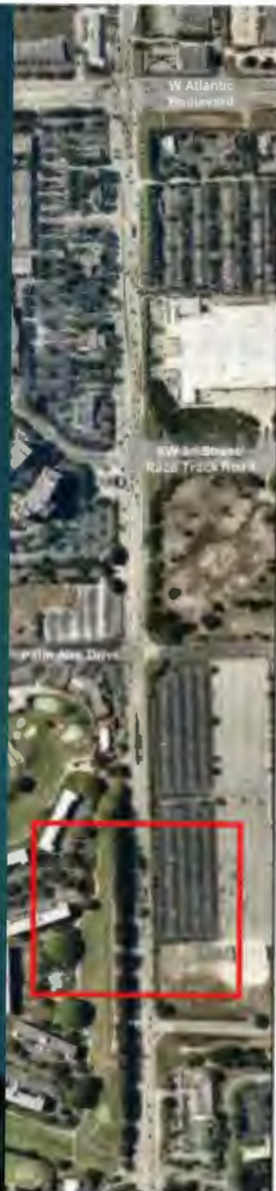
# Summary of Improvements

- SR 814/W Atlantic Boulevard and SW 27<sup>th</sup> Avenue
  - Signal timing optimization
- SR 814/W Atlantic Boulevard and SR 845/Powerline Road
  - Addition of a second eastbound right-turn lane
  - Addition of a third northbound left-turn lane
  - Addition of eastbound, westbound, northbound, and southbound right-turn overlap phases
  - Signal phasing modification (northbound/southbound lead/lag phasing) and timing optimization
- SR 814/W Atlantic Boulevard and Andrews Avenue
  - Addition of northbound right-turn overlap phase
  - Signal timing optimization
- SW 3<sup>rd</sup> Street/Race Track Road and SR 845/Powerline Road
  - Addition of a second westbound right-turn lane
  - Addition of a third westbound left-turn lane
  - Addition of a westbound right-turn overlap phase
  - Signal timing optimization
- SW 3<sup>rd</sup> Street/Race Track Road and SW 15<sup>th</sup> Avenue/East Project Driveway
  - Signalization
- SW 3<sup>rd</sup> Street/Race Track Road and SW 23<sup>rd</sup> Avenue/West Project Driveway
  - Signal timing optimization
- North Project Driveway and SR 845/Powerline Road
  - Addition of an exclusive northbound right-turn lane
- SR 845/Powerline Road and Proposed Project Driveway
  - Signalization
- SR 845/Powerline Road and W McNab Road
  - Addition of eastbound, westbound, and northbound right-turn overlap phases













**POMPANO PARK**  
POMPANO BEACH, FLORIDA

**PUBLIC REALM PRECEDENT IMAGERY**  
URBAN - STREETSCAPES

EDSA // THE CORDISH COMPANIES // ELDRADO RESORTS // ELKUS MANFREDI ARCHITECTS



**POMPANO PARK**  
POMPANO BEACH, FLORIDA

**PUBLIC REALM PRECEDENT IMAGERY**  
URBAN - PLAZAS / EVENTS



**POMPANO PARK**  
POMPANO BEACH, FLORIDA

**PUBLIC REALM PRECEDENT IMAGERY**  
LANDSCAPE - URBAN

EDSA // THE CORDISH COMPANIES // EL DORADO RESORTS // ELKUS MANFREDI ARCHITECTS



**POMPANO PARK**  
POMPANO BEACH, FLORIDA

**PUBLIC REALM PRECEDENT IMAGERY**  
LANDSCAPE • LIFESTYLE

EDSA // THE CORDISH COMPANIES // ELDORADO RESORTS // ELKUS MANFREDI ARCHITECTS



**POMPANO PARK**  
POMPANO BEACH, FLORIDA

**PUBLIC REALM PRECEDENT IMAGERY**  
LIGHTING / PUBLIC ART

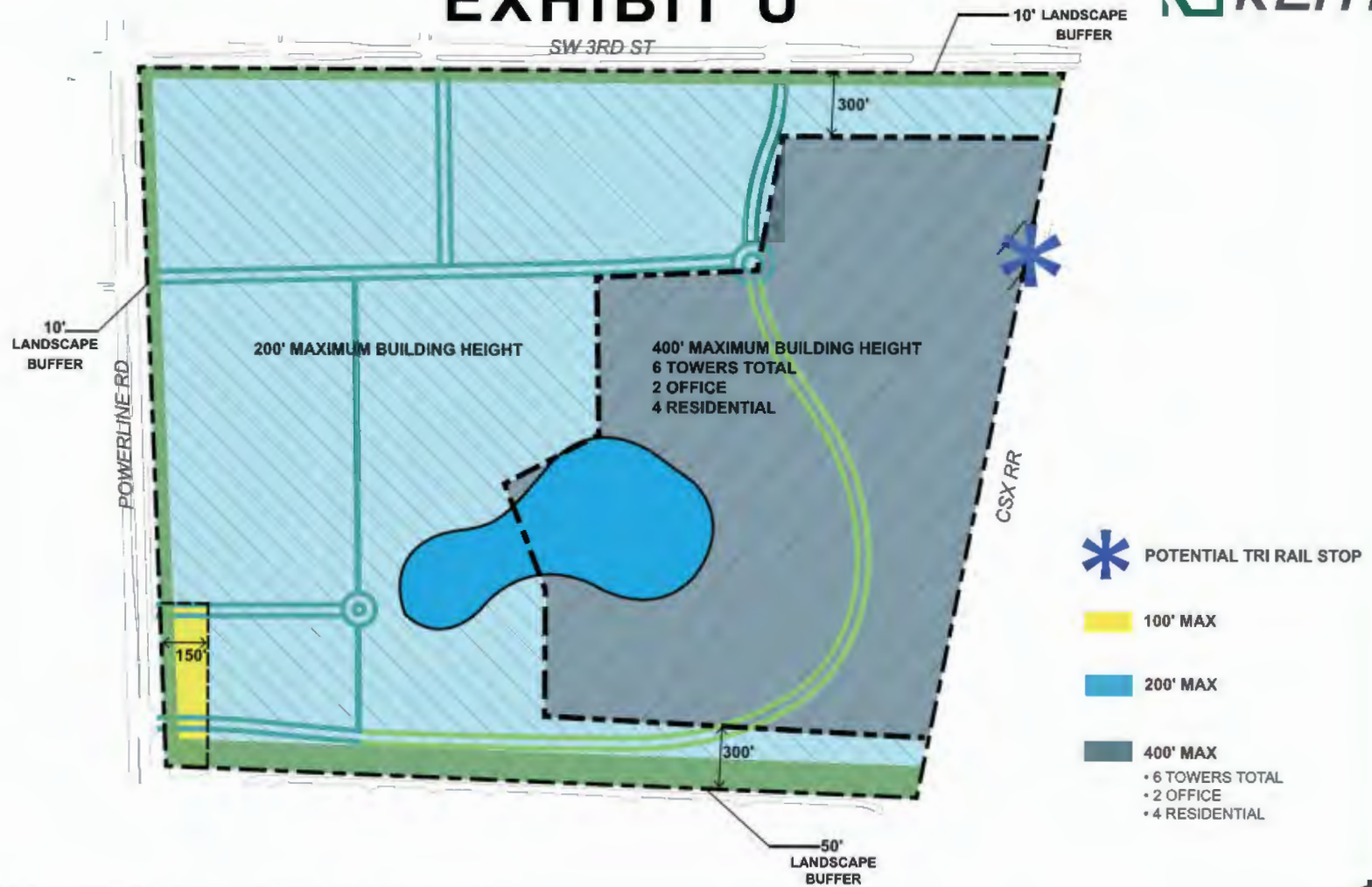
# EXHIBIT U



ADDITIONAL HEIGHT RESTRICTIONS



# REVISED EXHIBIT U



ADDITIONAL HEIGHT RESTRICTIONS



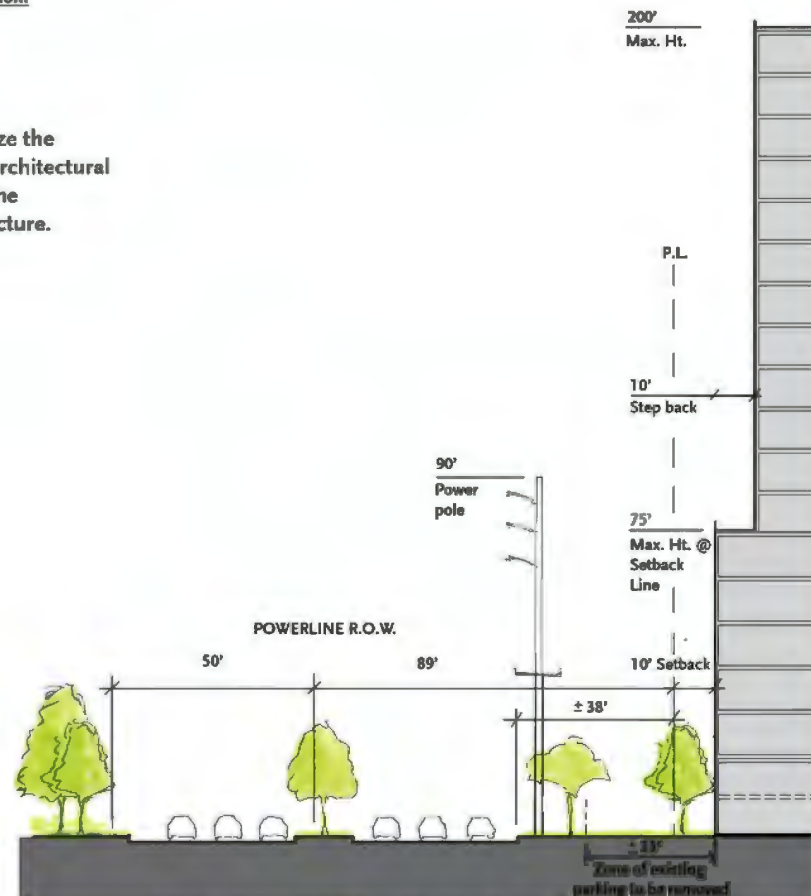
# EXHIBIT O1

R.O.W. Buffer Zone Setback requirements: (Powerline Road / SW 3rd Street)

Buildings along Powerline and SW 3rd Street R.O.W.s may be built at a setback of 10' from the property line.  
Building heights along the setback line are limited to 75' maximum height before the building must step back ;  
provided, however, buildings equal to or less than 100' are not required to provide this additional step back.  
Building heights at this step back line may continue to a maximum height of 200'.

Buildings shall comply with the Pompano Mixed - Use Design Standards (155.5602) for massing and architectural articulation

Parking structures shall include a habitable liner or an Architectural Screening Layer to minimize the visual impact of parking on the public realm. The Architectural Screening Layer shall include architectural elements that effectively screen cars, lighting, garage ceilings, and slab edges. The design of the Architectural Screening Layer shall complement the overall building design of the primary structure.



Note: Street cross section taken south of Palm Aire

scale: 1" = 30'

Powerline Street Regulating Diagram

