



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, February 11, 2020

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 1:06 p.m.

ROLL CALL

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

INVOCATION

Pastor Larry Vinkemulder, of First Baptist Church of Pompano Beach offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

SPECIAL RECOGNITION

Mayor Hardin, announced that former Vice Mayor Charlotte Burrie is attending the meeting, and he indicated that it was good to see her.

APPROVAL OF MINUTES

[20-264](#) Regular City Commission Meeting Minutes of January 28, 2020

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

APPROVAL OF AGENDA

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Agenda be APPROVED AS SUBMITTED. 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 item 1, would be pulled for City Commission discussion.

A. PROCLAMATIONS

[20-255](#) Black History Month Observance

Mayor Hardin will proclaim the month of February as Black History Month in the City of Pompano Beach. Hazel Armbrister, Historian for the City of Pompano Beach as well as President of Rock Road Restoration Historical Group will accept the proclamation.

Ms. Armbrister was unavailable; however, Ms. Ellington, Mr. Wooten, Mr. Miller and Ms. Jones along with several other members of the community was present to accept the proclamation.

Ms. Ellington thanked the Mayor and Commissioners. She indicated it is important to keep Black History alive, because these are some of the pioneers in Pompano Beach that did a lot of good for this particular City, to make it great.

This matter was READ AND PRESENTED INTO THE RECORD

B. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Proclamation and Unity in the Community - Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, thanked the Mayor for the proclamation. In addition, she thanked the pastor for praying for Unity in the Communities from north, east, west and south in Pompano Beach.

City Special Election Referendum on March 17, 2020 ballot - Ms. Jones commented on the referendum of the ordinance coming up in March. She noted that some of the seniors had spoken to her that they were not aware of the ordinance that will be on the ballot in March. She indicated that she received a flyer in the mail but she wanted to know if any plans are being made for any other outreach so the public can be informed of this Special Election for the ballot. She is aware the Pelican newspaper has mentioned the election, however, there are seniors and others that do not have computers and internet to be informed.

Mayor Hardin indicated that the City Manager has additional information that is being mailed out to the residents to ensure everyone is aware about the facts.

Ms. Jones suggested some standing signs in the Community Centers, such as the E. Pat Larkins Center, the Herb Skolnick Center, and others.

Asceleta Hammond, City Clerk announced that advertisement is placed in the Sun Sentinel newspaper, which is required by law.

Mayor Hardin indicated that he is available to speak to anybody or group who desires information about any matter that comes before the City Commission.

City Special Election on March 17, 2020 - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, thanked Vice Mayor Moss for giving him a title at the Town Hall meeting held last week. He said Vice Mayor

Moss called him and others that disagreed with the City Commission the new title of “habitual malcontent.” He proudly accepts the title and listed his reasons, which included his attempt to stop the “crazy development,” the wasteful spending, and approximately \$700 million in debt. Therefore, he encouraged the residents to join those “habitual malcontent” residents and vote no to all three questions on the March 17th ballot or during early voting on March 7-15, 2019, or on the vote by mail ballot.

Mayor Hardin informed that if anyone has any questions about the debt of the City, the City staff stands ready to assist anyone who so desires.

Town Hall Meeting Event - Douglas Borden, 525 N. Ocean Boulevard, #1722, Pompano Beach, FL, mentioned that he was disappointed with the actions of Vice Mayor Moss last Thursday night before and during a taxpayer funded Town Hall event, which was advertised on the City’s website. Some of the issues discussed at the meeting were the census, voter registration and the upcoming ballot initiative to have Commissioner’s term extended from two years to four years. He understands meetings such as these are meant to be educational only and not advocational. He believes this one was advocational for terms extension and moving the date of the election to March, done by Vice Mayor Moss and guest speaker Mayor Hardin. He then provided his reasons for attending the meeting. He indicated he was handing out flyers supporting opposition to the charter amendment changes, but he was asked to leave the meeting. In addition, Vice Mayor Moss told him that he would be making an announcement about him, as well as those others who were with him. He later heard from others that were at the meeting that Vice Mayor Moss referred to them as “habitual malcontents.” This is one example why they, as a community, need to vote no to extending the Commissioners’ terms and the other two questions on the ballot.

Vice Mayor Moss mentioned that a number of people may not be aware of how the proposed changes came about, which were done when they were brought before the Commission by the Charter Review Board. These are changes that were spoken about and voted on by the Charter Review Board and presented to the Commission, who agreed to go along with them. So, they did not come from the Commission they came from the City’s Charter Review Board.

Mayor Hardin noted that the question coming up on the March election concerning the terms of office for City Commissioners, changing the current term of two years to four years, would not apply to anybody who is currently in office. The Commissioners would have to run for reelection or for new Commissioners if the change takes place, so they would not automatically get extended terms to four years.

C. CONSENT AGENDA

Items 2 through 9 were approved without City Commission discussion.

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

1. [20-247](#) Approval to award RFQ E-21-19, Stormwater Improvements for N.E. 27th Ave. & 16th St. (Project I) and for Atlantic Blvd. & S. Riverdale Dr. (Project II) to the highest ranked firm, Chen Moore and Associates.
(Fiscal Impact: N/A)

(Staff Contact: Tammy Good/Anthony Alhashemi)

Comr. Eaton pulled the item for City Commission discussion. She thanked staff and the City Management team for this project. These residents have been plagued for a while and forever seeing flooding effects. Therefore, having the drainage issue for the streets and the yards in the area addressed is great. The residents are happy that the flooding issue, which has grown worse over the years, will be addressed with this system. In addition, she wanted to inform the residents that a solution is on the way.

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

2. [20-220](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DRAINAGE AND ACCESS EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND CHAREN, L.C., ACCEPTING A GRANT OF A DRAINAGE AND ACCESS EASEMENT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$10.00)

(Staff Contact: Matthew Kudrna/Tammy Good)

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. 2020-126

3. [20-110](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DRAINAGE AND ACCESS EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND COPANS MOTORS, INC., ACCEPTING A GRANT OF A DRAINAGE AND ACCESS EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10.00)

(Staff Contact: Matthew Kudrna/Tammy Good)

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. 2020-127

4. [20-256](#) 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 FLORIDA 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, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2020-128

5. [20-259](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF LIENS BETWEEN THE CITY OF POMPANO BEACH AND 815 39TH STREET EAST CORP. PERTAINING TO VACANT LOT LOCATED AT 3060 NW 3 STREET AND ACCEPT CONVEYANCE OF SAID PROPERTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,117)

(Staff Contact: Fawn Powers/Cassandra LeMasurier)

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. 2020-129

6. [20-253](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2019-50, AND TO APPROPRIATE ANNUAL FUNDS IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) PER EACH COMMISSIONER AND THE MAYOR TO UTILIZE SOLELY FOR THEIR SPECIFICALLY REQUESTED CITY

EVENTS AND PROGRAMS AND REPORTED TO THE CITY COMMISSION;
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$10,000)

(Staff Contact: Greg Harrison)

Enactment No: RES. No. 2020-130

7. [20-262](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO APPROVE SENATE BILL 182 AND ANY COMPANION HOUSE BILLS RELATING TO THE PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS BY AMENDING SECTION 403.7033 AND SECTION 500.90, FLORIDA STATUTES, REPEALING THE PREEMPTION OF LOCAL LAWS REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS; DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION 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. 2020-131

8. [20-234](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NW 21st AVENUE BETWEEN ATLANTIC BOULEVARD AND NW 8TH STREET TO A DUAL DESIGNATION OF NW 21ST AVENUE AND REV. DANIEL MILLER AVENUE WITH NW 21ST AVENUE TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided by requester)

(Staff Contact: Robert McCaughan)

Enactment No: RES. No. 2020-132

9. [20-251](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NW 4TH STREET BETWEEN NW 6TH AVENUE AND NW 3RD AVENUE TO A DUAL DESIGNATION OF NW 4TH STREET AND HAROLD L. ABEL STREET WITH NW 4TH STREET TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 paid by requester)

(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.

Enactment No: RES. No. 2020-133

D. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that item 10 is listed under Quasi-Judicial Proceeding and is 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 the item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

10. [20-249](#) P.H. 2020-46: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO TEN-FOOT WIDE EASEMENTS LOCATED ON THE SOUTH SIDE OF SW 9TH STREET, APPROXIMATELY 500 FEET WEST OF ANDREWS AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated it is a request to abandon a ten-foot wide easement dedicated to People's Gas and a ten-foot wide easement dedicated to both AT&T and FPL. The subject property is located at 933 Andrews Avenue, which is south of SW 9th Street, approximately 500 feet west of Andrews Avenue. The applicant is proposing to expand the current 83,904 square foot distribution facility by constructing a 45,496 square foot addition. The two easements proposed in this request interfere with the redevelopment plan for the site. The Planning & Zoning Board (P&Z) has approved a site plan at a meeting held on July 24, 2019. This abandonment was one of the conditions of site plan approval. The P&Z Board unanimously recommended approval of these abandonments at their meeting on October 24, 2019, and all conditions of approval have been met.

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

END OF QUASI-JUDICIAL PROCEEDING

11. [19-620](#) **P.H. 2019-119: (PUBLIC HEARING 2ND 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)

FIRST READING: SEPTEMBER 10, 2019

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

Jean Dolan, Development Services Department, presented the item and stated the First Reading took place on September 10, 2019, and in the meantime, the County adopted their Land Use Plan Amendment, which allows the City to go through its Second Reading for its Land Use Plan Amendment. Consequently, this is the Second Reading of the item.

Ms. Dolan provided a brief overview on the item as follows:

- The First Reading took place September 10, 2019.
- The County Commission had their Second Reading on January 28, 2020.
- The County is in the Department of Economy Opportunity (DEO) compliance period, while the City adopts this ordinance.
- Thereafter, the City will send the Plan to the DEO for their review for compliance.
- Upon return to the City, there will be one more step to the County to get the Plan Amendments recertified, after which the project will be active in terms of its Comp Plan Amendment.

Continuing, Ms. Dolan indicated that the project is the Regional Activity Center located where the Isle of Capri Casino is located, east of Palm Aire and north of Cypress Bend and south of Atlantic Boulevard where the Costco is located. They are asking for a rearrangement and a change in their land use distribution entitlements.

They will be getting rid of 1.2 million square feet of commercial, recreation and commercial space, and adding approximately 1 million square feet of office, as well as adding another 2,800 residential units for 4,100 units. Staff's recommendation is to approve this item on Second Reading.

Jean-Guy Ayotte, 2240 N. Cypress Bend Drive, Pompano Beach, FL, stated with the recent sewage problem, he wanted to know if the City is sufficiently structured to accommodate over 4,000 units. He said he is not sure the lakes are okay and what if something happens with the sewage system similar to what is happening in the City of Fort Lauderdale.

Mayor Hardin responded the Utilities Department of Pompano Beach has reviewed the proposals and they confirmed that the City has adequate capacity. However, he mentioned that the sewage spill that recently took place at Cypress Bend was caused by an external event and not the failure of the pipes. The City's facilities are in top-notch shape.

Mr. Ayotte enquired as to a date when construction would start. In addition, he talked about all the discomfort the residents would have to endure, as construction gets underway.

Mayor Hardin explained the item is part of the Land Use change; therefore, it is a part of a process. He is unsure about a construction commencement date.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that he finds the Land Use between the City and the County amazing, and provided his reasons why he made this statement. In sum, Mr. Drum spoke in opposition of the size of the project.

Jim King, N. Cypress Bend Drive, Pompano Beach, FL, enquired about the area from the railroad to Powerline to the dividing line for the fence where Cypress Bend Drive North is out to the casino, and if the specific land is designated as a park and recreation area.

Debbie Orshefsky, Esq., representing the applicant, explained that the referenced area was rezoned in September, when they created a Planned Development along the entire southern boundary, which is the Cypress Bend northern boundary. There is a 300-foot buffer area to be landscaped and it is anticipated to have a passive recreation, some trails, and it would create a kind of buffer that the community desires. No structures are permitted to be in the area.

Jean-Guy Ayotte, Cypress Bend Drive North, Pompano Beach, FL, mentioned that the value of the homes will go up rather than go down.

Comr. McGee commented that to create an atmosphere to live-work-play, where in theory you could work in one of the proposed buildings and live onsite, to walk, bike or use other forms of transportation is a very exciting direction to go. In addition, to bring in more corporate style of jobs to Pompano Beach is a great thing.

Vice Mayor Moss stated that throughout this process, where thousands of people live, he has only heard one other complaint besides the two men today. Approximately 25,000 to 30,000 people will be affected by the construction and there is very little negative feedback. In fact, almost everyone is very enthusiastic about it.

Mayor Hardin indicated that he is curious about traffic as this is always the biggest issue. He then asked the applicant if they could describe how they will handle the traffic impacts.

Ms. Orshfsky responded that it is interesting that from a Land Use Plan standpoint, the development program that was displayed earlier with the additions and reductions, actually results in the reduction in the number of trips by about 3,000 trips. As a land use matter, this is a reduction in trips. A very extensive traffic study was done by consultant, John McWilliams of Kimley-Horn and vetted by the City's consultant, Eric Sarnowski, formerly with Calvin Giordano Associates. From that a number of offsite improvements were proposed, which is along Powerline Road, Race Track Road, inner sections improvements, and turn lanes. These millions of dollars' worth of improvements will be phased in as the development progresses. She indicated that the traffic improvements are not time sensitive. They are tied directly to the amount of trips being generated by the development as they come in for building permits. She explained that the development has a seven to ten years build-out, and over that period, the flyover referred to may be developed by Florida Department of Transportation (FDOT) and if so, then this development would contribute a certain amount of funds toward landscaping.

Ms. Orshfsky indicated as a correction to the records, the southern buffer is fifty feet but the measurement from where development is allowed on the Master Plan is a 300-foot buffer.

Mayor Hardin reiterated that the traffic improvements would come prior to the actual increased traffic.

Vice Mayor Moss clarified that the proposed number of units does not necessarily mean they will build that amount of 4,100, it means they can build up to 4,100, or they could build less.

Comr. Eaton mentioned that there is plan for a proposed Tri-Rail station to access the site, which will reduce traffic significantly.

Comr. McMahon indicated that he has received a number of comments about the public receiving information, which states when a project like this is approved and the infrastructure is approved. So, if 4,000 apartments are going to be approved then one million square feet of apartments will go through the utilities department to ensure there is adequate water, sewage treatment, the pipes and things of that nature.

Ms. Dolan explained that the concurrency process looks at the plant capacities. As the development expands and grows, they will do their own pipe analysis to see when the infrastructure underground needs to be expanded to accommodate their flows.

Ms. Orshfsky mentioned that they are working with the City's public works staff and engineering on a utility master plan to ensure all the pieces are fitting together as they build.

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. 2020-39

12. [20-191](#) **P.H. 2020-31: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING ARTICLE 3, "ZONING DISTRICTS" OF THE ZONING CODE, TO MODIFY REFERENCES TO THE DUNE VEGETATION LINE TO THE HISTORIC DUNE VEGETATION LINE IN THE DIMENSIONAL STANDARDS TABLES; BY AMENDING SECTION 155.4302., "GENERAL," SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," SECTION 155.5402., "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," AND SECTION 155.9301., "REAR PROPERTY LINE AS RELATED TO MEASUREMENTS," TO MODIFY REFERENCES; BY AMENDING ARTICLE 9, PART 5, TERMS AND CONDITIONS," TO MODIFY DEFINITIONS AND DEFINE HISTORIC DUNE VEGETATION LINE; BY AMENDING APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS, TO MODIFY REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 28, 2020

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

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the text amendment is the Second Reading of an ordinance to change the reference from a Dune Vegetation line to a Historic Dune Vegetation line. A survey and map was adopted and the First Reading was heard at the January 14, 2020 City Commission meeting.

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
 McMahan
 Perkins
 Moss
 Hardin

Enactment No: ORD. No. 2020-40

13. [20-252](#) **P.H. 2020-45: (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 T.F.R. ENTERPRISES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
 (Fiscal Impact: None until contract is implemented to recover from a disaster.)
 (Staff Contact: Russell Ketchem)

Russell Ketchem, Manager, Solid Waste Services, presented the item and stated that it is the secondary/alternate contract with T.F.R. Enterprises, Inc. Florida Emergency Management Agency (FEMA), recommend that the City carry two contractors for emergency management. One will be the primary and the other as an alternate.

Mayor Hardin enquired who is the primary, which Mr. Ketchem responded it would be Crowder Golf.

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
 McMahan
 Perkins
 Moss
 Hardin

14. [20-263](#) **P.H. 2020-44: (PUBLIC HEARING 1ST READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 90, "ANIMALS," BY CREATING SECTION 90.22, "COMMUNITY CAT MANAGEMENT," TO PROVIDE DEFINITIONS AND FOR REGULATION OF PRIVATELY OPERATED CAT

MANAGEMENT PROGRAMS WITHIN THE CITY; BY AMENDING SECTION 90.27, "FEEDING OF FERAL CATS AND DOGS," BY ADDING PROVISIONS FOR CONSISTENCY WITH COMMUNITY CAT MANAGEMENT REQUIREMENTS; BY DELETING SECTION 90.29, "TRAPPING," IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan/Jason Soldini)

Robert McCaughan, Director, Public Works Department, presented the item and stated that the City Commission previously directed staff to work with the community and come up with a solution that could allow better Trap Neuter Return (TNR) of feral cats also referred to as community cats. Consequently, meetings were held and the City Manager met with individuals and listened to their concerns. Thereafter, the City Manager directed the animal control staff to work with select members of that group and find out if there could be a more balanced ordinance. This would allow TNR to occur but also be responsive to those residents who may have a concern for some type of nuisance.

In the interim, staff has referred all animal issues to Broward County. Therefore, there is a proposed ordinance with the following key issues:

- Previously feeding of feral cats was prohibited, now it is permitted with certain conditions. The location where that care and feeding is provided registration must be provided to Animal Control.
- The health of the cat is taken into account. The ordinance requires vaccinations, testing for feline leukemia and micro-chipping of the cats.
- Should issues of some kind of nuisance do arise concerning feral cats, Animal Control Department would not get involved. Rather, this would be referred to the one of the cat rescue organizations and see if they could solve that issue within thirty days and come up with a resolution prior to Animal Control getting involved.

Sandra Casey, 2493 SE 8th Street, Pompano Beach, FL thanked the City Manager, the Vice Mayor, the Commissioners and the Mayor for their support for this matter. She said they have attempted to add some more tools to the toolbox on this matter. She then provided some of the various activities that they have undergone regarding the cats. She provided a copy of the Cat Analysis to the City Clerk for the records.

Jan Park, 3400 Dover Road, Pompano Beach, FL, stated that she has been residing in the City for over forty-seven years and has never had problems with the cat or the ordinance that was in place prior. However, now that everything has been changed, she is objecting to the new ordinance because it does not satisfy her needs. She then explained the ease and convenience of the prior process, which is much more controlled than what is proposed. The cats are being neutered and placed back on the streets and she gets the mix in between. She suggested amending Section (L) that will allow her first right of refusal if possible when she calls.

Andy Cola, Dania Beach, FL, stated that he would like to offer Ms. Park some help and assured her that they would be at her house to fix all her cat problems. The ordinance has been reviewed by staff and agreed it is the best way to move forward.

Carmen Jones, Pompano Beach, FL, indicated she wanted to speak on behalf of some of her neighbors because they have had issues with the cats as well. The only recourse they had after discussion with the “cat people” is they would send traps out, they catch and transport them to be neutered, and then release them back into the community. The neighbors want the cats gone not returned. Therefore, they would prefer the original process that was in place to remain, as Jason Soldini Animal Control Manager is a very nice person that has worked with them to time.

Jacquelyn Johnston, 9715 NW 150 South, Miami, FL, acknowledged and thanked the City of Pompano Beach, the employees, the animal control officers, who have been amazing throughout the study. Originally, she offered her assistance to help organize the information and gather some data and highlighted a few points. From April to December 37 unique calls were given to two volunteers who coordinated the trapping efforts and 357 cats were serviced. She then provided a brief historical background over the past two years, where 200 cats were euthanized, and approximately 93 were kittens. Under the new ordinance those kittens would not be sterilized and returned to the area, rather they will be sent to rescue or placed in fosters and go up for adoption.

Continuing, Ms. Johnston indicated that the new ordinance would open up the ability for the City to work with rescues, volunteers, and the community to find solutions to work for each individual case. She encouraged the City Commission to review the report presented and any questions she can address by email or phone. She thanked the City for allowing her to share her expertise with them.

Michael T. Clifton, McNab Business Park, 1605 West McNab Road, Pompano Beach, FL, complained that they want the Commission to do something about the many cats in his neighborhood. He does not mind a couple of cats but not a dozen. They are getting in the bins in the warehouses and at times the smell is intolerable.

Belle Laue, 3225 SE 11th Street, Pompano Beach, FL, indicated that she is working actively with Mr. Clifton’s wife and they are set up to trap next weekend. They have relocated where the cats are feeding and she is providing certain deterrents and the cat that consistently gets into the bins will be relocated. She is addressing the issue personally.

Comr. McGee thanked Ms. Laue, Ms. Casey and Ms. Johnston for working with the City to try to find a way to take care of the animals and take care of the residents impacted. She asked for clarification of Section (L) of the code where it states, “...the city shall intervene to trap and permanently remove any cats at the complainant’s request, including those related to subsequent complaints,” and asked if the timing is thirty days per cat complaint, or thirty days per resident, or thirty days per location.

Jason Soldini, Animal Control Officer, responded that when the City receives a complaint, the first step is to address it with non-removal. If the complainant is not satisfied within the thirty days from the origination of that complaint, then an offer of permanent removal is introduced. When a cat is permanently removed, the community cat caregivers, registered with the City, are notified to give them an opportunity to take the cat rather than the City holding it for three days with no place to put it.

Comr. McGee suggested that especially for the residents, a clarification should be provided for Section (L),

where the thirty days is mentioned.

Mark Berman, City Attorney stated that the idea for the thirty days was to give the organizations and those cat people reasonable time to solve the problem without the City having to intervene. This might have to be fine-tuned at some point, which will depend on how it works.

Mr. Berman and Mr. Soldini plan to meet to get the language clarified prior to Second Reading of the ordinance.

Comr. Eaton enquired about the same language regarding a complaint filed and how it would fit into the proposed ordinance.

Mr. Soldini explained that if there is a permanent removal, and the complaint has not been resolved to the complainant's satisfaction, when the City gets involved in removing the cat(s) they will be held by the City for three days. The cat(s) will not go to Broward County where they would sterilize and place it back to the address it came from.

Comr. Eaton stated that this is a difficult issue and everybody involved have done a good job but thinks some tweaking could be done.

Vice Mayor Moss agrees this is a difficult situation and suggested trying it as an experiment, and a few months from today, it can be revisited if it is not working. A lot of time, energy, and effort went into coming up with this compromise. Therefore, he suggested trying it and wait to hear back from Mr. Soldini to report on whether it is working or not.

Mayor Hardin commended Mr. Soldini for doing a great job with this issue, even though he has been "beaten up" for doing his job. In addition, he thanked everyone who has come forward to work on the issue in a constructive manner to get to this point. It may not be perfect and could be tweaked some more.

Mayor Hardin asked Mr. Soldini to check with the County regarding their treatment of feline leukemia and report back to the Commission on second reading.

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

E. REPORTS

Gregory Harrison, City Manager - Comr. Perkins Birthday - Mr. Harrison announced that on February 9, 2020, it was Comr. Perkins' birthday and everyone wished her Happy Birthday.

March Activities/Events - Mr. Harrison reported that there are plans for ribbon cuttings for the McNab House, the Pier and the Charlotte Burrie Community Center. The McNab House date is set for March 1, 2020, but the dates for the others are forthcoming.

23 Sheeted Lots between the City and Broward County - Mr. Harrison reported that there are nine new contracts for approximately \$2 million of new single-family homes that will be built on nine of those 23-sheeted lots that was exchanged a couple times between Broward County and the City. Five of the houses are located in District 5 and four are in District 4.

Human Resources Report - Mr. Harrison reported that ten new firefighter's paramedics will start with the City on February 20, 2020. They are a diverse group of professionals that will go through the City's rigorous and comprehensive training program for approximately two months before they are assigned their shift assignments.

Habitat for Humanity - Mr. Harrison reported that the City has continued its theme "Pompano Beach Builds" in December, January, and February. Numerous staff have been volunteering and he thanked staff for their participation and encouraged all to continue to volunteer.

Town Hall Meeting - Mr. Harrison reported that a Town Hall meeting has been scheduled in corporation with the United Way of Broward County and the School Board of Broward County, Broward Behavioral Health Coalition and the Florida Department of Children and Families at the E. Pat Larkins Community Center for Wednesday, February 12, 2020, from 6:00 p.m. to 8:30 p.m. Mayor Hardin will be providing welcoming remarks along with distinguished panels of presenters. The topic is about family communication and wellness; let's talk about the pressures facing today's youth, vaping, alcohol, cyber bullying, social media, academic stress, anxiety and depression. The City's website will provide more information.

New Hire - Mr. Harrison introduced the new hire, Steve Stewart, the new General Services Director, who is coming in from the City of Brandon, Florida, which is around the Tampa area.

Mr. Harrison distributed an Executive Summary, which is a culmination of looking at adding an extra day in District 4 for bulk waste. He urged the Commission to review and provide him with their input via email and he could meet with City Attorney Berman to come up with a resolution. In sum, it would cost \$366,126, increasing the cost of the service to \$416,000. The total estimated cost with the garbage route and the new bulk would add on \$15 per resident for that service. He can meet with Comr. Perkins on a one-on-one and within a few days discuss further with the Commission on a one-on-one prior to the next meeting.

Community Benefits Policy - Mr. Harrison mentioned that there has been lightweight discussion in some of the meetings about Community Benefits Policy for the City. At first when it was researched, there did not seem to be a legal way to approach it. However, Claudia McKenna the Community Redevelopment Agency (CRA)

Attorney and Mark Berman, City Attorney have been working together and they may have found a niche to come up with a legal policy. A draft will be presented to the Commission in the near future prior to placing it on the Agenda.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - March 17, 2020 Early Voting - Ms. Hammond announced that early voting for March 17, 2020, will be held on March 7, through to March 15, 2020 from 10:00 a.m. to 6:00 p.m. There are limited sites where early voting will take place in the City of Pompano Beach. Specifically, the Emma Lou Olson Center and the E. Pat Larkins Center.

Commissioner Rhonda Eaton - Cresthaven Civic Association Meeting - Comr. Eaton announced that the Cresthaven Civic Association will be meeting on Thursday, February 13, 2020, at 7:00 p.m. at the Moose Lodge at NE 33rd and Dixie Highway. She hopes this will be the last time they will meet at this location as they are looking forward to going to the new Burrie Center that Charlotte Burrie worked so hard for, over the years. This will be an exciting day for the people of District 2.

Comr. Eaton stated that there was a technical glitch when they approved the amendment to the G.O. Bond that would allow for the FPL conversion lighting projects. Therefore, she thanked all members of staff and her colleagues for approving the item. There are areas in her district that have no residential street lighting. Currently they are doing an illumination plan in District 2, so she is happy about that.

Coinciding at some point with the opening of the Burrie Center, they will be having their Neighborhood District Improvement traffic calming pilot program. This will be in the community of Cresthaven. They are awaiting the opening of the Community Center.

Bulk Pickup - Comr. Eaton stated that bulk pick-up in her district is on Friday, which has been a huge problem for her constituents. She is unsure what the Executive Summary addresses, but she has a large number of rental properties in her District and when people move out they move out on the weekends. They put their stuff on the curb and they never look back. She has continually mentioned this and it maybe in the works, but Friday is the worst day for bulk pick-up. Therefore, she has been trying to get this day moved back to Tuesday.

Continuing, Comr. Eaton believes Comr. Perkins has Saturday, which is also a bad bulk pick-up day. The bulk trash is left on the curb all week if someone moves out on the weekend. Not only does it brings down District 2, but the entire City. Comr. Eaton indicated that she has issues with crime in her district, as well as bulk trash. However, she would not agree to use City fund to pay for a twice a week pick-up in one district when her district cannot get a decent day's pick-up on a Monday or Tuesday.

Commissioner Andrea McGee - Dunes Grant - Comr. McGee stated there are more happenings in March. The Dunes grant that was passed, is going to allow them to start being planted. Therefore, she is working on setting up more dates for people who are interested to help with planting dunes to assist the coastline system. The first one coming up will be on March 7, 2020, to start at 8:00 a.m. She plans to post more information regarding this event.

Clean Beach - Comr. McGee stated that in keeping the City's beach clean, they have implemented a filler bag program, which is a pole just north of the pier. There are buckets that are hanging by the pole so anyone who desires to assist, those buckets are available to fill up and taken to the recycling bin.

Golf Course - Comr. McGee gave a "shout out" to the golf course and stated that the new grass is looking good on the pines course, where she had the privilege to play on recently. She encouraged those who have time to get out there and enjoy it.

Commissioner Tom McMahon - No Report.

Commissioner Beverly Perkins - City Manager Updates - Comr. Perkins thanked the City Manager for getting back with her on the Community Benefits and the bulk pickup.

Signs for Esther Rolle - Comr. Perkins requested two things for Black History month and while this cannot be done now, she suggested that there is Esther Rolle, an American actress from Pompano Beach. Her house is located on NW 3rd Avenue, which was named after her. She wanted the City Manager to look into possibly putting a permanent sign in front of the house stating it is the home of Esther Rolle. Comr. Perkins indicated that she had spoken with her family, Ms. Kelley who owns the house and she has agreed to it.

Signs for Lamar Jackson - Comr. Perkins stated the second item is regarding Lamar Jackson, who is a native of Pompano Beach and an All American football quarterback for the Baltimore Ravens. She wanted to have the City Manager look into possibly putting up three signs in the City stating this is the home of Lamar Jackson. She was thinking in terms of the Turnpike and Martin Luther King, Jr. Boulevard, the Turnpike and Atlantic Boulevard and I-95 and Atlantic Boulevard. She then provided some of the accomplishments and awards given to Mr. Jackson for his outstanding performance.

Vice Mayor Barry Moss - Old Town Uncorked Event - Vice Mayor Moss reported that last Friday, he had the pleasure of attending the Old Town Uncorked event, where they unveiled and dedicated a new mural on one of the walls. Comrs. McMahon and Eaton joined him in the celebration. It was a nice crowd and his out of town guests who were in attendance were impressed with the activities.

New Homes Constructed in Collier City - Vice Mayor is pleased to hear from the City Manager about those five houses in District 5. He has noticed that there are quite a number of developers building homes on specification in Collier City, without any encouragement and funds from the City. Once private money is going in and starts to develop the community with new homes it is encouraging.

Vice Mayor Moss stated this is not a complaint but just for background information, many people may not realize when speaking about bulk pick-up with the exception of Collier City, the rest of his district an overwhelming large number of people do not receive bulk pick-up, they pay for the hauling of their trash and bulk pick-up.

Mayor Rex Hardin- Tiger Trail Festival Events - Mayor Hardin gave "hats off" to everybody involved in the Tiger Trail festival events that have been taking place. This past weekend there was the 5K run on MLK

Boulevard, which was a great event. In addition, there was the Collier City Trail Blazers event and Vice Mayor Moss was with him for that event at the McNair Center, recognizing people who have blazed trails in the community. He knows it is a lot of work by many volunteers and it is appreciated to commemorate Black History Month with these events.

Mayor Hardin indicated that he is excited to see the demolition of the old cinema properties on North Federal Highway just south of Sample Road. This is long overdue and it goes well for the future of the entire community.

Mayor Hardin instructed the City Manager to meet with the members of the Education Advisory Committee. He has had an idea for a long time that the City can make a greater impact on the local elementary schools. He suggested a volunteer coordinator within the City, but not at each school. He said if the City took this position on and has someone in charge for organizing with the individual elementary schools one on one so the Commission can get out and organize the volunteer core. He understands the budgetary constraints but this could be a way to impact the elementary schools in Pompano Beach. Finally, he said the future of the kids has no price tag to it.

F. ADJOURNMENT

The meeting adjourned at 2:49 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk