



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*

*Charlotte J. Burrie, Vice Mayor*

*Rex Hardin, Commissioner*

*Barry Moss, Commissioner*

*Beverly Perkins, Commissioner*

*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceleta Hammond, City Clerk*

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Tuesday, April 11, 2017

6:00 PM

Commission Chambers

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:10 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin

Commissioner Barry Moss

Commissioner Beverly Perkins

Commissioner Michael Sobel

Vice Mayor Charlotte Burrie Mayor

Lamar Fisher

#### INVOCATION

Reverend Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

[17-360](#) Regular City Commission Meeting Minutes of March 28, 2017

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

[17-361](#) Special City Commission Meeting Minutes of January 17, 2017

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

**APPROVAL OF AGENDA**

Mayor Fisher stated that item 22 would be heard after item 16 under regular agenda.

**This Agenda was APPROVED AS AMENDED.**

**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 Fisher stated that Consent items 1, 3, 4, and 6 will be pulled for discussion.

**A. PROCLAMATIONS**

[17-342](#) Guardian ad Litem Program Day

In honor of National Child Abuse Prevention and Volunteer Appreciation month, Mayor Lamar Fisher, on behalf of the Commission and the City, proclaimed April 11th as “Guardian ad Litem Program Day” in the City of Pompano Beach and presented a proclamation to Gary Jackson, Volunteer Recruiter for the Broward Guardian ad Litem Office.

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

[17-343](#) Water Conservation Month

In honor of Water Conservation Month, Mayor Lamar Fisher proclaimed the month of April as “Water Conservation Month” in the City of Pompano Beach. A. Randolph Brown, Pompano Beach Utilities Director accepted the proclamation in support of this preservation effort.

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

**B. AUDIENCE TO BE HEARD**

Mayor Fisher 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. All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

**The following persons were called to speak:**

**City Spending and Debt Obligation** – Thomas Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, complained that the City Commission has asked the citizens to pass a \$179 million bond issue, which is a nice name for borrowing or imposing debt, which will be paid back over the next 30 years. He indicated that since 2000 the Commission has put the City in debt by approximately \$125 million by underfunding the City’s Employees Pensions funds, as well as there is another \$47 million borrowed for 25 years on the parking garage. He indicated that in 2000, the City had savings called reserved accounts of \$100 million, but today the savings are down to about \$50 million. Mr. Terwilliger concluded that emergency funds should be spent on emergencies and disasters. Therefore, he indicated that the City must learn to save prior to spending, so that the current citizens’ children/grandchildren will not have to pay the bills for obligations they did not make.

Mayor Fisher explained that Mr. Terwilliger mentioned a G.O. Bond that have been considered to go before the voters in March, who will have the opportunity to vote up or down. Therefore, there will not be a debt of \$175 million currently. Secondly, Mr. Terwilliger mentioned about the pension, which the actuary provided a report at the last meeting indicating that the pension fund is 67% funded. This money is not due tomorrow; it is paid over time, which is what pension plans are all about. During the recession, the funds went into a down peak and it dipped a little.

**Youth Cultural Arts Program Update** – Sharonda Richardson, Eccentrich Displays, 700 NW 17th Street, Pompano Beach, FL, provided an update on the cultural arts program “Made in Pompano” that they have started with Magnetics in conjunction with the CAC and Sharon Stone-Walker. She reported that children have started to come in to participate in the poetry team. Since then they have teamed with Historic Ali and Cherolyn Davis to start a theater company out of Pompano Beach. In addition, she requested from the City’s Contingency Fund \$2,400 for the two programs. She promised to have the budget written out for the Commission, but just wanted to alert them of the need, as well as inform that the programs are underway at the Magnetic space and the Historic Ali, and encouraged kids to come out. Currently, they are looking to serve approximately 12 children between the ages of 13 and 18 years. They are planning to compete nationally at a youth poetry competition called “Brave New Voices” but they also have local events, which she provided a list of activities involved.

Mayor Fisher asked Ms. Richardson to provide the City Commission with the paperwork for how the funds will be used.

Comr. Perkins asked about the two programs being provided.

Ms. Richardson responded that the programs are, Made in Pompano with two separate divisions, one at the Magnetic space, which is the youth poetry slam team. Then there is Made in Pompano at the Historic Ali, which is the live theater company that will represent the City of Pompano Beach.

**City's Golf Course** – Al Siefert, 2318 SE 10th Street, Pompano Beach, FL, provided information regarding the City's golf course. He provided statistical information on the background and recreational benefits of golf courses, as well as the economic impact and development to local communities. Notwithstanding, there are several summer tournaments that the City's golf course accommodates to include one from the Rotary Club, Pompano Beach High School and the Chamber of Commerce.

Comr. Sobel indicated that he loves golf and he has friends and family members that are avid golfers. In addition, he thanked Mr. Siefert for the nationwide information provided. Nevertheless, there is a healthy issue with the City of Pompano Beach where there is an extensive amount of potential obligations in the future, which there is approximately \$83,000 for parks and recreation potential G.O. Bond. There are approximately 250 full time golf members and the parks and recreation department employ 10 people directly; however, approximately \$1 million is taken from the General Fund each year to cover the shortfall for the City's golf course. Notwithstanding, the City has vast amounts of obligations to include the parks, and property such as the Elks Club to purchase. Further discussion is forthcoming regarding the direct impact of the City's golf course and its effects on tourism and so forth. In sum, Comr. Sobel indicated that he has prepared some numbers from the City's Comprehensive Annual Financial Report (CAFR) regarding the fiscal impact and how much the City must subsidize the shortfall each year, and provided copies to Mr. Seifert to distribute to anyone interested.

Mr. Siefert indicated that he looks forward to getting back to Comr. Sobel with the real numbers involved in the operation of the golf course and the benefits from it.

Mayor Fisher confirmed that there would be a discussion on the golf course. He indicated that approximately 22% of the parks and recreation budget is funded for the golf course, but these types of information will be discussed in the future.

**Leadership, Agendas, and Commission Meetings** – John Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, believes elected and chosen representatives have obligations to lead and make decisions and to educate. Therefore, to accomplish these things is the establishment of agendas be they strategic or for Commission meetings held every two weeks, and the operation of the Commission meetings.

Mr. Geer indicated that he enjoys the City's website where he has been watching the City's meetings for the past few months and provided the following comments: The Agenda is long so the meetings are long. Secondly, more often there are thousand pages of backup materials, large binders on some of the desks and laptops on others. He understands that City staff gathers the backup materials staff prepares the agenda. There is not much in the way of impact or increased attention to the agenda from the commission. While staff can talk among themselves about agenda items, because of the Sunshine Law, the Commission is not permitted to talk among themselves. He had anticipated that there would be great discussion at the

meetings about the issues, even if it meant healthy agreement and disagreement, which is not very evident at the meetings.

Mr. Greer then expounded on the format of the Agenda and the items being placed on the Agenda. He suggested that perhaps a status report from staff from each department could be done at every meeting. In sum, he observed that the Commission rarely directs anything even though there are issues such as drug sales, trash, noises, etc. yet no one is directed to do anything about it. Therefore, he challenged the Commission to look at its meeting procedures for more effective and engaging meetings with the citizens.

**City Planning with Citizens Participation** – Phyllis Franklin 500 NE 6th Street, Pompano Beach, FL, discovered through an article that referenced moral and ethical issues in urban planning, which she believes do make sense. She indicated that planners will be dealing with public land and or with development that may affect neighborhoods, businesses, etc. and thereby people's lives. She then provided a report on a research she did regarding training and certification of urban planners. She opined that the City has not practiced continuous and open debate on planning and redevelopment issues. She then provided examples accordingly and indicate that she agrees with those people who expressed their concerns that no one is listening to them. She thanked Comrs. Perkins and Sobel for bringing new perspective and good conversation to the dais. In sum, Ms. Franklin indicated that City planners should be asking the people what they need or desire, not just spending tax dollars to provide something they think the communities should have. Therefore, she suggested that since there have been some controversies brought to the Chamber perhaps any and all projects should be put on hold where public debate have been missing/inadequate.

**The Good and Bad Times of the City** – James R. Bunn, 360 SE 15th Avenue, Pompano Beach, FL, indicated that he supports participation in local government. He has been serving on several boards with the City for quite a while and provided a brief historical background of how the City elected its district commissioners. He provided some incidents of the good and bad times in the City, which included commission meetings lasting into the wee hours of the night and getting nothing accomplished, Comrs. being unprofessional and rude to fellow commissioners and a lot of show boating. The Commission trying to give away the City's pier and numerous beachfront properties in return for development like the Hall of Fame Swimming Pool. Taking two years to change the name of Hammondville Road to Dr. Martin Luther King, Jr. Boulevard. Notwithstanding, the good times included mayor elected citywide, commissioners elected by their district, subsequently the Commission has a great mayor and commissioners, such as E. Pat Larkins. Over the last ten years, commissioners have been respectful to each other and work very hard to make Pompano Beach a better place to live for everyone. He has seen the City grown with improvements to all sections of the City to include the beach, the pines golf course being redesigned by world renowned Greg Norman, a new area for farmers' market in downtown Pompano Beach, new Fire stations, libraries, cultural centers and so much more. All these have taken place due to the strong leadership in place from the City Manager to the Mayor and City Commissioners working with each other for the good of the City.

In sum, he has met with some residents and they have expressed concerns as to how the new commission is going. There are two new commissioners on board, and the people are waiting for them to settle into their positions. Mr. Bunn indicated that they do not want to go back to the bad times of commission members acting disrespectful and rude because, they are better than that. He concluded that as volunteers,

the commission appointed representatives; they are willing to do whatever the Commission would ask of them, even though they do not work for them, rather the commission work for the residents. So, as volunteers they ask that the Commission respect each other and the City, and to get on in making the good times roll on in the City.

**Allegations of Misleading Information by Staff** – Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, indicated that at the last meeting she was challenged to stay quiet as she listened to staff present information to the Commission. In addition, the public is allowed to speak prior to staff's presentation, then questions are asked by the Commission, so the public does not get to speak any longer. She stated that there was some misleading going on by staff at the last meeting. Therefore, she wanted to know what the consequences are if staff is misleading the commission. She indicated that she has proof that Robin Bird, Development Services Director was lying, which should not be tolerated by the City. Furthermore, she would be providing details on the agenda item she referred to, which she alleged Mr. Bird was lying about the zoning code.

**Forensic Audit of CRA** – Joseph Wells, 789 NW 15th Place, Pompano Beach, FL, stated that Comr. Perkins had a meeting in the Northwest Community regarding the Community Redevelopment Agency (CRA) on April 5, 2017 at the E. Pat Larkins Center, which he thanked her for doing this. He reported that there was a young woman from the CRA team who spoke negatively about Broward County Commissioner Bogen. He then recalled the incident, which resulted in her making the negative statement. Notwithstanding, Mr. Wells indicated that at the Northwest Community meeting, County Commissioner Bogen spoke about millions and millions of dollars that were misused in the CRA northwest community. Consequently, Mr. Wells indicated that he believes it would be time for a forensic audit, because when a County Commissioner states that millions of dollars are missing something is wrong and the City should find out what is the situation. Therefore, since the Commissioner brought this matter to attention then the County should pay for the forensic audit. Therefore, he urged the Commission to require an audit accordingly.

**Other City Business Issues** – Mr. Wells complained about the dumping issues throughout the neighborhoods. Therefore, the City needs to concentrate on cleaning up the areas that need to be cleaned up to allow the good times to roll. Secondly, he stated that there are a number of issues in District 4 to include policing.

Comr. Sobel thanked Mr. Wells for his comments and said he saw a verbal attack on Commissioner Bogen, as well as heard from a County Commissioner in a public forum who said, "We could talk about the millions and millions and millions of dollars but they will not allow a forensic audit. I mean I can debate you all day; there are tens of millions of dollars that we have asked for forensic audit to show us where the money was spent. No, the answer is no." Comr. Sobel stated that this is what the County Commissioner said in public. Therefore, it is time to clear the air. He indicated that there are two reasons an audit was not done of the Northwest CRA and he has made motions before. The prevailing reason given in 2009 is that the money would be better spent on projects. Therefore, Comr. Sobel made a motion, seconded by Comr. Perkins, to allow a forensic audit of the Northwest CRA from 2009 to present, but conditioned upon the conduct and payment by Broward County. Comr. Sobel indicated that there are two reasons not to do this. One is cost, and cost would be alleviated because Broward County will conduct

and pay for the forensic audit. The second reason not to do it is that “you are hiding something,” which he does not think “we are.” In sum, he said the City Commission would clear the air and show that the City of Pompano Beach is about accountability, transparency and credibility.

Mayor Fisher indicated that the motion is out of order because this is a City Commission meeting not a CRA meeting, which is a CRA matter.

Mark E. Berman, City Attorney, responded yes, that it would be properly made at a CRA meeting since it is CRA business.

Mayor Fisher indicated as the Chair of the Commission meeting the matter would be best taken up at the CRA Board meeting. Therefore, Mayor Fisher indicated that they would definitely take Comr. Sobel’s motion at next week Tuesday’s CRA meeting.

An extensive discussion followed about the entertaining of the motion as both City Commission and the CRA Board regarding getting a forensic audit done.

Mayor Fisher concluded that the matter would be taken up at the next CRA Board meeting.

**Northwest Community Back to School Fun Day** – Willie Cameron, Back to School Fun Day, 1915 NW 5th Way, Pompano Beach, FL, indicated that as a Community activity, they have been providing fourteen years of Fun Day at Apollo Park, as well as providing backpacks for the students. He thanked the City of Pompano Beach for the support, services, as well as the continued encouragement. Mr. Cameron also thanked BSO for providing great support at the Fun Day, as well as Public Works, the Fire Department, and a host of others, which he said that without them the event could not take place. In sum, Mr. Cameron reported that they are growing, expanding and seeking other entities participation so that the event would increase in future years. Their goal is to increase the number of backpacks and school supplies provided to the children, and most importantly to bring together all cultures of children for a Fun Day, Food, Games, as well as mentoring programs, banking and career skills.

Mr. Cameron announced that the date for the Fun Day would be on August 12, 2017 at the Apollo Park. He stated that last year they gave out approximately 1,200 even with the downpour of the rains. They are hoping this year to give away at least 1,500. Finally, he stated that checks can be made payable to: Northwest Friends of the Library, Broward County or the Dorsey J. Foundation and sent to P.O. Box 1437, Pompano Beach, FL 33061.

Comr. Perkins asked if this event is made a part of the City’s annual budget.

Mayor Fisher indicated that the City provides all the in-kind services through Public Works, the Show mobile for the event itself, Police Officers, and so forth, which the organization has asked for over the years.

**Code Enforcement Complaints** – Terry A. Williams Edden, 757 NW 15th Street, Pompano Beach, FL, indicated that she has received complaints about Code Enforcement being selective with certain individuals in the Northwest area, and asked if Comr. Perkins could look into this matter.

**Meeting at Hopewell Baptist Church** – Ms. Williams Edden stated that even though she is a long-standing member of the Hopewell Baptist Church, she does not support people meeting at churches. However, if there is a public meeting it should be a public invite, as the community owns the churches and a person should not be put out of a building unless they are being uncouth and highly disruptive. She urged the Commission to look into the possibility of criminal activities by the CRA in the Northwest area.

**RMA Style of Activities and Harassment** – Jay Ghanem, President, Auto Technologies, 601 N. Dixie Highway, Pompano Beach, FL, stated he shared with the Commission last month that he was approached by somebody in the area who said to him, “Your use is not desirable in the area anymore,” in a bullying and threatening manner. Mr. Ghanem displayed a rezoning and violation notice he recently received, which he suspects is a plan to harass him. He provided background information relating to a code violation sweep of his property a few years ago, which he said he had resolved everything. He said three persons in white shirts walked into his facility, through the front to the back office, not announcing who they were, and demanded, “What’s that container doing outside?” The structure has been on the building since the building existed. It meets the standard. It has been there thirty years as a part of the building, now it is unacceptable, the grass is overgrown, and a couple other items that he is not quite clear what are the violations. He wanted to share this information with his Mayor and Commissioners, of what he and his family have been dealing with for six years. He said he would no longer tolerate it. In addition, he stated that he knows that RMA is behind what is happening.

Mr. Ghanem said he has spent a lot of time serving his community, and he will not tolerate the harassment being directed at him. He said he has gone to West Palm Beach community, and he met a group who shared inside information with him. In addition, he has checked into the past of the City of Delray Beach, and found out that what he is going through is similar to what some property owners experienced in Delray Beach. He complained that this is RMA style of operation and it will not work anymore. He complained that District 4 “is bleeding.” The conditions are not right for the residents. There are kids, when they get out in the morning for school are exposed to unacceptable conditions. In the meantime, RMA, a private company being paid to manage the CRA, is given more than one third of a million dollars, to a company that walks around the area. Instead, the money should be given to the trained staff of BSO who know how to make a difference in a community and protect the residents from influences such as drug dealers.

Mr. Ghana reiterated that he will not tolerate the wave of harassment on his properties, and will do anything in his power to stop it and eradicate it. He said whenever there is a private company, such as RMA entering a city, and at that moment standalone audits stop, it is a red flag for him or any resident in the City, and it is unacceptable. Therefore, he urged the Commission to look into what has been taking place.



He indicated that he has had conversations with Calvin Giordano and the man managing Pompano is a noble man. Mario Sotolongo is also a great asset to that company. He expressed disappointment with what has been happening, because he got a message from the City last week, stating, "We're proud of you, we want you in our community, we want you to be here and prosper." This gave him a relief because he has kids, and wants to spend time with them. Now, he starts to receive all these violations and threats all over again.

Mayor Fisher asked Mr. Ghanem to provide the City Clerk; with the documents, he received so they can be passed on to the Commission.

Comr. Perkins inquired if Mr. Ghanem felt that the violations for his business is a part of a strategy to get him to move his business.

Mr. Ghanem responded by referring to a book written by the RMA owners, Chris Brown and Kim Briesemeister, which provides their strategies, as well as he has been checking into certain information he has received from other cities regarding RMA activities and their plans that led to some people losing their property. He wanted to know more about RMA so he looked into their past and found certain patterns of operation, which appears not to benefit some people in the community.

An extensive discussion followed among the Commission, Mr. Ghanem, Mario Sotolongo of Code Compliance and BSO regarding several issues that certain communities are experiencing. For example, it appears some areas are targeted for code violations while some are not. Neighbors appear to be encouraged to go against each other. In some of the neighborhoods Code Enforcement appears to be selective.

Mario Sotolongo Code Compliance Supervisor explained that there are several complaints that are called into their office that they must investigate. Moreover, they do have secluded assessments of certain areas, namely Dixie Highway and A1A where every two year as per the Strategic Plan they conduct those assessments. The first step is to start with a courtesy notice to let property owners know the defects or the violations found and they work from there. Most time just by the courtesy notice, people comply.

Mayor Fisher requested that Mr. Sotolongo meet with Mr. Ghanem to determine the type of violations notice he received.

**C. CONSENT AGENDA**

1. [17-333](#) Approve ranking order and short-list for RFQ L-09-17, Construction Services for Old Pompano Streetscape Improvements (Step 1), with the short-listed firms to be solicited for Step 2 bids, Burkhardt Construction, Inc., The Whiting Turner Contracting Company, West Construction, Inc. and State Contracting & Engineering Corporation. (Fiscal Impact: N/A)  
(Staff Contact: Horacio Danovich)

Comr. Sobel stated he pulled the item because Whiting Turner Contracting Company was one of the contractors that the committee ranked third behind Burkhardt Construction under the category of scheduling and cost control, which staff had indicated would be important for the pier construction being embarked upon. He wanted to know if there would be any inconsistencies.

Horacio Danovich, CIP Manager, provided the rankings for the various firms and indicated the difference between Burkhardt and Whiting Turner was only six points, which is less than 1%. These are two prime companies that he worked with in the past nine years in streetscape construction in the Tri-County area. This project is strictly streetscape construction with no other components involved. This is not a construction manager at risk contract. There are some dissimilarities between this item and the one to come later. Nonetheless, the team that was assembled to evaluate this item and promote the four short listed firms for the Commission's approval has done a great job. In sum, Mr. Danovich indicated that he gives weight across the board and not on any one particular item within a company.

Mayor Fisher inquired if this is step 1 of 2 and would the next step be for the bid for the lowest bidder to be selected.

Mr. Danovich replied that is correct and explained the choice of a different methodology for this particular project because of the intricacies being a Housing and Urban Development (HUD) loan in the middle. It has been a bit complicated and he explained the reasons that staff wanted to take this type of action to decide on a bidding process.

Mayor Fisher thanked Otis Thomas, General Services Director for reaching out to the twelve local companies on this particular item.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

2. [17-338](#) Request of ratification by City Commission for Emergency Procurement of Gravity Sewer Main Repairs from vendor Murphy Pipeline Contractors, Inc. in the amount of \$103,677.00. (Fiscal Impact: \$103,677.00)

(Staff Contact: A. Randolph Brown)

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

3. [17-332](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PENN CREDIT CORPORATION RELATING TO SPECIALIZED DEBT COLLECTION SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Comr. Sobel pulled the item and inquired about the collection agency that the City hired for nine years and the manner in which they collected approximately \$437,000. However, what was excluded from the evaluation based on their efficiencies, and the fact that the City will be utilizing their services again, were numbers for the Micro Enterprise Business Loan program. Therefore, he asked if they were able to collect any money on the Micro Enterprise Business Loan program.

Andrew Jean-Pierre, Finance Director responded that they would be bringing back this item before the Community Redevelopment Agency (CRA) Board, since they are responsible for the Micro Enterprise Business Loan program. This item is strictly focused on collection efforts for the City of Pompano Beach. Nevertheless, the company has been engaged in collection efforts for the City for approximately nine years. Overall, staff is happy with their efforts.

Comr. Sobel asked when the item appears before the CRA Board could staff provide information regarding the Micro Enterprise Business Loan program and the collection information involved with it.

Mayor Fisher indicated that the company has been utilized by the City for many years, and works on a contingency basis, which is unusual. Mr. Jean-Pierre explained that the taxpayers would not have to pay any costs to attempt to collect debts.

**SPECIAL RECOGNITION** – Mayor Fisher recognized and welcomed a former icon, and a former Broward County Commissioner Sylvia Poitier, who came into the meeting at this time.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-209**

4. [17-356](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND REBUILDING TOGETHER BROWARD COUNTY, INC. AND KAPPA FOUNDATION OF POMPANO BEACH, INCORPORATED; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$50,000.00)  
(Staff Contact: Erjeta Diamanti/Dahlia Baker)

Comr. Moss recognized and thanked the persons who, in 2015, came into Collier City and did an incredible job rebuilding a number of houses. On April 29, 2016, they will be starting again, which will be part of a yearlong process that will include twenty homes. He thanked Ms. Dahlia Baker for her efforts in getting this done.

Mayor Fisher indicated that this would be the City's third round with Rebuilding Together Broward County. The first two were extremely successful and this one will be better. He thanked them for the matching of funds and the growth, as well as he thanked former Comr. Dockswell who brought the program to the City many years ago.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-210**

5. [17-317](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE CENTENNIAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR BROWARD-100 VISUAL EYES PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Laura Atria/Robin Bird)

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

**Enactment No: RES. No. 2017-211**

6. [17-344](#) 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 THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE USE OF THE EXTERIOR WALL OF THE BAILEY CONTEMPORARY ARTS BUILDING LOCATED AT 41 NE 1ST STREET FOR THE PAINTING OF A MURAL ENTITLED, "VISIONARY"; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Laura Atria/Robin Bird)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-212**

Comr. Perkins pulled the item to inquire about the costs involved with this matter.

Laura Atria, Public Art Program Manager, replied no cost is associated with the matter.

7. [17-349](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY RELATING TO USE OF STUDIO SPACE AND THE KILN AT THE BAILEY CONTEMPORARY ARTS, 41 NE 1ST STREET, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Laura Atria/Robin Bird)

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

**Enactment No: RES. No. 2017-213**

8. [17-348](#) 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 OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/Robin Bird)

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

**Enactment No: RES. No. 2017-214**

9. [17-331](#) 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 PBFC PAL HAMMERHEADS INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-215**

10. [17-346](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE VENDING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RIGHT CHOICE VENDING/COFFEE, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$6,886.00 paid to the City)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-216**

11. [17-362](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, NAMING HAZEL ARMBRISTER HONORARY CITY HISTORIAN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

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

**Enactment No: RES. No. 2017-217**

12. [17-335](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **VELMA FLOWERS** TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS THE APPOINTEE OF COMMISSIONER BEVERLY PERKINS, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-218**

13. [17-364](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOCELYN JACKSON** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Strategic Plan Initiative***

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-219**

Comr. Sobel, as a point of order, indicated that he had made a motion that was seconded regarding the Community Redevelopment Agency (CRA) forensic audit; therefore, under Roberts Rules of Order it is mandated to take a vote on the motion. This is not a discretionary item in terms of policy. Therefore, he asked for a vote on the motion.

Mayor Fisher indicated that he called the motion out of order and asked the City Attorney to respond. Mark E. Berman, City Attorney responded that Mayor Fisher is correct. There was discussion among the Commission that it would be more proper to go before the CRA board and not before the Commission since it is a CRA matter. Therefore, as the Chair he can all the motion out of order.



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

NOTE: Mark E. Berman, City Attorney, advised that items 14 and 15 are 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 each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.

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

14. [17-319](#) P.H. 2017-35: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA,  
ABANDONING A FIVE FOOT UTILITY EASEMENT LOCATED AT THE  
CORNER OF SE 28TH AVENUE AND SE 7TH STREET AND COMMONLY  
KNOWN AS 605 SE 28TH AVENUE; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
FIRST READING: MARCH 28, 2017

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin Bird, Development Services Director, presented the item as a second reading of a request to abandon the five-foot utility easement at 605 SE 28<sup>th</sup> Avenue. The Planning and Zoning Board unanimously approved the application.

Thomas Johnston, Esq., 2535 East Atlantic Boulevard, Pompano Beach, FL, noted that he is available to answer any questions.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-33**

15. [17-299](#) P.H. 2017-39: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED BOTH SOUTH OF MCNAB ROAD AND WEST OF FEDERAL HIGHWAY (US 1) AND COMMONLY KNOWN AS 950 EAST MCNAB ROAD FROM B-3 (GENERAL BUSINESS) TO PCD (PLANNED COMMERCIAL/INDUSTRIAL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robin Bird/Jae Eun Kim)

Robin Bird, Development Services Director, presented the item, which is an ordinance to rezone from B-3 (General Business) to PCD (Planned Commercial/Industrial) at 950 East McNab Road. The property is 1.7 net acres. There was a recommendation of denial subsequent to staff's recommendation of approval before the Planning and Zoning Board, held on February 22, 2017. The vote was 4-2. Most of the Planning and Zoning Board comments and staff report have been addressed except a few items that must be addressed during the site plan approval, should the item be passed at the Commission level.

In addition, Mr. Bird indicated that the land use designation of the property is C (Commercial) and the rezoning application does not request any residential density. Current zoning for the property is B-3 and does not permit self-storage facility uses. He then explained in detail the planned usage encouraged for this location. Further, Mr. Bird indicated that the planning objectives for the development would include the objective of 950 McNab Road PCD to provide innovative commercial mixed-use development that compliments and enhances the surrounding commercial areas and residential neighborhood. The retail restaurant, office and self-storage proposed for the project will help meet the growing demands for these types of uses in a manner that achieves a more efficient use of the land and compliments the goals of Federal Highway/US corridor. Based on the proposed PCD, self-storage is requested as the primary use. The City Commission can waive justification of the 5.0 minimum acre requirements for PCD. The surrounding uses to the north is B-3 (General Business) Retail and Bank with a drive through. To the south B-3 (General Business) multi-storage apartment complex, directly abutting is the parking garage for the complex. To the east is the B-3 (General Business) a pharmacy and to the west public utilities, which is an FP&L substation.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, indicated that Dodie Keith, Keith & Associates has a presentation along with his presentation. On behalf of the applicant, Mr. Mele presented an overhead slide to the Commission regarding the planned use of the property for retail/restaurant and self-service storage. ***A copy of the presentation is attached to the minutes as Attachment I.***

Dodie Keith, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, spoke briefly of some of the outreach they have done with the community. She indicated that the project has been worked on for over eight years to try to find the correct use that would be most beneficial to the surrounding community considering the traffic concerns and the many issues that have come up within the community.

Moreover, the owner of the property is a current business owner of Pompano Beach and has been for many years. Therefore, he is aware of the community needs and what it means to be a good neighbor. In June last year, outreach to the public commenced with the local people, as well as a meeting with the entire South Pompano Beach Civic Association, which is the bigger association that starts from Atlantic Boulevard to McNab Road. Recently, they attended the Pompano Beach Economic Development Council meeting and received a unanimous support from the members. In addition, she has received over 1,000 signatures on petitions in support of the project in which 863 are from Pompano Beach. Some of the petitions were submitted to the City Clerk for the records. While there will be some people who will support the project there are those who will not, nevertheless, Ms. Keith indicated that this is the right project for the right location and looks forward to it being a great member of the community.

Mr. Mele continued with his overhead presentation regarding demand for self-storage and provided detailed information on the industry standards from a national perspective.

A number of persons provided comments on the project.

- 1) Ric Green, Greater Pompano Beach Chamber of Commerce, President/CEO, Pompano Beach, FL spoke in favor of the owner as a fine businessperson who is proposing the McNab Road project.
- 2) Diana Lurie, 1040 SE 7<sup>th</sup> Avenue, Pompano Beach, FL, expressed concern regarding the planned project due to the traffic density issues.
- 3) Mariann Ingrassi, 941 SE 7<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project for the area. She also indicated that she received 53 names of people living in Pompano Beach that are in support of the McNab Road project.
- 4) Greg Eickhorn, 370 SE 11<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the planned project.
- 5) Dan O'Brien, 721 East McNab Road, Pompano Beach, FL, indicated that he supports development but would want to see the area developed in a more reasonable way, as this project appears to be spot zoned.
- 6) James Jankowski 2025 NW 15<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project.
- 7) Lauren McGee, 961 NE 27<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project.
- 8) Shauna Benson, 800 SE 4<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project.
- 9) Michael Skversky, 1630 SW 5<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project.
- 10) Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, spoke in favor of the planned project.
- 11) Hanley Walker, 420 SW 15<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the planned project.
- 12) Mark Simone, 2322 SE 11<sup>th</sup> Street, Pompano Beach, FL spoke in favor of the planned project.
- 13) Patrick Jovanov, 411 NE 18<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project, but had an issue with the school traffic, which he said needs to be addressed.
- 14) Remy Cuholan, Croissantlicious Bakery, 354 E McNab Road, Pompano Beach, FL, 2166 NE 56<sup>th</sup> Street, Fort Lauderdale, FL 33308, spoke in favor of the planned project.
- 15) Kevin Keimel, 6550 NE 21<sup>st</sup> Avenue, Fort Lauderdale, FL, spoke in favor of the planned project.
- 16) Keith Kidwell, 981 SE 9<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the planned project.

Finally, Mr. Mele pointed out that the traffic slide he displayed earlier not only included the self-storage but it included the retail, restaurant and office space in the front of the building. All uses were included for 726 cars per day, 41 in the morning and 146 in the afternoon. All uses proposed can be accomplished without rezoning. In sum, Mr. Mele indicated that many people support the project and he hopes the Commission would support it as well.

Comr. Sobel indicated that he has received more emails, telephone calls responses on this particular proposed development than most others, and many are in support of the project. He is a proponent with improvements to be made on McNab Road. It does need beautification and the City has a Strategic Plan that will need several things. In any event, he commended the proponents for this development for so much public outreach. The information shared has been helpful, as well as the developers were very accommodating to include requested landscaping adjacent to the area where the project will be constructed. In terms of a mixed-use development, this is one of the lowest possible traffic creators that exist. Therefore, he supports and hopes this is a new spark for continued streetscape improvements and beautification of McNab Road.

Comr. Hardin referred to the backup material and stated that Ordinance Exhibit B is a 55-page document. However, on page 35 of 55 sheet PCD-2 as submitted by the applicant, the PCD table in the lower right hand corner the sentence appears to be truncated, which is unfinished.

Mr. Mele responded that he has noted Comr. Hardin's request and at the second reading of the item, they will ensure that information is completed.

Comr. Hardin agreed with Comr. Sobel that McNab Road needs a tremendous face-lift, which they have been working on for several years. The subject property has remained difficult throughout the years for a few reasons not least of which it is next to the FP&L substation. The huge problem has been traffic. In sum, this project is a great idea to include some retail and overall is one of the lowest traffic impact development for McNab Road. While there are some hesitation and non-support of the project, overall the developer has come up with one of the best project for the property considering all things and a spark that will get things moving in the area. He hopes this will spur some interest for the other piece of property to the west on the other side of the FP&L substation. Comr. Hardin indicated that he has received numerous emails for and against and he could not respond due to the fact that the item is quasi-judicial proceeding that does not allow the Commission to discuss outside of the forum of a meeting. Comr. Hardin stated that he had ex parte communication with the developer and that the survey plans were brought to his office. In sum, he supports the project and look forward to seeing it built. He then inquired if the project were approved after second reading when would construction commence.

Mr. Mele responded that as soon as the site plans are approved they would then go in for building permits.

Comr. Moss congratulated the developer for designing one of the most beautiful storage facility he has seen, and it will be a big help to the neighborhood. He indicated that he had ex parte communication with the developer.

Comr. Perkins stated that she was impressed with the public outreach and that everybody was made aware of what is happening and how it will affect him or her. She has also received petitions, letters and the attendance at meetings.

Mayor Fisher indicated that the emails have been overwhelming in support of the project. He indicated that Comr. Hardin and he have worked hard with McNab Road and Federal Highway to get a decent lane going into the Publix shopping center to lead traffic off Federal Highway. He then explained the reasons why it would be an injustice to the community if the Commission did not support this project. This is an opportunity to develop an eye sore location for many years as well as limit the impact of traffic passing through the area. Mayor Fisher indicated that he had ex parte communications with the developer and he is excited about the project.

Mr. Bird asked to address the Commission question about the 12,000 square feet of retail, which is one of the reason staff did not consider it as spot zoning, and that the small amount of retail is in line with the corridor studies and the self-storage use is considered for retail.

Comr. Sobel also acknowledged that he had ex parte communications with some of the representatives.

Vice Mayor Burrie indicated that she also had ex parte communication with the developer. In addition, she commended Mrs. Dodie Keith and Dennis Mele for a great job on this project, the outreach has been great and if all the projects went this way it would make the Commission's job much easier.

Mark E. Berman, City Attorney appreciated the disclosures by the Commission as required by the ex parte communications and the nature of the discussion should be included.

Mayor Fisher indicated that the nature of the discussion was to discuss the project in detail and provide information to bring forth to the Commission meeting.

Mr. Berman asked if everything discussed tonight was the same and that there was nothing different.

Vice Mayor Burrie responded that is correct.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**END OF QUASI-JUDICIAL PROCEEDING**

16. [17-355](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN POMPANO BEACH LODGE #1898, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, INC. F/K/A POMPANO BEACH ELKS CLUB, INC. AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 700 NE 10TH STREET; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$5,500,000.00)

(Staff Contact: Gregory P. Harrison)

Vice Mayor Burrie stated that Section 1.19 of the Broward County Code of Ordinances, the Code of Ethics for elected officials provides in Section (a) that it is the responsibility of each county commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their service. In addition, to avoid even the appearance or perception of impropriety. Furthermore, in the Florida Statutes Section 286.012 deals with voting requirements of public entities including municipal governments and provides that a member of the commission vote unless with respect to any such member there is or appears to be a possible conflict of interest under various provisions of listed statutes governing public officers. She said that although she did not participate in negotiations between the City and the Elks for the sale of the property, which is the subject of the matter under discussion, she believes that she has otherwise a conflict of interest with regard to voting on this agenda item for the following reasons:

She is more than a simple member of the Elks. She has served as Exalted Ruler, State District Vice President and District Deputy Grand Exalted Ruler. She was instrumental in acquiring the property with the committee in the beginning to locate the Elks there. Presently, she has been appointed to the State Judiciary, as well as to be legal advisor to the Florida State Elks charities. In addition, Vice Mayor Burrie believes that because of her extensive participation and dedication to the Elks both in Pompano Beach and at the State level, would serve as an appearance of or a perception of impropriety should she vote on the matter on hand. Therefore, because she serves both the Elks and the City with great passion, she declared a conflict of interest on the matter and will abstain from voting and file the appropriate Conflict of Interest form with the City Clerk. *The form is attached to the minutes as Attachment 2*

Mayor Fisher inquired that since he has been a member of the Elks Lodge for over 30 years would that be a conflict of interest to vote on the matter.

Mark E. Berman, City Attorney indicated that he had looked into the issue and all the ethics opinion he researched, and the interpretation of the Florida Statute Chapter 112.312, which defines conflict as a situation with regard to private interest, tends to lead to disregard of the public duty or interest, which is not so in this matter. Therefore, there is no conflict as a member, or for any other member of the Commission that maybe a member of the Elks. In sum, there is no special benefit or anything else that goes to a member or a family member. Consequently, his legal opinion is that there is no conflict of interest.

Comr. Sobel indicated that he has been a dues paying Elks Club member for many years, he has had both personal and professional acquaintances with the exalted ruler, Stu Howard, but he cannot recall the last time they had any professional involvement. Therefore, he does not see any conflict or the appearance of conflict, but wanted to disclose his association with Mr. Howard.

Mr. Berman indicated that nothing that Comr. Sobel has described would change his prior interpretation per Section 112.3143 Florida Statutes.

Gregory P. Harrison, City Manager, indicated that in 2015 he spoke with a resident Melissa Patton who asked him why the City did not have adequate facilities for youth sports, which he could not answer her at the time. Consequently, over the past two years he has spent time investigating and educating himself with the Parks and Recreation staff as well as encouraged Ms. Patton to get involved and attend the Parks and Recreation advisory board meetings. It is well documented that the City is “bursting at the seams” with all the youth sports in Pompano Beach. The City has been growing but has not been keeping up with the number of fields needed for the youth to play on. He then described some of the various athletic activities that have to be shared utilizing one field. In 2016, he found out that perhaps the Elks property maybe available for sale and contacted the Exalted Ruler, Stu Howard regarding the sale, with the purpose in mind to create a youth sports complex. A preliminary sketch was done in-house of the sports complex, which Mr. Harrison outlined to the Commission in detail. In sum, the property was appraised for approximately \$5.5 million and with the assistance of an Elks Club Steering Committee; a letter of intent was done to purchase the property contingent upon the Commission’s approval. The purchase price listed in the letter is \$5.5 million. Therefore, staff respectfully request the Commission’s approval of the letter of intent to purchase the property for the youth sports complex.

Several members from the audience spoke regarding the matter.

- 1) Melissa Patton, 601 SE 8<sup>th</sup> Avenue, Pompano Beach, FL, stated that she has very active kids who enjoys sports but experience the overcrowding on the fields. Therefore, she spoke in support of the City moving forward with plans to purchase the property.

- 2) Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, questioned how this project would affect the proposed project in District 5 for a soccer field. Nevertheless, he supports the concept, but has one reservation, which is to use emergency funds now for this project.

Mr. Harrison responded that they will be two separate projects, and that one would complement the other. The field on the west side would accommodate high school and collegiate age groups and the concept is that children from all over the world would be brought in to be coached as well as they will be able to live in the facility. On the other hand, this project would be for a youth park for age groups starting at six years old and up.

- 3) Douglas Matthes, 500 NE 6<sup>th</sup> Street, Pompano Beach, FL, spoke in opposition of the project and provided his reasons. In sum, at least seven existing parks could be utilized for the additional space needed for soccer fields.

Mr. Harrison clarified that the City will not be purchasing any other property near the Elks lodge.

- 4) Dominic Sanzone, Physician, 281 SE 5<sup>th</sup> Terrace, Pompano Beach, FL, spoke in favor of the project, and provided his reasons.
- 5) Roy Kronaburg, Pompano Beach, FL, spoke in opposition of the project and provided his reasons.

Mayor Fisher explained that the City is not taking the Elks Club for purchase; rather they are placing the property on the market for sale. Therefore, if the City does not purchase it some other entity will, as the Elks Lodge is determined to sell the property.

- 6) Patrick Jovanov, 411 NE 18<sup>th</sup> Avenue, Pompano Beach, FL, indicated that \$5 million is a lot of money and would raise the value of Pompano children.
- 7) Jim Frye, 2800 NE 7<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the project. As a former recreation coach for the City and former High School coach, he is aware that the current fields are overworked.
- 8) Sherry Grushka, 620 NE 8<sup>th</sup> Court, Pompano Beach, FL, spoke in opposition and provided her reasons, because she lives behind the Elks Lodge and noise has always been an issue when the Elks lodge have events. Therefore, she requested that a noise study be done for the surrounding neighborhood.
- 9) M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the project. However, he hopes that if the land is acquired it will be designated as a park and not sold for some other purpose.
- 10) Chris Mullan, 808 NE 5<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the project and provided his reasons.



- 11) Henry Hillman, 2437 SE 10<sup>th</sup> Court, Pompano Beach, FL, spoke in favor of the project and provided his reasons. He offered to assist with the noise and lighting issue if necessary.
- 12) Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, clarified what was mentioned to him about the plans for the area.
- 13) Michael Skversky, 1630 SW 5<sup>th</sup> Avenue, Pompano Beach, FL, asked about the fields and the sizes, which was explained that the smaller fields would be for six year olds.
- 14) Frank Russo, 2293 SE 8<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the project and provided his reasons. As a coach, he sees the great demand for more sports facilities.
- 15) Andy Anderson, 2940 East Golf Boulevard, Pompano Beach, FL, spoke in favor of the project and provided his reasons. He confirmed that the Elks will stay in Pompano Beach and that no one is bailing the Elks out financially.
- 16) Stu Howard, 301 SE 5<sup>th</sup> Terrace, Pompano Beach, FL, indicated that he needed to correct a few comments that were made earlier. The first is that the Elks sales taxes are paid and the only lien on the property is from the Elks State organization. He indicated they have had a number of offers for the property but preferred to sell it to the City in order to maintain the neighborhood. Because of the zoning they have as a community service, the other options that have been communicated are therapy centers, halfway houses, and old age houses. The best option is to sell to the City, which will maintain property values.
- 17) Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, spoke in opposition of the project and explained her reasons. She indicated that businesses in the area will continue to lack support if this project move forward.
- 18) Tom McMann, business owner in Pompano Beach, 1404 NE 2<sup>nd</sup> Street, Pompano Beach, FL, spoke in favor of the project and provided his reasons.

Mr. Harrison indicated that he told Mr. Terwilliger and Mr. Matthes that the hope and dream was to go from Dixie Highway to Federal Highway with a linear park. He did not say homes would be taken. If and when any of the homes, or apartments between Dixie and Federal would come available for sale then the City would entertain trying to purchase those to connect from Centennial Park back to Dixie and to Community Park. This is not in a plan, but rather a dream.

- 19) Tom Terwilliger, 3680 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, spoke in opposition of the project and provided his reasons.
- 20) Victoria Caesar, 144 SW 6<sup>th</sup> Court, Pompano Beach, FL, spoke in favor of the project and provided her reasons. As a coach, Ms. Caesar sees the need for more fields.

Comr. Hardin indicated that he is supportive of the project that is unplanned but it is a tremendous opportunity for the City as it relates to size and location of the property. The linear park is almost in

existence and obtaining the Elks property would allow the City another recreational facility. The City is growing to include growth of kids. Since the money is available, he would support the City making good this opportunity now. In sum, he hopes his fellow commissioners would support the project.

Comr. Perkins inquired if the residents in the surrounding area were noticed of the City's intent to purchase the property for the proposed use. She thinks it is important to get these people's input.

Mr. Harrison responded that he has not made any contact with the residents. Furthermore, there is a natural progression of action by staff, which includes contacting the surrounding property owners, should the City Commission approve the purchase of the property. In addition, a design contract would be presented to the Commission for their approval and all processes involved in developing the property into a youth park complex will be followed to include communicating with the residents in the surrounding areas.

Comr. Perkins inquired where will the remaining \$6 million be realized for this \$11 million project.

Mr. Harrison explained the plan to purchase the property. For the development of the property, those funds could be included in the General Obligation Bond Issue that is delayed until March to go before the voters.

Comr. Sobel indicated that it is easy to paint a pretty picture because most people love trees, children, and sports. However, at the same time, because an opportunity presents itself, it is incumbent upon all of the citizens and the fiduciary duty of the Commission at least to consider in an open forum if we are doing something prudent, fiscal and in a well thought out manner. Questions such as do we need a soccer park and if it were necessary at this time, what would be the cost to make it a reality.

In sum, Comr. Sobel stated there might be other opportunities to get the soccer fields for the kids to be able to utilize, and reconfigure the City's resources if there is a need and to shift resources and redesign current existing parks and great swatches of open land that is in Pompano Beach.

Additionally, Comr. Sobel indicated that he has received emails from concerned residents who are not happy about the project, because their homes stand to be greatly depreciated in value. Therefore, there ought to be a needs analysis done for this project. He then provided his views on the reasons why careful consideration ought to be given prior to quickly deciding on moving forward with this opportunity. Therefore, he urged the Commission prior to voting consider if this is going to be a long term purchase of minimal seed money on a hope and a prayer that a bond will be passed or that the taxes will skyrocket. So, is it necessary?

Mayor Fisher inquired if the City is becoming short or behind on the City's required park lands due to the population.

Mr. Bird responded that the Comprehensive Plan indicates that relative to other properties, the City is short on park land and will be short in 2035 through the long term population growth. Therefore, the 11 acres would assist in this regard.

In response to Mayor Fisher's question regarding the \$11 million, Mr. Harrison explained that it is an estimated projected cost of the completely developed project.

Mayor Fisher indicated that the park would be for the entire City to enjoy even though it is located in the Old Pompano Beach area. He concluded that it is necessary that the City invest in the children, which is our future and this is an opportunity to do so. The duties and responsibilities of the City Commission is to provide recreational sports and opportunities for the residents. Mayor Fisher indicated that he is a huge proponent in investing in our youth and our children. This is an opportunity that has come up and the Commission cannot afford not to react to it. Therefore, the City must move forward instead of remaining in the yesteryear.

Finally, Mayor Fisher thanked the Elks Lodge for not looking at other contracts. Therefore, he hopes the Commission move forward with the project.

Comr. Moss indicated that he attends Saturday morning meetings, which has been going on for a number of years being held at the Herb Skolnick Center in Palm Aire. This matter was discussed very spiritedly; the members agreed unanimously that this was not an expense but rather an investment in the young people, who need these type of facilities. Therefore, this is a good thing for the City so the Commission should move forward with it.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Fisher

**No:** Perkins

Sobel

**Recused:** Burrie

**Enactment No: RES. No. 2017-220**

17. [17-330](#) P.H. 2017-40: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 76.02, "DEFINITIONS," TO PROVIDE ADDITIONAL REQUIRED DEFINITIONS; BY AMENDING SECTION 76.05, "AUTHORITY TO ESTABLISH PARKING METER ZONES," TO REASSIGN AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO DETERMINE TYPES OF PARKING METERS UTILIZED BY THE CITY; BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," TO MODIFY DESIGNATED PARKING METER ZONES AND METER FEES AND RESTRICTIONS, AND TO MODIFY HOURS OF OPERATION OF PARKING METERS, AND TO MODIFY COSTS AND OTHER REQUIREMENTS FOR

PARKING PERMITS; BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," TO MODIFY REQUIREMENTS AND RULES AND ESTABLISH HURRICANE PARKING AND BULK PARKING PROCEDURES AND RATES, AND TO PROVIDE FOR PARKING FEE EXEMPTIONS AND MODIFY REQUIREMENTS FOR MOTORCYCLE PARKING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item, which is proposing several amendments to the City's parking code. Ms. Sibble mentioned that Chris Brown, Community Redevelopment Agency (CRA) Co-executive Director originally drafted the proposed amendments. Thereafter, she indicated various entities, provided input and feedback, which were considered and included in making the amendments. These included the residents, the City Commission and most recently Comr. Sobel, Public Works Director Robert McCaughan, her, the Parking Consultants Lansing Melbourne Group, and Denison Parking.

Chris Brown, CRA Co-executive Director, indicated that he has been assisting Ms. Sibble with the parking for approximately two years. He said in 2016, the Commission approved the first ordinance for the City's modern parking and kept the rate at \$1.25 throughout the entire metered area, which is on the barrier island. At this time, they are introducing (Phase variable rates, which are new. In this case, it will be by-season, on-season, off-season and events. This type of rate is used in sophisticated parking management in order to achieve convenience for people utilizing the parking spaces. He explained the intent to raise rates when demand increases. This is the first phase of variable rates. The rates will gradually increase. For example, for off-season (as of April 16), the rate will be \$1.25/hour for the garage and for certain areas and in-season the rate increases to \$1.50/hour and for holiday events it will increase to \$1.75/hour. Mr. Brown displayed a map indicating the three rate zones and explained the reasons. Pompano Beach Boulevard is the most expensive and is zoned three, where there is the highest demand. The least used area is zone one, which is the area west of A1A from the south end to SE 8<sup>th</sup> Street up to NE 14<sup>th</sup> and 15<sup>th</sup> Street. The mid zone is two, which is the parking garage.

Furthermore, Mr. Brown indicated that they have increased the abilities to Pay-by-Phone, which is a convenient modern method. In addition, they included a Pay-by-Plate, which is important, efficient, and convenient.

Mr. Brown provided the following key parts to the ordinance:

- 1) Resident parking will be increased and the fee doubled.
- 2) Last year a survey was done with the District 1 former Commissioner Dockswell and thereafter with the current Commissioner Sobel regarding the residents living on the south end between Briny and A1A starting at 4<sup>th</sup> Street to 8<sup>th</sup> Street. Many of the people do not have parking available and have been using the public parking, and have been placing towing signs in the public parking area to discourage other users. These residents can now purchase a permanent resident parking

space on the south end for \$120 per year, which equates to \$10 per month for parking. In fact, the City will be adding more spaces on the side streets.

- 3) During a hurricane the garage will be utilized on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors free of charge with the understanding that users are parking at their own risk.
- 4) Clarification of free parking. If a person/organization is providing a public service to the City, then the City Manager can make a decision to allow free parking. For example, a group that comes to clean the beaches two to three times for the year will continue to receive free parking to do the service.
- 5) To allow the City Manager or his designee to raise parking rates no more than 20% in cases of high demand.

Comr. Hardin asked of the two days when the garage was full was the Oceanside lot empty.

Jeff Lance, Denison Parking, responded that the Oceanside lot was full. In fact, everything was full, to include the side streets.

- 6) A rate study was done and the City's rates are lower than any other municipality in the surrounding areas. The semi-annual rates for the Oceanside Lot, the City had a contract with the Sands Hotel where they could use the parking for \$30 per month the rates increased to \$50 per month.
- 7) Long-term parking is allowed in the garage on the roof only at \$100 per month. This rate was reduced from \$150 because no one utilized it.

Ms. Sibble presented a number of slides regarding the following:

- 1) Proposed Pompano Beach Fishing Village Site – This is one of the most notably public-private partnerships that the City has entered into, which she explained in detail. With all the expected parcels fully functional with the retail shops, restaurants, and food establishments there is an estimated \$500,000 to be remitted to the City's General Fund.
- 2) The garage was built to accommodate an anticipated increase in parking demand, and to support valet operations for the Beach House and the Oceanic restaurants.
- 3) Financing structure is complicated. The expectation was that the garage would not be at its fully capacity for at least three years following construction. Therefore, the financing plans were designed with that in mind. Funds were borrowed and the City expects to repay the debt service for over 25 years with a 100% of parking revenues.
- 4) Rates are raised to control demand for peak areas and peak seasons in the City. As well as funds will be in place to meet future operational needs and Capital Improvement and beyond.
- 5) Reserves to be built for the parking fund.
- 6) Continue to support the General Fund

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue Pompano Beach, FL, stated that originally, the beach was to be for the citizens but now flex rates are being proposed which he does not support and explained his reasons.

Comr. Hardin asked about the design of the rates that would allow people to find parking spaces. He cannot understand how the on demand rates will provide someone a parking space, if there are not designated spots.

Mr. Brown responded that if the garage keeps filling up, there would be the need to build another garage to create more supply. In addition, the prices will have to be increased on the highest demand spaces so people will have to move to other locations. Eventually, they will need to go across the bridge and create parking supply on the other side of the bridge. It will be less expensive yet still on the barrier island.

Comr. Hardin indicated that he is sensitive to the rates that the residents have to pay to go to the beach.

Comr. Sobel thinks it is disingenuous to say we are doing variable rates just to make sure that space is available. The reality is to generate more money and control behavior in terms of where people park. In addition, Comr. Sobel inquired about the maximum hours during a given month during peak season, how much revenue is the maximum that could generate at the current prices.

Mr. Lance responded that based on peak activities an average of \$150,000 per month.

An extensive discussion followed among the Commission regarding the projected parking rates and the need to allow affordable rates for the residents of the City utilizing the beach.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

18. [17-345](#) P.H. 2017-46: (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 SUBLEASE RECOGNITION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT FOR PARCEL R1 BETWEEN THE CITY OF POMPANO BEACH AND PPA-R1, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison/Adriane Esteban)

Adriane Esteban, CRA Project Manager, presented the item, which is a sublease recognition agreement for parcel R1. The parcel is located on the Pier Development site. The second amendment to the Development Agreement for this site, the City agreed to execute a Sublease Recognition Agreement provided certain criteria have been met. Outside Counsel Gail Serota has verified that the Agreement does meet the criteria. Ms. Esteban recognized the Developer, Tim Hernandez who was in the audience.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

19. [17-365](#) A RESOLUTION OF THE CITY COMMISSION OF POMPANO BEACH, FLORIDA, RENAMING THE CITY RIGHT-OF-WAY LYING BETWEEN DIXIE HIGHWAY AND THE FLORIDA TURNPIKE CURRENTLY CO-DESIGNATED AS DR. MARTIN LUTHER KING, JR. BOULEVARD AND HAMMONDVILLE ROAD TO THE SOLE DESIGNATION OF DR. MARTIN LUTHER KING, JR. BOULEVARD AND DELETING CO-DESIGNATION OF HAMMONDVILLE ROAD; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$1,250.00)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Department Director, presented the item, as a resolution making the dual name designation of Dr. Martin Luther King, Jr. Boulevard and Hammondville Road, the sole designation as Dr. Martin Luther King, Jr. Boulevard.

**A motion was made by Vice Mayor Burrie, seconded by Commissioner Sobel, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-221**

Comr. Perkins suggested that when the sign is printed that the name Martin Luther King, Jr. is spelled out in full and then abbreviate Boulevard (Blvd.)

20. [17-322](#) P.H. 2017-42: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

OFFICIALS TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT TO APPROVE THE GUARANTEED MAXIMUM PRICE (GMP) AND PROJECT CONSTRUCTION SCHEDULE BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR SERVICES RELATING TO THE CONSTRUCTION OF THE CITY OF POMPANO BEACH FISHING PIER PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$11,548,859.00)

(**Staff Contact:** Horacio Danovich)

Horacio Danovich, Capital Improvements Program Manager, presented the item, which is an Ordinance seeking the City Commission's approval of a contract to start reconstructing the Fishing Pier. He thanked the City Attorney's Office for the support they provided in preparing the contract documents, which is an extensive project with significant amount of documents and material to be reviewed and presented in a clear form to the Commission. In addition, Mr. Danovich indicated that there are two agenda items, the current, and the one following that is a companion item. There are two teams attending the meeting, members of Whiting Turner, Murray Logan, Wantman Group and Environmental Consulting Engineers, as well as, members of the local subcontractors who will be working on the project. Thereafter, Mr. Danovich provided a brief presentation, to include a location map, and the background history of activities leading to the current position. Please see Attachment 4 included in the minutes. Mr. Danovich then distributed a copy of the Department of the Army Corps of Engineers permit he received just this afternoon. Therefore, the only pending permit is the City's building permit, which the team has already been working with the department to get started in the near future.

Furthermore, Mr. Danovich explained there are two agenda items. The current is for a Construction Manager-at-Risk a Guaranteed Maximum Price (GMP) for \$11,548,859 that includes half a million dollars in contingency plus \$73,912 which are outside contingency for unanticipated costs, and \$73,889 which is anticipated tax savings by the ordering some materials directly.

The next item following on the agenda is a contract for construction engineering inspection services, which he would recommend that the Commission award to Wantman, the number one ranked firm, for \$747,230, which will include \$56,280 in contingency. He then highlighted what is included in the GMP. ***Please see Attachment 4 included in the minutes.*** As it relates to maintenance of traffic, the plan is to close Pompano Beach Boulevard from NE 2<sup>nd</sup> Street to NE 3<sup>rd</sup> Street until Thanksgiving in November this year.

Mr. Danovich indicated that the contract would have local participation estimated to be 10% of the proposed project including work force of local residents. One of the six employees working for Murray Logan are local Pompano Beach residents today. In addition, over 6% of the contract will have a direct effect in Pompano Beach businesses. For example, local business such as Cemix will participate, Keith and Associates and more.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, pointed out a number of shortfalls that occurred during Mr. Danovich execution of the project. He complained that documents were withheld, public records law may have been broken, costs are excessive and plans are to "raid" the hurricane reserve



funds for \$9.1 million to help pay for it, which he does not agree with this action. Therefore, Mr. Terwilliger urged the Commission to vote no on this item, as well as put the project out for competitive bid.

Comr. Sobel congratulated Mr. Danovich for acquiring the Army Corps of Engineers' permit. In addition, he asked Mr. Danovich if the project started in May 2017 and be completed by January 2019.

Mr. Danovich responded that is the schedule.

Comr. Sobel indicated he is unclear on how an \$11.5 million contract from a General Manager-at-Risk company with no real experience is a better deal than an \$8 million contract from a company that builds Florida fishing pier for a living. However, the reality is this was the cast July 26, 2016 meeting when the master contract for Whiting Turner was signed. Comr. Sobel suggested that regular updates be provided at least thirty (30) days until the project is complete.

Mayor Fisher stated that in the backup material it states that 67 firms participated in the pre-qualification process and asked if Whiting Turner bid every component out.

Mr. Danovich responded that is correct Mayor, and explained the breakdown of the costs. In response to Mayor Fisher's question, Mr. Danovich responded that Shoreline Foundation declined participation in the bidding process. He explained that Whiting Turner did meet with Shoreline Foundation and requested they submit the paperwork to compete in the bidding process, but they did not supply the material.

Mayor Fisher asked Murray Logan to provide information regarding their experience with piers.

Frank Cerambo, Whiting Turner Contracting Company, 1901 West Cypress Creek Road, provided information specifically with pier construction experience on their team is Marty Murphy who previously worked with Murphy Construction and has now joined forces with Murray Logan Construction over the past year. Marty Murphy was the project manager for three fishing piers on the east coast, Lakeworth Pier, Juno Beach Pier and Dania Pier.

Marty Murphy, Murray Logan Construction provided a brief background history of his family's company and the role he played there. His father and uncle decided to close the company because they wanted to retire. He had worked with David Logan over the years and he approached him to see if he was interested to finish their work and he actually ended up hiring 80% of the employees and purchased specific equipment including the trestle system for the piers, which he was involved with building all three piers as the Project Manager or program director.

Comr. Hardin asked what would happen if the project were delayed for six months.

Mr. Danovich responded that there are liquidated damages in the contract. Notwithstanding, the hope is to open the pier on or about January 2019.

Comr. Sobel asked when did Mr. Murphy joined Murray Logan.

Mr. Murphy responded in July 2015 and explained the merger of the two companies. He said the biggest unknown is the pile drivings, but other than that, everything else is considered with the contingencies. Brian Reel, Wantman Group stated that he was involved in the design of the three piers mentioned earlier and worked with Marty Murphy, Jr. and many of his current employees.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

21. [17-323](#) P.H. 2017-43: (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 PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WANTMAN GROUP, INC. FOR ENGINEERING SERVICES FOR THE FISHING PIER REPLACEMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$747,230.00)

(Staff Contact: Horacio Danovich)

Horacio Danovich, Capital Improvements Program Manager, presented the item and restated the item, which was related to the particular overhead slide, which is the proposed contract for construction engineering inspection services. This item for \$747,230 includes \$56,000 in contingency. The team assembled to render services will provide contract administration that would include special resident inspections, which the law requires. Mr. Danovich listed the various responsibilities of the company.

Comr. Hardin asked if the two items would cover all the firms that needed to be hired to complete the job.

Mr. Danovich replied yes these are the firms that will complete the pier.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Perkins  
Sobel  
Burrie  
Fisher

**Absent:** Moss

22. [17-294](#) P.H. 2017-36: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
FIRST READING: MARCH 28, 2017  
  
(**Staff Contact:** Karen Friedman/Robin Bird)

**NOTE:** This item was taken out of order and was heard and discussed after Item 16.

Robin Bird, Development Services Director, presented the item to the Commission. He stated that the item is to clarify and restrict athletic courts and residential properties. It adds definitions and dimensions, which was discussed at length at the last meeting. There was amended language provided by City Attorney Berman regarding the limit of the fence around the border that can be discussed later should the Commission rule it is necessary to amend. In addition, there was no motion taken as to whether the height of the fence should be lowered, to allow it to be fourteen feet (14') and specifically allow them as accessory structures, which is athletic courts and residential districts.

Mark E. Berman, City Attorney, indicated the language that Mr. Bird referred to would go in Section 6 – Fences for Athletic Court or Field. "There are various provisions a. through c. currently, if fence is not located in the front yard...and the last one in "e. Change fences visible from adjacent right-of-way shall be vinyl coated." Mr. Berman indicated that he had suggested to Mr. Bird to add a section f. based on a comment made at the last meeting. This would state, "The fence shall only enclose the playing surface or the court area." Therefore, it would limit the fence to the court area only instead of trying to put a fence around the entire house.

Comr. Hardin made a motion to amend the language to add "f." to Section 6 in the proposed ordinance, which was seconded by Comr. Moss.

Angela Hill, 760 SE 22<sup>nd</sup> Avenue, Pompano Beach, FL, indicated that she felt Robin Bird, Development Services Director was not being accurate and forthcoming, as well as entirely truthful to the Commission. She mentioned that Michele C. Mellgren, AICP is another city zoning/planning expert they had hired as an expert witness in their situation that they were presented with regarding the sports court issue. Ms. Hill then presented her contention to the Commission by way of presenting a number of slides. ***A copy has been made a part of the minutes as Attachment 3.***

Mayor Fisher mentioned to Ms. Hill that this is not a case issue; rather it is an ordinance for accessories. Since in her presentation, Ms. Hill has been referring to expert witnesses against staff, which is not appropriate, perhaps, she may want to stay with the ordinance itself and the issues with the ordinance.

Ms. Hill stated that the Commission is making its decision based on what staff is providing and are taking that as a preemptive truth to what she is communicating to them. Therefore, she is providing an expert witness comments who has agreed that there was no basis for the tennis court to be in the City of Pompano Beach. She then continued with her presentation.

In sum, Ms. Hill stated that Sports Court amendment is not permissible under the code. It directly conflicts with the existing code. Sports Courts need a proper definition. This offers none. Anyone can throw up a 14' high fence and block a neighbor's view if the ordinance is passed. Therefore, there will be many issues with water views. Lastly, she mentioned that no other City in Broward or Miami allows a 14' high fence and none allow a 5' from a waterway. Staff is unable to provide one example.

Ms. Hill urged the Commission to protect the residents of Pompano Beach going forward and not to make exceptions just because someone may "know people." Therefore, other residents should not be subjected to live with what they have to live with each day, since nothing can change the situation as it has been stated prior. Finally, Ms. Hill urged the Commission to vote no on the proposed change in the zoning code.

John Gassett, 2517 SE 14<sup>th</sup> Street, Pompano Beach, FL, stated that he has a problem with the proposed change and explained his experiences when he tried to remodel his home, which included remodeling the pool. However, they are now faced with the possibility that they may find their someone has put in a sports court 15 feet from the neighbor's bedroom with lights blaring and people popping balls all day and night and the views could be blocked on both sides and subjected to looking through a 14' fence. Therefore, he urged the Commission to vote no for this change.

Patricia Fahey, 716 Briny Avenue, Pompano Beach, FL, stated that at the last meeting she was unprepared. She indicated that this important issue must be addressed. In sum, Ms. Fahey complained that Mr. Bird has misled people. She said from the first meeting to now Mr. Bird has changed his position regarding the code allowing for a fence that could be to any height. The fence height for the sports court is listed as a recreational facility, which she explained her views on it in detail. She concluded that the change in the code does not protect anyone. Therefore, she urged the Commission not to approve a change for a purpose that she does not understand and do what is right for the City. She concluded that she agrees with everything Ms. Hill has put forth. To maintain the 25' to protect the waterway at all cost is the best interest of the people says Ms. Fahey.

Steve Wright, 2534 SE 14<sup>th</sup> Street, Pompano Beach, FL, stated that he has a waterway view. However, if the code is passed tonight, they will not be able to see the sunset view anymore, because somebody could put up a bocce ball court, and with the ambiguous nature of the sports court description, put up a 14' fence around it. He indicated that a letter came from Mr. Bird's office, which indicated that what was proposed was inadvertently approved, yet it was still built. So suddenly the code is being changed, which does not make any sense to him. He concluded that this code would not improve the City of Pompano Beach, should the Commission vote yes for this change.

Rhonda Eaton, 3400 NE 13<sup>th</sup> Terrace, Pompano Beach, FL, stated it appears to be some confusion, controversy and litigation over this issue. However, when she listened to Ms. Hill at the last meeting she felt it necessary to provide her comments on the matter. She provided a detailed background on an experience she had 15 years ago when she pleaded with the Commission for years to try and protect and insure that her sight visibility triangle on her waterway property was not violated, which did not prevail. Therefore, she urged the Commission to vote no on the issue and place a moratorium on any sports court permitting applications until this issue is figured out.

Todd Dettor, 514 NE 9<sup>th</sup> Avenue, Pompano Beach, FL, stated he is a general contractor that builds basketball tennis, bocce ball, picket ball courts throughout Florida and the Country. He considers himself an expert in the field. There appears to be some confusion regarding the definition of a tennis court, how high the fence needed to be and there are rules and regulations that defines a tennis court or a basketball court and what is needed to quantify it as that. The City does need to identify and define courts for certain purposes so as a builder, he can know what they are getting into when coming into a particular municipality such as Pompano Beach. There is a need to define certain things involved with building a tennis court, basketball court, etc. such as height restrictions, lights, distance from the property line, the height of a fence, allowable hours to play. Therefore, he is willing to assist the City to define these things to keep everyone happy.

Frank Russo, 2293 SE 8<sup>th</sup> Street, Pompano Beach, FL, stated that the theme of the meeting tonight is misleading and he will stick to the theme. He then displayed and outlined the history behind the property that has caused all the debate that has led to the theme of misleading. Mr. Russo indicated that he purchased two lots next to his property and submitted plans to the City regarding his intention of building and renovating to include building a tennis court. The plans were approved in 2013. He does understand the Hill's being misled and he feels sorry for them. He then displayed listing of the Hill's property and its proximity to his properties prior to his renovation of the properties he purchased. He has honored the sight triangle to the south of his property. However, for the point of a lot there is no applicable sight triangle. He opined that the Hills were misled into purchasing a lot with an intercostal view but in reality, it was only a canal view. In sum, Mr. Russo stated that there is no obstruction of view, his property does not violate a sight triangle, and he has permits to build everything including his tennis courts.

Finally, Mr. Russo referred to some fraudulent information he received regarding the Hill's activities including a homesteaded property being leased by the Hills, and indicated that the presentation he brought forward would convince the Commission that the property he owns has nothing to do with sight triangles and blocking views. Notwithstanding, the City's code needs to be clarified.

John Griffin, 310 SE 6<sup>th</sup> Terrace, Pompano Beach, FL, stated he does not like the sight triangle and suggested that perhaps the City should get rid of this as it is not being enforced.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, clarified a few points from comments made earlier. Under the City's Code, a sight visibility triangle requires an interior lot line. A person cannot have an interior lot line if the property is a point lot, and call the point requiring a sight visibility triangle. Additionally, under the current code, a fence can be located on the waterside on the lot line and there is height limit. There is another provision in the code that allows tennis courts, athletic fields and other sports facilities exemption from the height limitations of the sub-section. Furthermore, Mr. Shulmister indicated that legally, views are not a protected right but there are two exceptions, which he explained in detail.

Mr. Shulmister indicated that the proposed ordinance has a number of missing information that would be helpful. For example, a tennis court is not defined and should be. Therefore, since there is no rush on the ordinance, he suggested that the item be either referred to the Zoning Department or the Planning and Zoning Board to be vetted and expanded and make it into an ordinance that it needs to be.

Ms. Fahey wanted to know her right to speak a second time on a particular item.

Mark E. Berman, City Attorney explained that a citizen has the right to speak back and forth, but if that is being allowed then the night will be long. Everybody is allotted three (3) minutes, which in this case more than three (3) minutes have been allowed to the speakers.

Patricia Fahey, 716 Briny Avenue, Pompano Beach, FL, indicated this is the most important change, which is why she is attending the meeting. In fact, the owner of the property who has a tennis court and spoke on the matter has affected her, which is the contention. However, other members of the audience are awaiting the City Commission's vote on whether the current Code will be amended to protect the residents. She debated certain comments made by Mr. Russo.

Tim Donnelly, 2657 E 5<sup>th</sup> Court, Pompano Beach, FL, hopes the City will not allow high fences to be built on the canal.

Frank Sopper, 2317 SE 14<sup>th</sup> Street, Pompano Beach, FL, stated that he does not see the need for the 14' fence as no other city has this height fence. He indicated all fences run 6' maximum on the side lot as you approach the 25' setback it drops to 4' with 3' solid top foot open or anchor fence. Therefore, he suggested that prior to making a decision, some research should be done and the rules in place should be followed.

Vice Mayor Burrie indicated that the ordinance does not have enough in it, there is not enough to explain what exactly should be done. Therefore, she recommended that the item be tabled and sent back and research other cities' ordinances. It is obvious there is a plea for the City to do something but to do it right and this ordinance does not do it.

Subsequently, Vice Mayor Burrie made a motion to table the item for sixty (60) days, send it back to the P&Z Board for them to review and provide recommendations. Comr. Perkins seconded the motion.

Comr. Sobel concurred with Vice Mayor Burrie's comments to have this matter to go back for a total revision.

Mr. Berman advised that the motion to table is technically to postpone to a definite period of time that is discussable. Motion to table is not. It really is a motion to postpone to a definite time.

Vice Mayor Burrie amended her motion to postpone for ninety (90) days.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to amend the language to add "f." to Section 6, and that the Ordinance be Amended. The motion carried by the following roll call vote:**

**Yes: Hardin**

**Moss**

**Burrie**

**Fisher**

**No: Perkins**

**Sobel**

**A motion was made by Vice Mayor Burrie, seconded by Comr. Perkins, to postpone the item for ninety (90) days to allow Planning & Zoning Advisory Board to review and make recommendations to the City Commission. The motion carried by the following roll call vote:**

**Yes: Hardin**

**Moss**

**Perkins**

**Sobel**

**Burrie**

**Fisher**

**Meeting went into Recess**

**Meeting Reconvened**

23. [17-296](#) P.H. 2017-37: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING §155.3501., "TRANSIT ORIENTED (TO)," TO MODIFY REQUIREMENTS AND STANDARDS FOR BUILDING CONFIGURATION AND DESIGN FOR DEVELOPMENT IN THE DISTRICT; BY AMENDING §155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO MODIFY REQUIREMENTS FOR THE DENSITY REGULATING PLAN AND MODIFIED DENSITY STANDARDS AND PROVIDE REQUIREMENTS FOR AREAS THAT

FALL WITHIN THE TRANSIT CORE AREA BOUNDARY, AND MODIFYING THE DIMENSIONAL STANDARDS AND USE STANDARDS FOR NEW AND EXISTING DEVELOPMENT LOCATED WITHIN THE DISTRICT AND SUBSTITUTING THE CORRESPONDING DENSITY REGULATING PLAN MAP TO INCLUDE THE TRANSIT CORE AREA BOUNDARY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 28, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director presented the item and indicated that the City CRA has applied for a text amendment to Section 155.3051 and Section 155.3708, and is subject to review standards in Section 155.2402(c). The application request to revise the TOD district building design standards and the following DPOD standards, modify density-regulating plan to create a transit core area, which will not limit density by traditional means. It will require all buildings with six or more stories to be designed as a tower topology, create additional design regulations for the tower topology, reduce the minimum unit sizes for residential dwelling units, and limit medical uses on the first floor in certain areas. The application was reviewed at the December 21, 2016 Development Review Committee meeting and recommended for approval at the January 25, 2017 Planning and Zoning Board meeting with a 4-3 vote with the condition that the CRA re-present the item at the February 22, 2017 Planning and Zoning Board to address questions of the Board.

Finally, Mr. Bird stated that the CRA has complied with this as well as conducted local meetings and it allows residential and commercial restrictions that are marked up and cannot be observed into the current standard design, so that the density would be limited by the building envelope.

Comr. Sobel asked if a shade meeting will be set.

Mark E. Berman, City Attorney indicated that he would be announcing the meeting under City Attorney report.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins



Sobel

24. [17-230](#) P.H. 2017-33: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE FOR THE PUBLIC ART PROJECT KNOWN AS MOSAICS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$100,000.00)  
TABLED FROM FEBRUARY 28, 2017 AND MARCH 14, 2017  
***Strategic Plan Initiative***

(Staff Contact: Laura Atria/Robin Bird)

Mayor Fisher noted that a signed agreement was not submitted in the backup material.

Lauria Atria, Public Art Program Manager, responded that they were not able to get the signed agreement attached with the backup but they do have the original signed agreement.

Ms. Atria presented the item and indicated that this is a mosaic program listed in the Public Art Master Plan. It is a four-year program with a minimum of eight mosaic murals, which are individual mosaic programs. Therefore, for each program there are multiple murals. The first two years of the program will consist of four different projects that will be placed throughout the City. She then described the projects in detail and the process of selecting Sonata Kazimieraitiene as an artist. Finally, Ms. Atria stated that the program is intended to utilize the artwork to connect community's cultural resources.

In response to Comr. Perkins question Ms. Atria responded that the \$100,000 would come from the public art fund. Comr. Perkins indicated that she would desire to see the high schools students get involved in this rather than spend this money on other artists.

Ms. Atria explained that all the artists are local and due to legal requirements, the age group will have to be over 18 years old.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to remove the item from the table. The motion carried unanimously.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Sobel  
Burrie  
Fisher  
**No:** Perkins

25. [17-340](#) P.H. 2017-41: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DUDE SOLUTIONS, INC. D/B/A FACILITYDUDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$17,990.00)  
(Staff Contact: Russell Ketchem/Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item, which is an ordinance requesting the Commission to approve a contract with Dude Solutions, Inc. which pertains to a work order management system to track materials, equipment and labor for the work force as facilities are maintained and repaired citywide. The annual cost is \$17,990 and it is a multi-year contract.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

26. [17-328](#) P.H. 2017-44: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO PROHIBIT MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING ARTICLE 4, "USE STANDARDS," BY

CREATING PART 7, "MEDICAL MARIJUANA ESTABLISHMENTS," TO SET FORTH THE PURPOSE AND ESTABLISH USE STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO PROVIDE FOR MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY CREATING DEFINITIONS RELATED TO MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE SAID TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE TO REFLECT AUTHORIZED ZONING DISTRICTS WITHIN THE CITY FOR VARIOUS MEDICAL MARIJUANA USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

Mayor Fisher pointed out that there were two options presented Option A, and Option B, and wanted to discuss how the motion would be done for the item.

Mark E. Berman, City Attorney stated that the better way to do it is to have explain the options and then the Commission could pick one of the options. The first option is staff's recommendation and the other is the version approved by Planning and Zoning Board.

Robin Bird, Development Services Director, presented the item and stated that on June 28, 2016 the City adopted a temporary moratorium for medical cannabis, which was extended on November 8, 2016. During this time staff undertook comprehensive study of existing and proposed state legislation and administrative rules related to medical cannabis a/k/a medical marijuana industry regarding the process in dispensing and testing of the medical cannabis and the studies related to the safety, security hours and operation, noise, traffic, parking, and odor. Mr. Bird stated that Karen Friedman will explained the details, and that this will be her last meeting with the City of Pompano Beach, as she has taken a position with the City of Delray Beach. Nevertheless, he will continue with the item for second reading.

Karen Friedman, Principal Planner stated that the resulting recommendations include changes to the zoning code that would create regulations for medical marijuana establishments. There are three particular uses that would be created, the retail use, the healthcare use and the industrial use. Seven general standards would apply to all of the uses. In addition, the retail uses would be subject to seven additional standards. The healthcare to three additional standards and the industrial uses to two additional standards. The text amendment were presented twice at the February 22, 2017 and March 22, 2017 Planning and Zoning Board hearings. Because of the hearings Options A and B are presented to the Commission for selecting one of the Options. She then provided a brief review of the uses.

Additionally, Ms. Friedman pointed out that there is an error in Option A that the distance for the separation of one mile incorrectly in the language says 1,000 feet, which will be changed for second reading.

Joseph Wells, 789 NW 15<sup>th</sup> Place, Pompano Beach, asked if it had to be in the Northwest CRA.

Ms. Friedman replied no it is specifically prohibited to be located in the Northwest CRA.

Comr. Hardin wished Ms. Friedman good luck in Delray Beach.

Mr. Berman indicated that the motion can be made now to amend, it will appear amended for second reading, and that point there would be no need to make an amendment.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING, accepting Option A, as amended. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

27. [17-329](#) P.H. 2017-45: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH, FLORIDA, PROVIDING FOR THE IMPOSITION OF A MORATORIUM ON THE PROCESSING OF APPLICATIONS AND ON THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS FOR THE CONVERSION OF MULTI-FAMILY APARTMENT BUILDINGS WITH FIVE (5) OR MORE UNITS, TO SHORT-TERM RENTALS; PROVIDING FOR VESTED RIGHTS, APPEALS, AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A NINE (9) MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS;  
PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
(Staff Contact: Karen Friedman/Robin Bird)

Karen Friedman, Principal Planner presented the item and indicated that staff is requesting a temporary moratorium that would last for a period of nine months. The moratorium will strictly limit the existing apartment buildings with five or more units and would prohibit those apartment buildings from converting to short-term rental usage. In this ordinance, short-term rental usage is that of a period of six months or less. During the moratorium, staff will be studying the impacts of the uses on residence, neighboring properties, redevelopment planning efforts and the overall quality of life in the City. This was listed as one of the goals of one of the short-term rental taskforce in Memorandum 17-065.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, provided information he received when he appeared before the State Charter Review Commission and presented a legal thesis about the ADA in

which it was a non-enumerated power of the US constitution, and the states right should prevail. He indicated that State Attorney General Pam Bondi recommended him to speak with State Attorney General Dave Aronberg. Mr. Terwilliger stated that Mr. Aronberg told him he could only prosecute criminally, but if the Commission like the idea that this is a state rights issue that the City Attorney, who is the subdivision of the state could consider pursuing actions against the sober homes if the City wanted to fight it as a state's rights issue.

Comr. Moss understands that it is a temporary moratorium, but there is language in the ordinance that "frightens" him. On Page 3 of 6 Section 1- Moratorium Imposed – the last sentence, "For purposes of this ordinance, a short-term rental shall be any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreation vehicle park, tourist or trailer camp, or condominium for a term of six (6) months or less."

Comr. Moss noted that in Palm Aire, there are 8,886 units and across the street in Cypress Bend there are 1,963 units and in Gardens North there are 576 for a total of 11,425 units in District 5, which does not include some smaller condominiums. Palm Aire was built as a resort and have extremely stringent rental requirements in the community. However, their rules do not allow the owner rental of apartment for the first year. In sum, the language is unacceptable to the condominium owners in his district.

Mark E. Berman, City Attorney indicated that his interpretation of the language is that it is only applicable to apartment buildings with five or more, not condominiums. However, the definition of short term could possibly be re-worked between first and second reading to a more limited description, which apply and not cause the angst that it appears to be causing based on an overly extended definition, which is not needed.

Finally, Mr. Berman stated that he would rework the language to be more acceptable.

Comr. Sobel recalled when this item was discussed regarding the permitting issue with the nondiscriminatory criteria and it was not anticipated in the definitions that condominiums would be included, if there is a way to specifically exclude them. Nevertheless, he commended Mr. Berman and staff for putting this together in such a short time.

Mr. Bird indicated that the issue is with future regulations not necessarily the moratorium itself and the definitions that is there is to catch all. This is only about apartment buildings, but he has heard Comr. Moss' concern, so when they go to bring regulations enforced that is what they will be looking for. There is no need to change this between now and then, but we need to understand the different areas of the City.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

28. [17-347](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KEITH HAGG** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ALICE CHATTMAN, ALTERNATE #2; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Mary Antoine - District 1

Keith Haag - District 1

Claudia Mazzocchetti - District 1

***Strategic Plan Initiative***

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name Claudia Mazzocchetti. In addition, Commissioner Sobel nominated Keith Haag. The Resolution was ADOPTED to insert the name KEITH HAAG. The motion carried by the following vote:**

**Yes:** Hardin  
Perkins  
Sobel  
Burrie  
Fisher

**No:** Moss

**Enactment No: RES. No. 2017-222**

29. [17-306](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MIKE DEBERRY** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF GARY RUDERMAN, ALTERNATE #2; SAID TERM TO EXPIRE ON JULY 1, 2019;  
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Mike DeBerry - District 3

Des Frazier - District 4

Corey Thompson - District 4

Richard Sasso - City of Lighthouse Point

***Strategic Plan Initiative***

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Burrie, to insert the name Mike DeBerry. In addition, Commissioner Sobel nominated Richard Sasso. The Resolution was ADOPTED to insert the name MIKE DEBERRY. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Burrie  
Fisher

**No:** Perkins  
Sobel

**Enactment No: RES. No. 2017-223**

**E. REPORTS**

**Gregory P. Harrison, City Manager – Summer Camp Hosted by City of Pompano Beach** – Greg Harrison indicated that he asked Chief Jurgle to remain behind to make a presentation on an upcoming summer camp.

John Jurgle, Fire Chief, announced that the City would be hosting “Summer Sizzle” a summer camp that the fire chiefs of Broward County will put on. He indicated it is the first event in Broward County and it will be a great opportunity for the City’s Fire Department to showcase Community Park and some of the great things done in our City. More importantly, as the host city we will be able to invite our residents’ kids first. Therefore, it will be a great thing for the City and schools. He plans to get the flyers given out to all the schools and camps prior to the event. This is the Summer Sizzle Fire and Life Safety Expo, which will commence From July 18 to July 20, 2017 and will be for children all over the County.

Additionally, Chief Jurgle stated that various fire departments would be participating in this with the City of Pompano Beach. The event is funded through Broward County fire chiefs. There will be six parts to the camp, a fire truck tour and spraying of the fire hoses, they will provide classes on bicycle and helmet safety, participants will experience wearing fire gears and things of that nature. In addition, they will discuss and teach how to wear seat belts, stop, drop and roll and water safety. This is one more thing that will promote a number of good things happening in Pompano Beach.

Finally, Chief Jurgle thanked City Manager Harrison for his support in this endeavor. He indicated that upon receipt of the flyers, he would be getting them out to the public and the schools through the various media.

**Mark E. Berman, City Attorney – Executive Session** – Mark Berman indicated that pursuant to Section 286.011(8)(a) Florida Statutes, governing public meetings, as City Attorney of the City of Pompano Beach, he wished to advice during this public meeting, his desire for advice concerning litigation in the matter of “Pompano Beach Community Redevelopment Agency, Northwest District area and City of Pompano Beach v. State of Florida and Broward County, Florida. He stated that State of Florida has been removed, but he is reading the original style of the case as filed, Broward Circuit Case CACE No. 14-009654(18). Therefore, he is requesting the Commission to hold an Executive Session on

Tuesday, April 25, 2017 at a time to be announced later during the Commission meeting at a time certain, which normally is at 7:30 p.m. Attending the session will be the Mayor, City Commissioners, Kim Briesemeister, and Chris Brown Co-Executive Directors of the CRA, Mark Berman City Attorney, Claudia McKenna the CRA attorney, Jamie Cole and Daniel Abbott outside counsel for the CRA from Weiss Sorota.

Finally, Mr. Berman indicated that he is seeking advice concerning litigation strategy for the aforementioned lawsuit. The CRA attorney will be making an announcement at its meeting, as well as the City will post its notice of the meeting and the CRA will do the same.

**Asceleta Hammond, City Clerk** – No Report.

**Commissioner Rex Hardin – Team Pompano Corporate Run** – Comr. Hardin congratulated Team Pompano who participated at the Corporate Run in downtown Fort Lauderdale. There were 11 members of the team led by Team Captain Robert McCaughan. Comr. Hardin stated that perhaps everyone would be able to participate next year.

**City-owned Lot Clean up** – Comr. Hardin indicated that over at MLK Boulevard and NW 3<sup>rd</sup> Avenue, where there is the Saxon & Wall Supermarket directly across the street, there is a large piece of open property, which maybe owned by the City/CRA. He said even though there are signs in place indicating No Trespassing, people are sitting on milk crates and others are just hanging out creating an unhealthy atmosphere. Therefore, he inquired if something could be done to clean up that open lot.

Mark E. Berman, City Attorney, indicated that if the City owns the property it has the right to direct Broward Sheriff's Office (BSO) and request their assistance in keeping people from loitering on the property.

John Hale, Police Chief, BSO, stated that they are familiar with the location and for the past several years, the location has been used and identified as a "rallying point" for homeless services to pick up those needing those type services. Nevertheless, from time to time BSO do conduct sweeps of the area, in fact they just shut down a drug house in the area near NW 3<sup>rd</sup> Avenue. Chief Hale indicated that they are focusing on the area and since the epidemic of heroin in Broward County; some of these drug dealers and users have been plaguing the City.

Comr. Hardin concluded that if the City owns the lot then something ought to be done to keep it clean of people, even if it means putting a fence around it. Chief Hale confirmed that it is a City-owned lot.

Mayor Fisher indicated that the forces should come together to get the lot cleaned.

**Commissioner Barry Moss Pompano Beach Elementary School Event** – Comr. Moss indicated that last week Mayor Fisher and he visited the Pompano Beach Elementary school. They had a volunteer thank you event, the kids were great and they met the new principal. He enjoyed the mentoring program, which he looks forward to participating again after his surgery.

Mayor Fisher wished Comr. Moss good luck with his surgery.

**Commissioner Beverly Perkins – Northwest Community Empowerment Meeting** – Comr. Perkins thanked the Mayor and Commissioners for attending her first empowerment meeting with the Community at the E. Pat Larkins Center on Wednesday, April 5, 2017. In addition, City Manager Harrison was in attendance, the CRA Attorney, the City Clerk and she thanked everyone for coming out. She also thanked Broward County Commissioner Mark Bogen for providing the snacks for the event. An incident occurred, which will be addressed at the next CRA meeting.



**Road Surface Markings NW 6<sup>th</sup> Avenue** – Comr. Perkins thanked City Manager Harrison for organizing to get the road surface markings on NW 6<sup>th</sup> Avenue, which she stated it makes a big difference at night. Finally, Comr. Perkins indicated that she looks forward to her ride within the community on Friday with the City Manager.

**Second Northwest Community Empowerment Meeting** – Comr. Perkins announced that the next empowerment meeting would be held with the Broward Sheriff's Office, on Wednesday, May 3, 2017, at 5:30 p.m. at the E. Pat Larkins Center.

**Fruitful Commission Meeting** – Commissioner Michael Sobel – Comr. Sobel commended everybody for such a long night into morning. However, he thinks together they have accomplished a tremendous amount of important business with the residents and the City as a whole. He indicated that he could have done without the more than an hour and a half personal dispute between some residents over the fence issue, and suggested that maybe; we can work at narrowing those types of occurrences in the future. In sum, the meeting was fruitful.

**Northwest Empowerment Meeting** – Comr. Sobel thanked Comr. Perkins for sponsoring and organizing the Empowerment meeting. He suggested that these meetings can be held more frequently to ensure the information and the message is out there all the time.

**Untapped at Downtown Pompano** – Comr. Sobel indicated that he and his wife attended the Untapped downtown Pompano at the Innovation District, which was a wonderful event. The music was great the crowd was happy and the food trucks were gourmet and delicious. He encouraged those who have not yet attended to try it.

**Golf Course Issue** – Comr. Sobel directed staff to follow up on his golf course issue. He said he desires to get the facts. Prior discussions indicate there are no details on the effectiveness of the golf course, as well as what are the costs specifically. There are questions about employment and whether there were any studies done prior. Therefore, if there is any information staff could put together that is factual in what it could be in terms of tourism benefit, as a whole, and anything that can provide a better understanding of the costs and benefits pertaining to the municipal golf course. Comr. Sobel indicated that he would like to have this information to share with people.

**Pompano Beach Broward County Outfall** – Comr. Sobel thanked City Manager Harrison and Utilities Director Randy Brown for the Proclamation, as well as the information that he, Mr. Brown, Mr. Harrison and Broward County had started previously with regard to the Pompano Beach Broward County Outfall. The Broward County Administrator and Directors for the storm and wastewater have put together a pamphlet with a summary of facts to include information that in 2009 there were 37 million gallons of stormwater and partially treated waste pumped out of the Outfall. In 2015, the amount was already reduced to 23 million gallons and the projection is, by 2022, it will be at the point of virtually the final stage or the near closure of the Pompano Beach Broward County Outfall.

**Clarification of Reports Items from Previous Commission Meeting** – Comr. Sobel indicated that he did not like the way the Reports ended last meeting, he thought it ended poorly and perhaps it was due to the lateness and short tempers. He was prevented from responding to Vice Mayor Burrie's comments at the last meeting. He believes everybody should be working as a team and that he did not mean any disrespect when he was advising people they could get in touch with him. In addition, he did not think Vice Mayor Burrie meant to say that he should only be communicating with residents in District 1. He does not limit his services to just his district but to all residents within the City.

Comr. Sobel commented on prior comments made at the last City Commission meeting that he should check on the history of something with the City Manager prior to making a motion. He stated that he thoroughly does his research and homework prior to making a decision, which his service has made it clear. In the last meeting, regarding the item in question, Comr. Sobel stated that he had spoken with the City Manager who did not share his opinion regarding the matter. Also, he conducted extensive research with other City staff as well on his own. His decisions and views will be

based on the best facts, research and solely for the benefit of the residents of the City of Pompano Beach as a whole and District 1 in particular. Comr. Sobel stated that City staff is incredible including Mr. Harrison, who has been receptive and responsive to him since his first day as Commissioner. However, while the staff recommendations are extremely valuable and essential to him the good and balance judgement as elected officials is what the residents expect and are the ones with the fiduciary duties to the residents and not attending to just rubber stamped what is being told to us. He is not suggesting that anyone is doing it but rather none should be doing it.

**Newsletter** – Comr. Sobel thanked those residents of over 1,100 who requested to be added to his newsletter this last month. He hopes to send out his next issue in May. His email: [Michael.Sobel@copbfl.com](mailto:Michael.Sobel@copbfl.com)

**Vice Mayor Charlotte Burrie** – No Report

**Mayor Lamar Fisher – Broward League of Cities Annual Gala** – Mayor Fisher announced that the Broward League of Cities annual gala will be held on Saturday, June 3, 2017, at 6:30 p.m. at Margaritaville in Hollywood. Therefore, for those commissioners interested to attend they need to let Shelley Bartholomew in the City Manager's Office know and she will organize to get tickets.

**Golf Course** – Mayor Fisher informed that the golf course itself has the adult lessons, the group clinics, the junior clinics and camps, the local high school team practices and matches, the first Tee programs – which teaches the youth how to golf. As well as, the golf course practice facility and driving range hosts between 40 and 50 tournaments each year, and averages over 82,000 rounds of golf per year. Therefore, it is definitely an asset and a green space to the community; tourism is huge to include the winter and Canadian guests who play all the time when they visit. Mayor Fisher then provided a list of subsidy for some of the activities within the parks and recreation department, including the Aquatics City subsidizes 80% of the program, the recreational activities to include football, and cheerleading 89% subsidized, the amphitheater 100% subsidized, the tennis center 31% subsidized and the golf course 22% subsidized. In sum, Mayor Fisher indicated that Mark Beaudreau is doing a great job with the parks and recreation department that offers programs for both the young and senior residents of the community.

Finally, Mayor Fisher indicated that he looks forward to getting the additional information from City Manager Harrison that Comr. Sobel has requested.

## **F. ADJOURNMENT**

The meeting was adjourned at 2:40 a.m. on 4/12/2017.

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Lamar Fisher, Mayor

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Ascleeta Hammond, City Clerk

\*15.



Pompano Beach City Commission

# 950 East McNab PCD Rezoning



# Site

1.77  
Acres



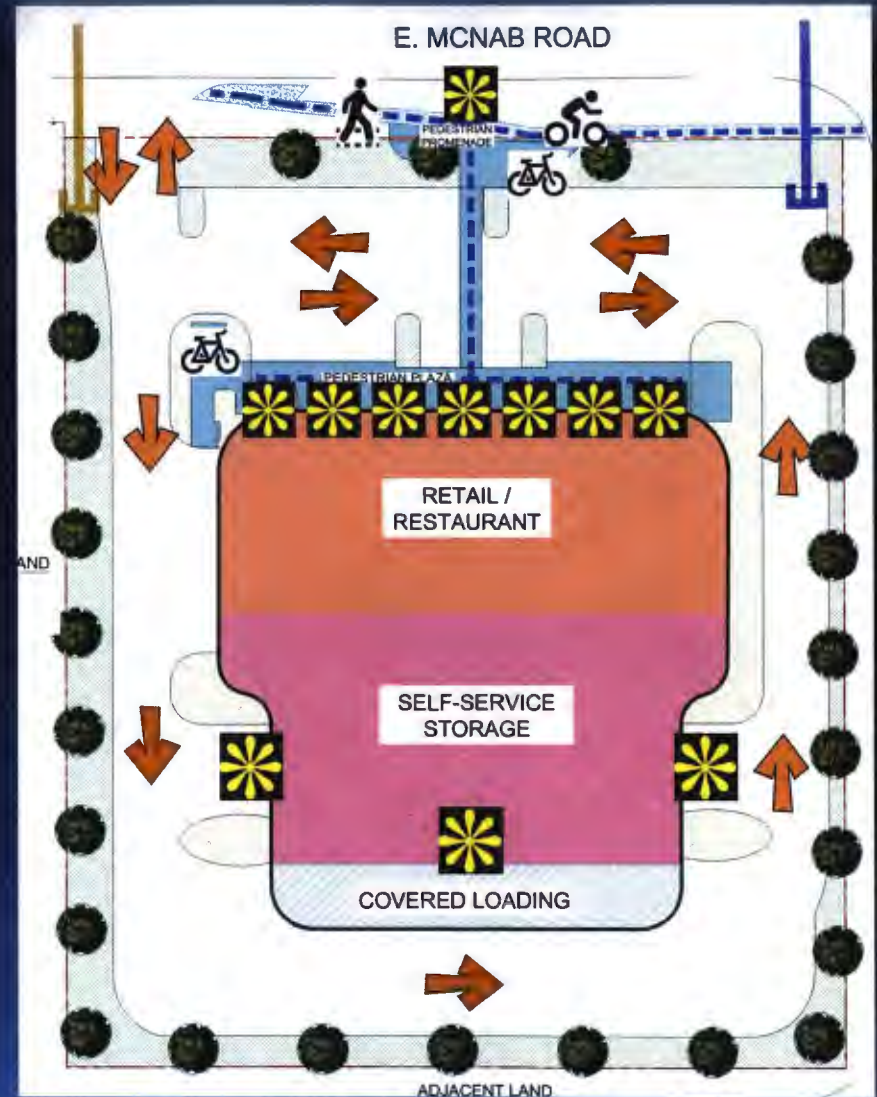
# About The Project

117,000 +/- sf mixed use project

8,000 +/- sf of retail space

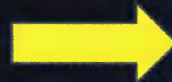
1,000 +/- sf leasing office

Self-storage units



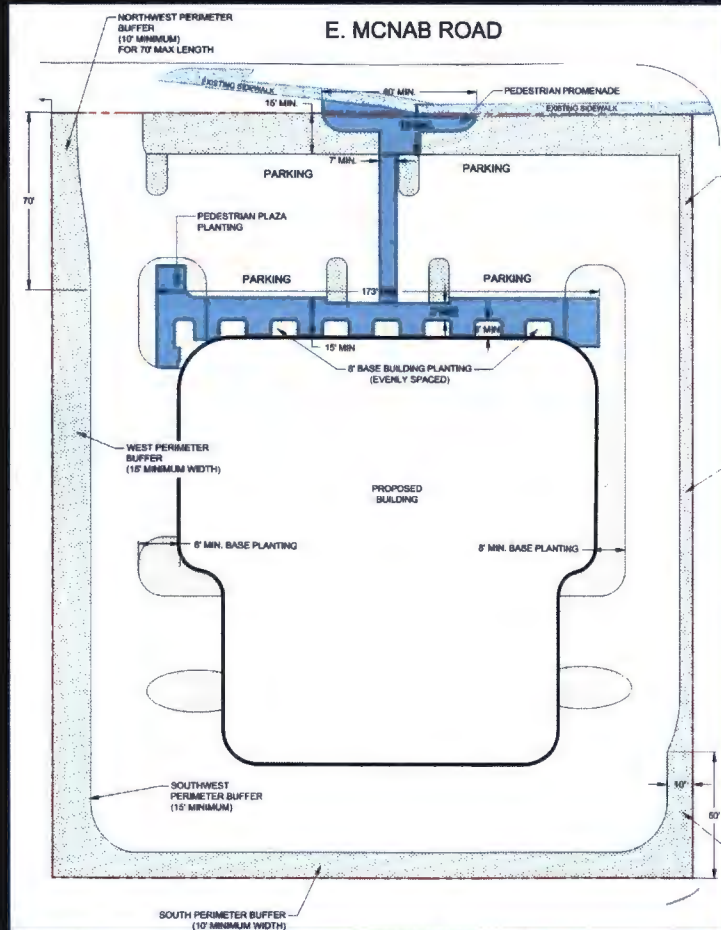


# About The Project



Intensity and Dimensional Standards			
	PCD	B-3	Deviation
District Area, Minimum	1.71 Acres Requires Waiver by City Commission	N/A	N/A
Density, Maximum (du/ac)	N/A	N/A	N/A
Floor Area Ratio (FAR) maximum	2	N/A	N/A
Lot area, minimum (sq ft)	10,000	10,000	0
Lot width, minimum (ft)	100	100	0
Density, maximum (du/ac)	N/A	N/A	N/A
Retail/Restaurant/Office Space, minimum/maximum (sq ft)	5,000/15,000	N/A	N/A
Lot coverage, maximum (% of lot area)	60	60	0
Pervious area, minimum (% of lot area)	20	20	0
Height, maximum (ft)	75	105	30 foot reduction
Front yard setback, minimum (ft)	0	0	0
Street side yard setback, minimum (ft)	0	0	0
Interior side yard setback, minimum (ft)	0	0	0
Rear yard setback, minimum (ft)	30	30	0

# About The Project



PCD	
Landscape Requirements	
REQUIRED	SUPERIOR ALTERNATIVE
VUA pervious area (15%)	20%
Trees	
One per 3000 SF	200% of required
Shrubs	
5 shrubs per 3000	200% of required
Native Tree requirement	
Minimum 50% of Required	200% of required
Palm Tree requirement	
Maximum 50% of Required	Meet or Exceed requirement
Required height of trees	
50% of Required to be 16'	150% of required
Buffer/Perimeter Trees	PROVIDED
(1 PER 30 LF)	100% of required
Landscaping between VUA and Buildings	
Sec. 155.5203.D.5.a	
8 feet per story (up to 24 feet)	Minimum 8' as shown on PD-3 *Seeking Diviation
Shrub Building Base Plantings	
Sec. 155.5203.E.3	
1 shrub per 6 LF	200% of required
VUA Building vs Landscape	
We are mitigating the required base building planting area with 'superior landscaping' alternative on site as provided in this table.	

# About The Project - Plazas

## PEDESTRIAN PROMENADE

MIN. 60' LONG

MIN. 19' WIDE (INCLUDES  
LANDSCAPE AND PUBLIC SIDEWALK)

MIN. 1,140 SQ. FT.

MIN. 7' SIDEWALK/CONCRETE  
WIDTH

**AMENITIES INCLUDE:**

## BIKE RACK

## BENCHES

**TRASH RECEPTACLE**

**SUPERIOR LANDSCAPE**

## PEDESTRIAN PLAZA

MIN. 173' LONG

MIN. 15' WIDE (INCLUDES  
LANDSCAPE)

MIN. 2,595 SQ. FT.

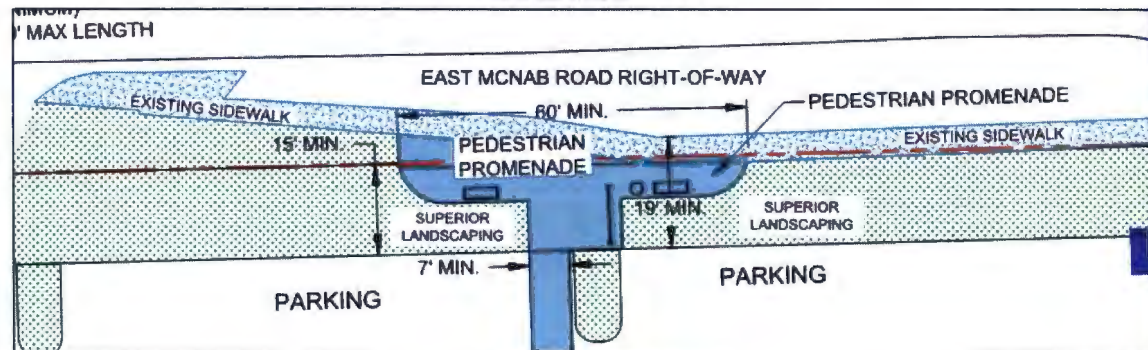
MIN. 7' SIDEWALK/CONCRETE  
WIDTH

**AMENITIES INCLUDE:**

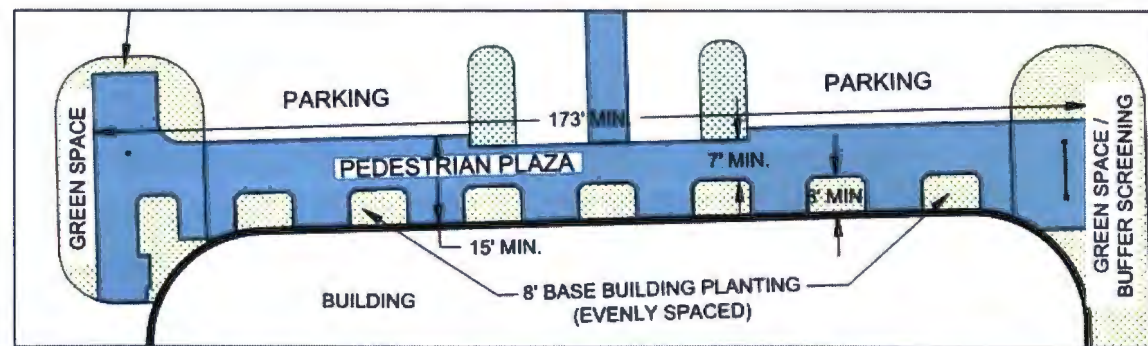
## BIKE RACK

### OPTIONAL RESTAURANT SEATING

**SUPERIOR LANDSCAPE**

PEDESTRIAN  
PROMENADE

## PEDESTRIAN PLAZA





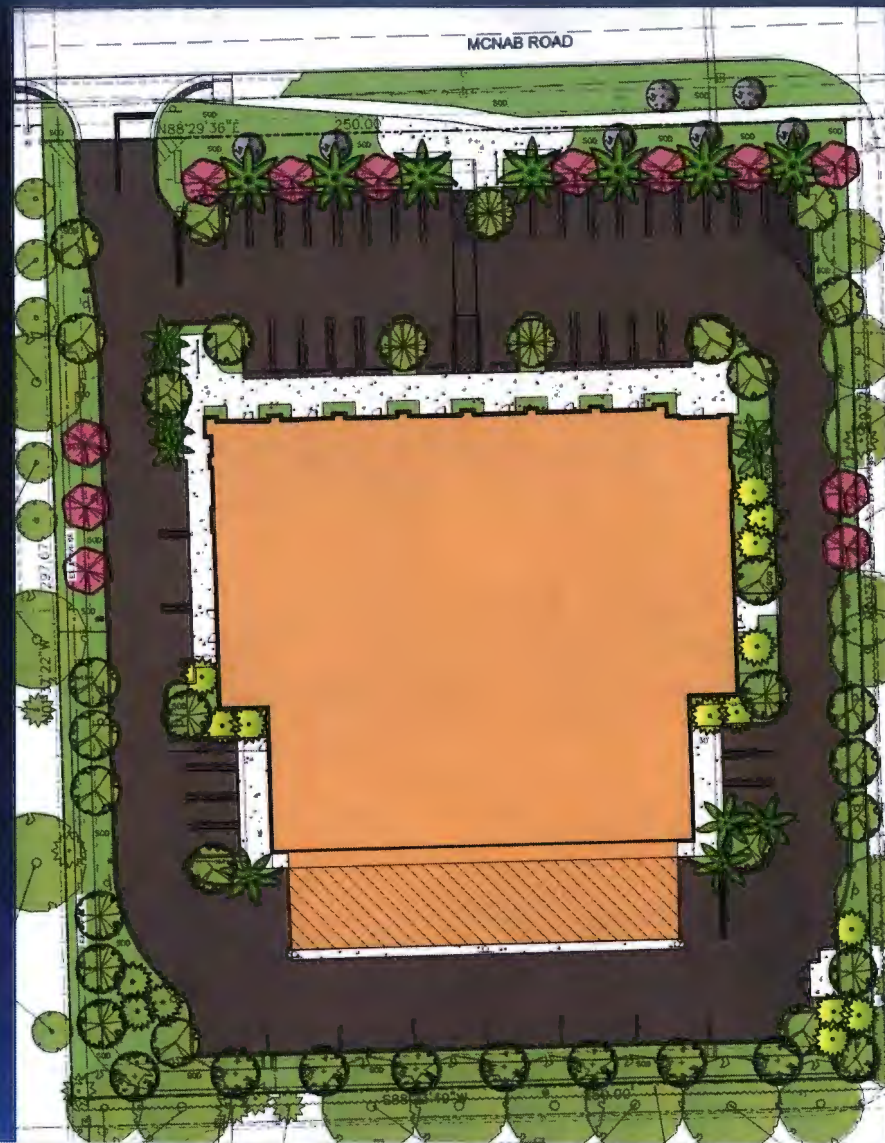
# Site Plan

47 Parking Spaces  
Provided

39 Required

20 Bicycle Spaces

Covered Loading Area  
for Self-Storage



# Is there a Demand for Self-Storage ?

- 1 Mile Radius  
No Storage
- No Direct Access  
to Dixie Highway  
from McNab Rd.





# Is there a Demand for Self-Storage ?

- Local Occupancy Rate 97%
- Square Foot per Capita
  - 3.86 Existing Local Market
  - 6.84 Florida Average
  - 7.35 National Average

# About The Project

- CubeSmart, the 4th largest national self-storage REIT, will handle the self-storage operations
- Property will be managed by Diversified Realty Development Company
- Self-storage is a very low traffic, low transaction business. 75% of customers visit their unit once a month or less

# Cubesmart Typical Operation

- Cubesmart Customer Service Office is staffed 9:00 AM – 6:00 PM
- Customer access 6:00 AM – 10:00 PM by keypad entry
- Equipped with high-tech security systems and cameras, well lighted
- Self-storage units (average unit size 90 SF) – 100% climate controlled
- Hurricane resistive construction



# Traffic Generation

**Trip Generation - Comparison**

Daily	Units	Size	Site Traffic		
			Daily	AM Peak	PM Peak
			<i>vpd</i>	<i>vph</i>	<i>vph</i>
<b>Proposed PCD*</b>	<b>Mixed</b>		<b>726</b>	<b>41</b>	<b>146</b>
Fast Food w/ Drive Thru (2)	1000 sf	12.000	5,953	545	392
Bank w/ Drive Thru	1000 sf	14.000	2,074	169	340
Retail (Current Plat Note)	1000 sf	25.000	2,758	67	237
Grocery Store	1000 sf	25.000	2,556	85	237
Medical Office	1000 sf	78.000	2,974	186	233
Office (3 Story)	1000 sf	78.000	1,087	157	166

\* Proposed development includes:

1,149 Sq. Ft. Restaurant

6,780 Sq. Ft. Retail

1,089 Sq. Ft. Office

841 Self Storage Units

# McNab Perspective





# Rendering





## Street Front



## Rear – Loading Area



# McNab Night View







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

LAST NAME—FIRST NAME—MIDDLE NAME Burrie, Charlotte		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 1100 NE 23 Court		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach 33064		<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 April 11, 2017		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, Charlotte Burrie, hereby disclose that on April 11, 20 17:

(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, \_\_\_\_\_;
- ☐ 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 April 11, 2017, I abstained from voting on the following Agenda Item:

• Item 16 - A Resolution approving and authorizing the proper city officials to execute a Contract for sale and purchase between Pompano Beach Lodge #1898, Benevolent and Protective Order of Elks of the United States of America, Inc. f/k/a Pompano Beach Elks Club, Inc. and the City of Pompano Beach for the purchase of property located at 700 NE 10th Street.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that, although I did not, in any manner, participate in negotiations between the City and the Elks for the sale of the Elk's property, I do believe that I otherwise have a conflict of interest with regard to voting on this agenda item, which are as follows:

1) I am a member of the Elk's Club. I have served as Exalted Ruler, State District Vice President and District Deputy Exalted Ruler. 2) I was involved in acquiring the property together with a committee in the beginning to place the Elk's Club in its current location. 3) I have been appointed to the State Judiciary to be a legal advisor to the Florida State Elks charities.

Therefore, I believe my extensive participation and dedication to the Elks both in Pompano Beach and the State level, would serve as an appearance or perception of impropriety to vote on this matter. I truly believe I am conflicted as I cannot put myself in a position of being questioned to whether my vote was made in the best interest of the City or the Elks which I both serve with great passion. It is for these reasons, I have declared a conflict on this matter.

April 17, 2017

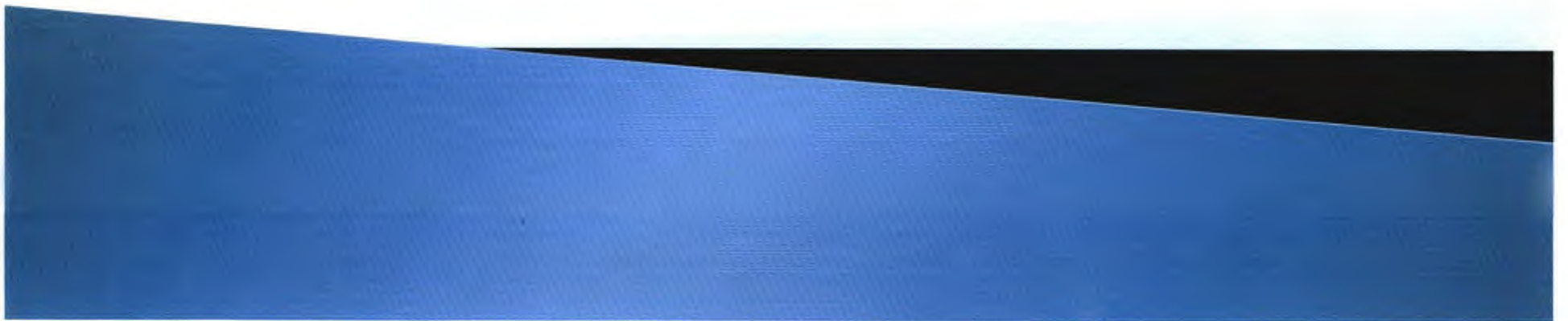
Date Filed

  
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.

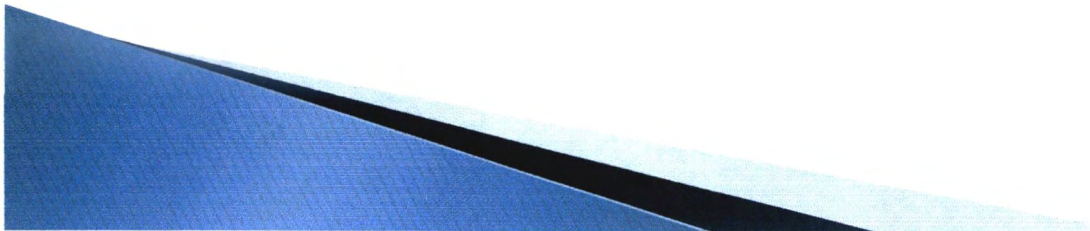


# Appeal of Interpretation Letter 15-002000074



## Michele C. Mellgren, AICP

- ▶ Master's Degree – Urban & Regional Planning from The George Washington University
- ▶ Certified by American Institute of Certified Planners
- ▶ 30 years of experience
- ▶ Qualified in circuit court as planning & zoning expert



## Expert Witness Services to Governments:

Town of Southwest Ranches

City of Parkland

City of Tamarac

City of Deerfield Beach

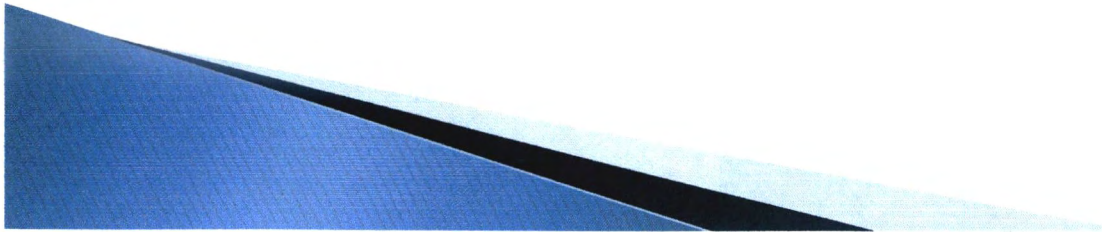
Martin County

City of Port St. Lucie

Town of Orchid

St. Lucie County

City of Pompano Beach





Authored Codes:

City of Parkland

City of Miami Gardens

Town of Loxahatchee Groves

Miami Shores Village

City of Tamarac

City of Oakland Park

Town of Southwest Ranches

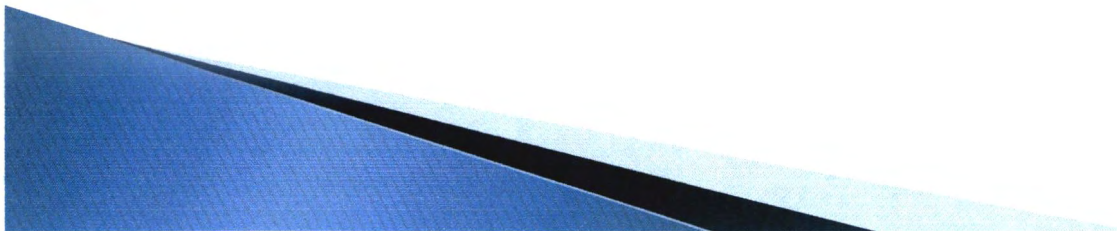
Town of Lauderdale-By-The-Sea

City of Wilton Manors

City of Boynton Beach

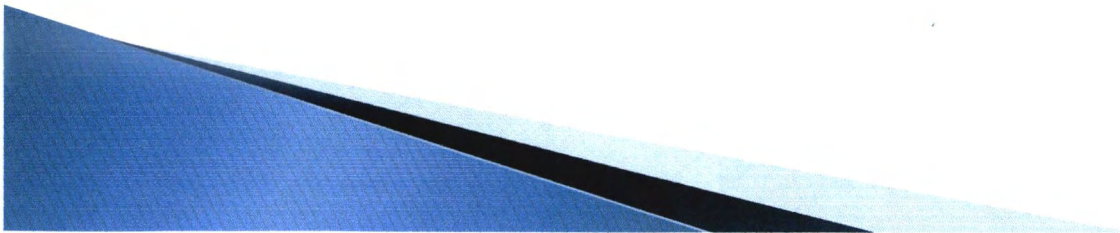
City of Dania Beach

Town of Davie

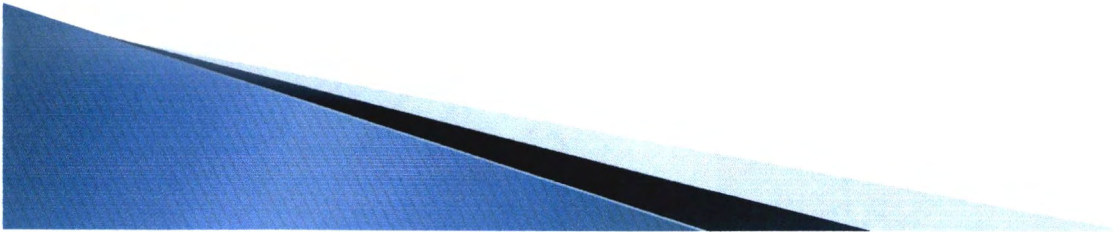


## FACTS CLEARLY DEMONSTRATE:

- ▶ Tennis court was not approvable by code
- ▶ Tennis court not approvable by code interpretation
- ▶ Tennis court does not legally exist (it is not non-conforming)
- ▶ Tennis court must be removed



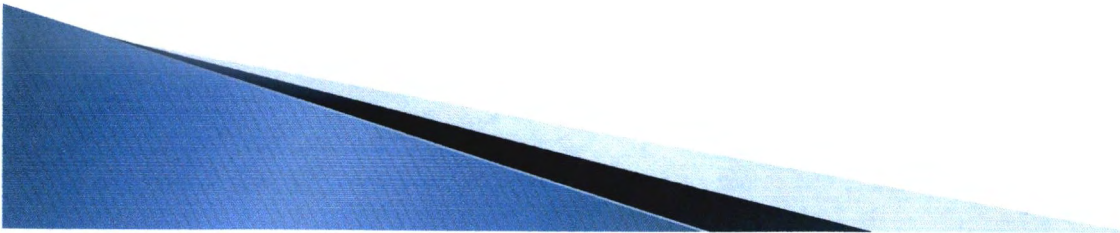
1. TENNIS COURT IS NOT PERMITTED BY CODE, AND CANNOT BE PERMITTED BY INTERPRETATION



## FACT

Subsection 155.4601 (Interpretation of Unlisted Uses) establishes procedure and four criteria that Director must follow in interpreting whether a particular accessory use or structure is allowed in a zoning district.

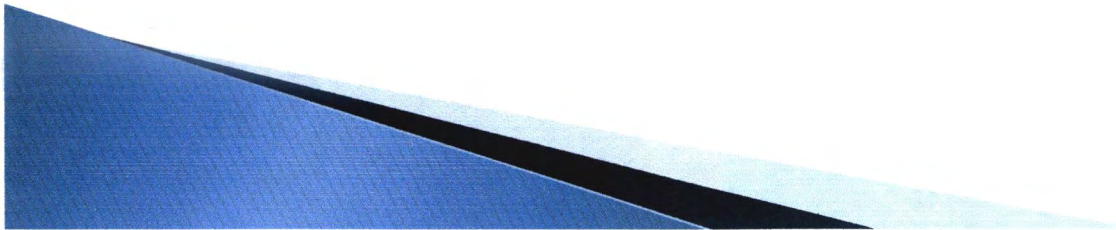
ALL FOUR CRITERIA MUST BE MET BEFORE  
INTERPRETING AN UNLISTED USE OR  
STRUCTURE IS ALLOWABLE.



## FACT

**Criterion 1:** That a tennis court is accessory to the principal use.

**Finding:** Not in dispute.



## FACT

**Criterion 2:** Director must find the nature, function and potential impacts of the unlisted accessory use is so similar to a listed accessory use that use should be deemed allowable.

**Finding:** May 8<sup>th</sup> letter, Director stated “there are currently no defined accessory uses or structures that accurately approximate a residential tennis court and associated fencing”.

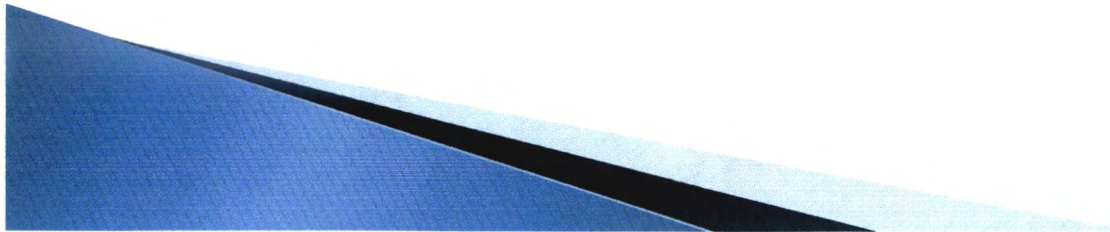
DIRECTOR EFFECTIVELY DETERMINED USE  
DOES NOT MEET CRITERION. HENCE, USE  
NOT ALLOWABLE.



## FACT

**Criterion 3:** Director must find unlisted use or structure is compatible with character of principal use.

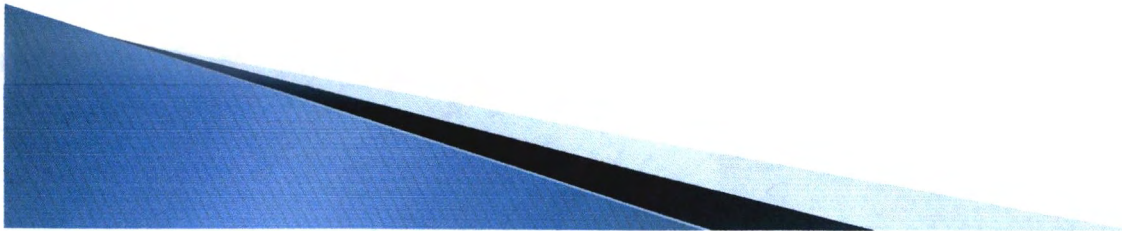
**Finding:** RS-2 lots have minimum 70' width and 100' depth. Small lot raises issues of incompatibility and nuisance from scale of fence enclosure; noise; airborne stray balls; drainage; lighting.



## FACT

**Criterion 4:** Director must find that allowing the unlisted use or structure is consistent with purpose and intent statement in Code concerning the zoning district.

**Finding:** Purpose statement for RS-2 states district established and intended for primarily single family dwellings in urban setting on 7,000 square foot lots. Scale of tennis court and compatibility problems make it inconsistent.





FACT

Subsection 155.4302.A. states:

If a use is determined to be an accessory use, and

If the use is not specifically established in  
Section 155.4303

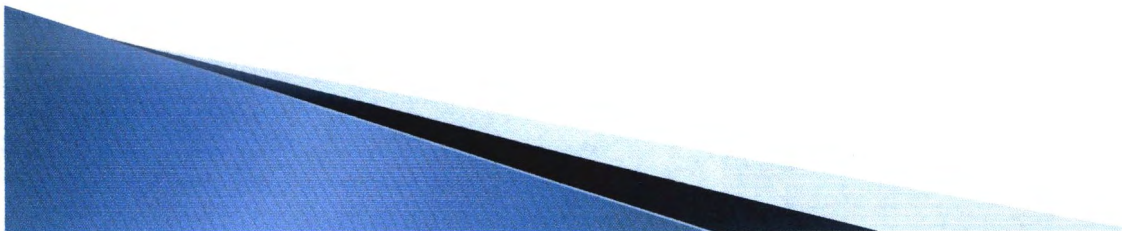
THEN

The accessory use shall be subject to the  
principal use standards per Article 4: Part 2,  
which require a 25-foot setback.



## FACT

- Director, himself, stated that the use is not an established accessory use in Sec. 155.4303.
- Therefore, the accessory use shall be subject to the principal use standards per Article 4: Part 2, which require a 25-foot setback.



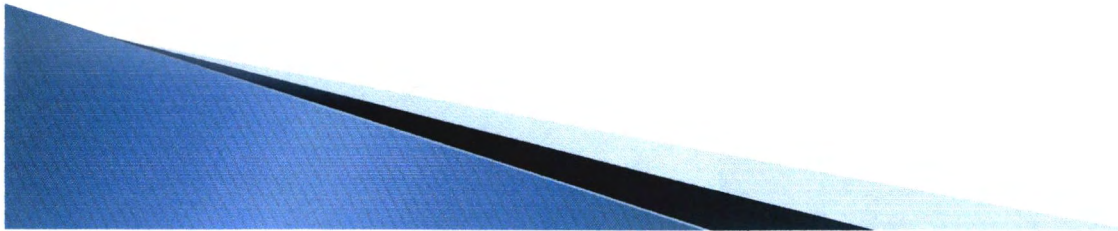
## FACT

- Director not only stated that use is not established accessory use in Sec. 155.4303 **BUT** that a code change would be necessary.
- Until the code is amended, the tennis court with fencing, which is the accessory use, shall be subject to the principal use standards per Article 4: Part 2, which require a 25-foot setback.

**Approval of the tennis court was strictly unauthorized.**



2. THE UNAUTHORIZED APPROVAL  
IGNORES THE CODE'S CLEAR INTENT  
TO PROTECT WATERWAY VIEWS.



## FACT

To Protect Waterway Views...

Code limits height of hedges, walls and fences,  
and

Code contains minimum setbacks that apply  
only to waterway property lines:

15 foot waterway setback for unlisted accessory  
structure if found to be comparable to listed use.

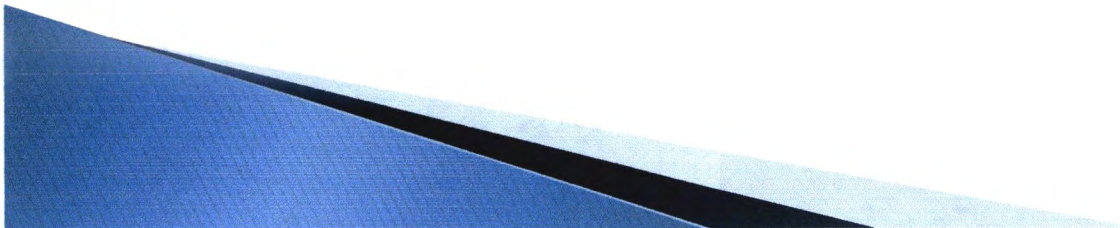
Otherwise, a 25-foot setback.

No exceptions!

Subsection 155.4302.B.



3. The unauthorized approval wrongly treats a “tennis court” and the “tennis court fence” as two separate matters.



- This defies common sense and is as **illogical** as saying...
- A backstop (fence) is not part of a baseball field
- Goal posts are not integral to a football field
- Tennis court net is not part of the tennis court

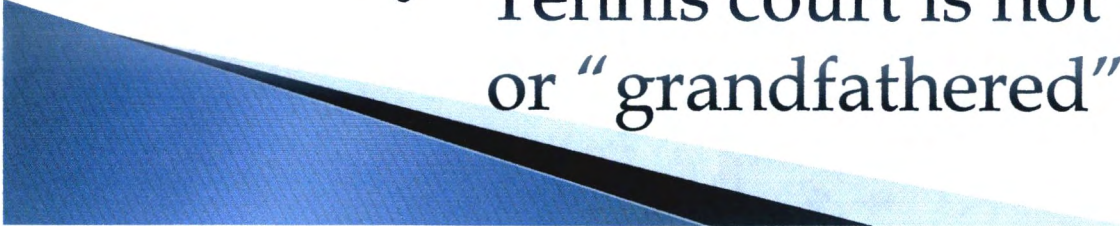




- Tennis courts have exact construction standards specified by the U.S. Tennis Association.
- A tennis court fence, and construction standards for the fence, are part of tennis court construction specifications.
- The fence is integral to and part of the tennis court.
- They are not separate, and the Code cannot, therefore, be cherry-picked for regulations.

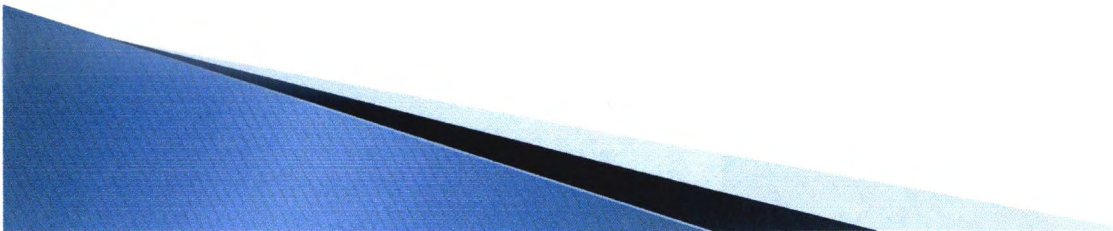


## SUMMARY OF FACTS:

- Approval was unauthorized
  - Unauthorized approval disregards Code's clear intent to protect waterway views
  - The tennis court fence cannot be considered separately from the "tennis court"
  - Tennis court is not "non-conforming" or "grandfathered"
- 

CONCLUSION OF FACTS:

THE TENNIS COURT MUST BE REMOVED



# FENCING AND “SPORTS COURTS” IN POMPANO BEACH

City Commission Presentation







# FENCING IN POMPANO BEACH

Residential fencing

# RESIDENTIAL FENCING IS LIMITED TO 6' TODAY

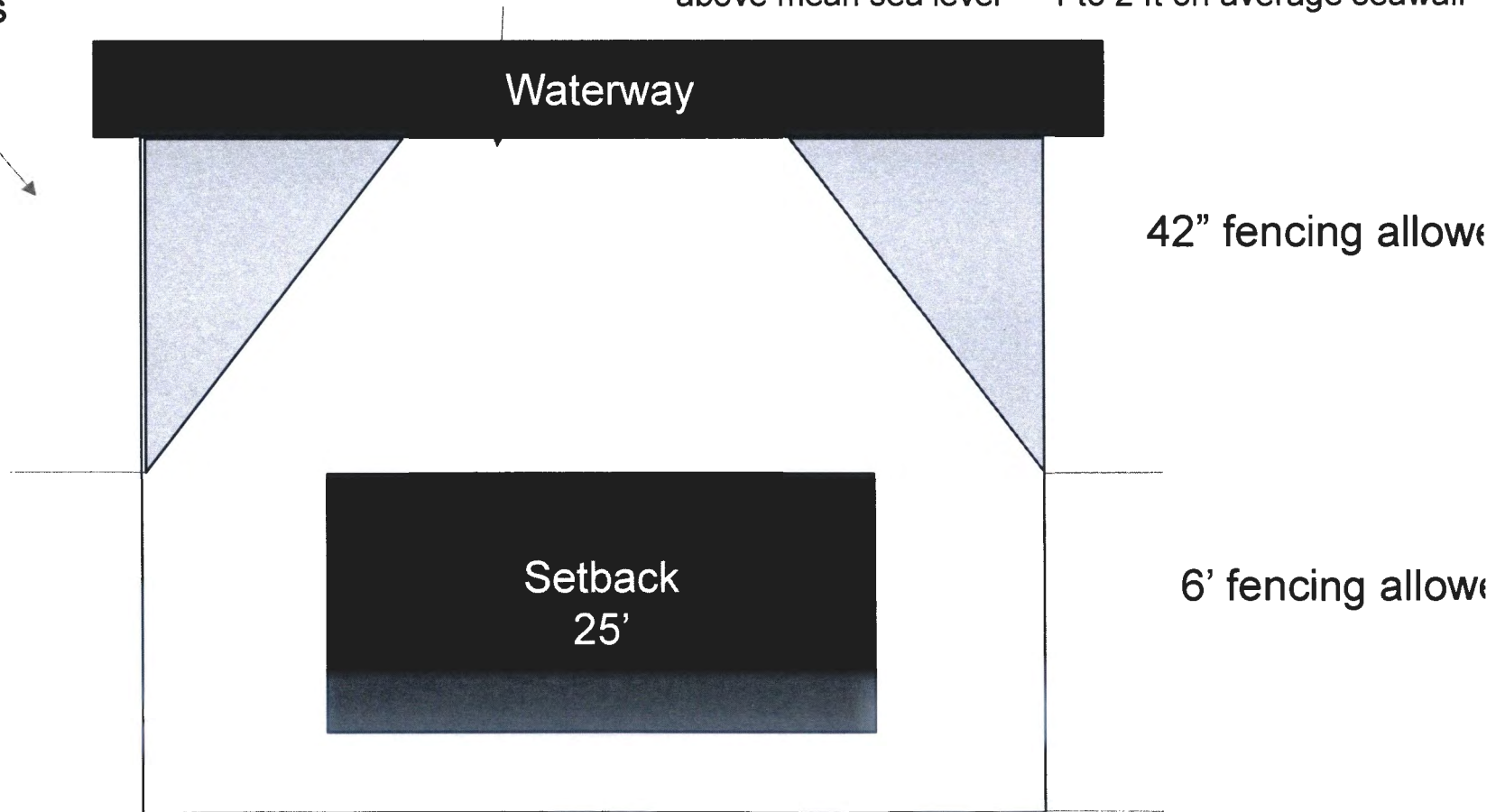
- According to Section 155.5302 Fence heights have the following restrictions in a residential district:
  - b. No fence or wall within an interior side yard or a rear yard shall exceed a height of six feet.
  - Adjacent to a Seawall there is additional restrictions:
  - No fence is allowed in the sight visibility triangle.
  - ...where a lot line abuts a canal or waterway along a sea wall that is less than four and one-half feet above mean sea level, the height of a fence or wall adjacent to the lot line may be up to seven and one-half feet above mean sea level.
    - IMPORTANT NOTE: This includes the seawall. 7.5 feet above mean sea level includes the seawall and fence height **COMBINED**

# CURRENT FENCING RESTRICTIONS

Fencing along seawall is less than four and one-half feet above mean sea level - ~1 to 2 ft on average seawall

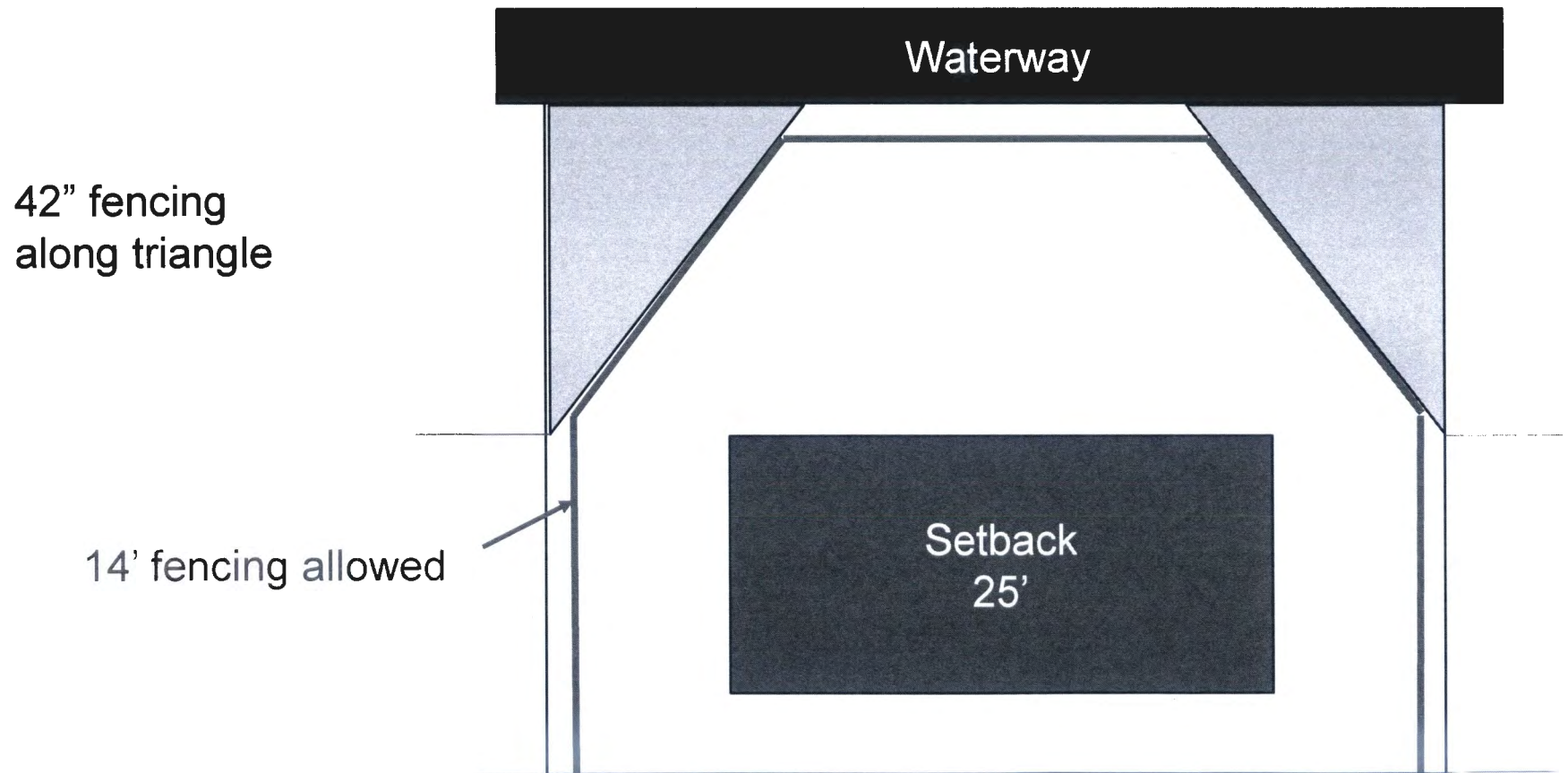
at Visibility Triangles

Sight

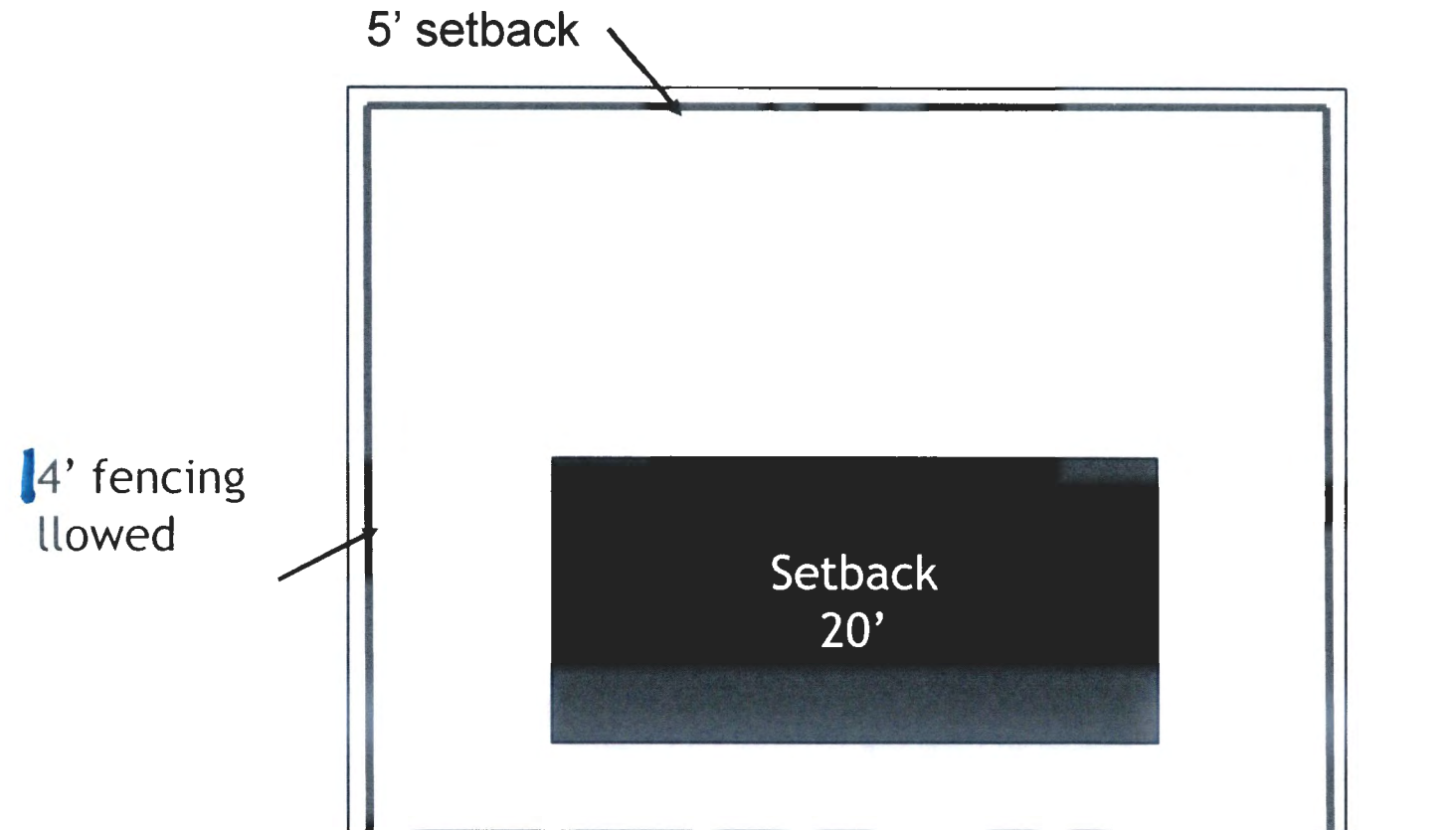




# PROPOSED FENCING - WATERWAY

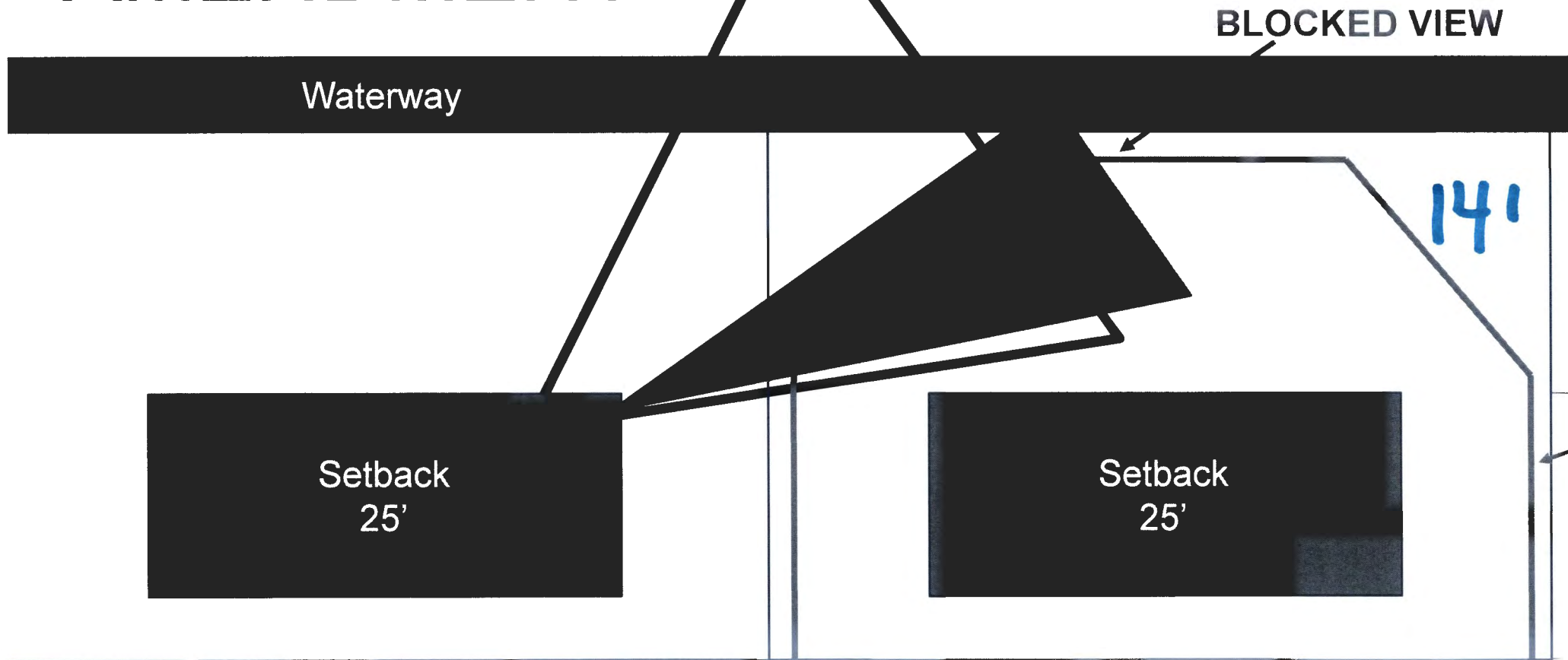


# PROPOSED FENCING – NON WATERWAY



Its actually worse  
han on a waterway

# HERE IS AN EXAMPLE OF THE CURRENT CODE VS. MR. BIRD'S AMENDMENT



# UNLIMITED HEIGHT FENCES ARE ALLOWED IN RESIDENTIAL? ANSWER FALSE!!!!

## • FALSE

Except for particular types of screening or bonding fences or walls, all other materials are prohibited.

### Height Requirements for Fences and Walls

#### Applicability

#### General

For fences or walls exempted by subsection b below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from the ground to the top of the fence or wall.

#### Exemptions

##### Required Screening

A fence or wall provided to meet the standards of Section 155.530, Screening, is exempted from the height standards of this subsection, but in no case shall the height exceed 6 feet.

##### Recreational Fencing

Primary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

##### Public Safety Use Fences and Walls

Fences or walls for utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to 10 feet.

##### Security Blank Fences and Walls

**This**

does not apply to residential zones. It applies to parks and other facilities where the facility is **NOT** a recreational facility!!

# THIS IS THE SECTION ON RESIDENTIAL FENCING...

## Height Requirements for Fences and Walls

### Applicability

#### a. General

Except for fences or walls exempted by subsection b below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from the ground to the top of the fence or wall.

#### b. Exemptions

##### i. Required Screening

A fence or wall provided to meet the standards of Section 155.5301, Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of six feet.

##### ii. Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

##### iii. Public Safety Use Fences and Walls

Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet.

##### iv. Security Plan Fences and Walls

An owner or tenant of property or a representative of a public agency responsible for a public facility may submit to the Development Services Director a site security plan for a fence or wall. The Development Services Director shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the height restrictions of this subsection.

(A) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or vandalism than the surrounding area.

(B) The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of the surrounding area.

## Fences and Walls in Residential Districts

In addition to the height requirements provided in 155.5302.D.5, Fences and Walls Adjacent to Waterways, the following height limits shall apply to fences and walls within Residential zones.

a. No fence or wall within a front yard or a street side yard shall exceed a height of four feet, provided that a fence or wall in a street side yard may be up to six inches above the maximum fence height.

b. No fence or wall within an interior side yard or a rear yard shall exceed a height of six feet.

The

entire section Mr Bird is resting his entire argument on has **NOTHING** to do with Residential Fencing.


**FACT:** its not even in that section.





# **“SPORTS COURTS” AS AN ACCESSORY IN POMPANO BEACH**

Accessory Use Structures





# CURRENT SETBACKS

## Typical Development Configuration



The current rear setback for waterway homes is 25', non waterway homes is 20'

# SPORTS COURTS AS AN ACCESSORY STRUCTURE

- According to our zoning code (155.4302) structures accessory to the principal structure (the home) fall into two categories.
  - Specified (or listed) Accessory structures
    - These are listed in section 155.4303
    - This section DOES NOT list any “sports court” or equivalent
  - Unspecified (not listed in the code) Accessory structures
    - These structures have limitations in the code that apply to ALL accessory structures
    - Rules are described to allow Mr. Bird to interpret the USE if necessary.
    - The code DOES NOT allow Mr Bird to “make up the rules” nor does it allow him to circumvent the existing rules.

# APPLICABLE TO ALL ACCESSORY STRUCTURES

- 2. Prohibited Location of Accessory Uses and Structures
- Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:
  - a. Any platted or recorded easement;
  - b. Any required landscape easement or buffer;
  - c. An area over any known utility;
  - d. An area designated as a fire lane or emergency access route on an approved site plan;
  - e. An area designated as a parking area on an approved site plan;
  - f. A required yard setback;
  - g. In front of the principal structure;
  - h. Within 15 feet of a waterway or canal; and
  - i. Within 25 feet of a dune vegetation line.
- 3. Required Setbacks, Maximum Height and other dimensional standards for Accessory Uses and Structures

Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit or structure... This is 25 Feet for waterway homes.

# THE PROPOSED AMENDMENT IS NOT PERMISSIBLE UNDER THE CODE !!

- ▮ The proposed amendment is in **direct opposition to the current code**
- ▮ 155.4403: ...accessory uses and structures shall not be located within the following:
  - **f. A required yard setback;**
  - **h. Within 15 feet of a waterway or canal**
- The proposed 5' set back **VIOLATES THIS!**

# SPORTS COURT IS EQUAL TO A PATIO...

- Mr. Bird likens a Sports Court to a Patio.
  - Patios are limited to 12 inches above grade.
  - There is no fence allowed around a patio unless you follow the fencing requirements.

# “SPORTS COURTS” DEFINITION

- Mr. Bird’s definition of a “Sports Court” fails in many ways.
  - No hours of play
    - Play may continue 24/7
  - No lighting restrictions
    - Lighting may be set upon 14 ft. high posts
  - No required buffer zones
    - He is asking for 5’ setback from the property line. In RS2 districts this means you could have a Squash court less than 10’ from your bedroom window.
- No actual definition...anything could be called a “sports court” and enclosed in a 14 ft high fence.



# STATEMENT: YOU COULD JUST PLANT A 15 FOOT HIGH HEDGE: NO THIS IS FALSE ALSO!!!

■ FALSE –

72" is the max allowed

TABLE 155.3708.K.3: Fence, Walls, and Hedges in RS and RM			
Location	Type and Material	Height	Transparency
In front of the building line (BL): Along front (F), Street Side (S), and interior side (I) property lines	Walls or Fences: Masonry, wood, electrostatic plated aluminum, or wrought iron	Max. 48" <sup>1</sup>	Min. 75%
	Hedges and shrubs	Min. 24" <sup>2</sup> at time of planting; Max. 48"	N/A
Behind the building line (BL): Along the building line (BL), interior side (I) and rear (R) property lines	Walls or Fences: Masonry, wood, electrostatic plated aluminum, wrought iron or chain link <sup>3</sup>	Min. 48" <sup>1</sup> Max. 72" <sup>1</sup>	N/A
	Hedges and shrubs	Min. 24" <sup>2</sup> at time of planting; Max. 72"	N/A
Off-street parking areas along streets	Walls or Fences: Masonry, wood, electrostatic plated aluminum, wrought iron	Max. 36" <sup>1</sup>	Max. 25%
	Hedges and shrubs	Min. 24" <sup>2</sup> at time of planting; Max. 36"	N/A
NOTES: 1. Excluding decorative elements of posts and pillars not to exceed 6" in height 2. With spread at least 24 inches wide. 3. Chain link fences shall only be permitted in single family areas. The chain link fence shall only be permitted along and behind the building line, along interior side and rear property lines.			

# MORE OR LESS RESTRICTIVE??

Current Code	Proposed Change	IMPACT
<p><b>6 foot</b> Foot Height limitation in residential side and rear yards</p> <p>Foot setback for ALL accessory structures <b>15 foot</b></p> <p><b>key</b> y low fencing in rear yard on water (appr. 2-3 feet.)</p> <p>Protects waterway views</p> <p><b>Protects</b></p>	<ul style="list-style-type: none"><li>▪ 14 Foot Height limitation in residential side and rear yards</li><li>▪ 5 Foot setback for "Sports Courts"</li><li>▪ 14 Foot Height limitation in residential side and rear yards</li><li>▪ Allows 14 ft fence to block views along water</li></ul>	<ul style="list-style-type: none"><li>○ LESS RESTRICTIVE</li><li>○ LESS RESTRICTIVE</li><li>○ LESS RESTRICTIVE</li><li>○ LESS RESTRICTIVE</li></ul>

# STAFF REPORT ISSUES

- They quote the Dade County Code because they had to go that far to find one that would allow it at all.
- **One MAJOR difference....**

## Miami - Dade County, Florida - Code of Ordinances

### Sec. 33-11. - Fences, walls, bus shelters and hedges.

- (f) Fences for tennis courts; fences and walls for other recreational uses. Fences for tennis courts may be erected up to fourteen (14) feet in height if such fence conforms to accessory use setbacks. Fences and/or walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted of a height necessary for the particular use if required accessory use setbacks are observed.

# WHY ARE YOU BEING MISLEAD?

- Mr Bird mislead you when he says you can put a 14' high fence zero lot line today. Where is one in Pompano? It is not allowed!
- Mr Bird mislead you when he says this will have no impact on water views
- Mr Bird mislead you when asked about the rear yard setback. He answered that you would only be losing 2.5' on the *side* yard setback.
- Mr Bird mislead you when you asked if this was more restrictive than the current code. We've clearly demonstrated this is NOT more restrictive than current code.
- Mr Bird mislead you when he stated that the current code allows unlimited height fencing in residential zones. The limit is 6' and has been for decades.
- Mr Bird mislead you when he stated that you could just plant a hedge and block someone's view. The max height is 72".

# IF YOU ACTUALLY WANT TO CLARIFY THIS CODE...

1. Really define a sports court
  1. They should have rules of play (hours, etc)
  2. They should have lighting and noise restrictions
  3. They should ONLY be allowed if they can be built respecting the set backs.
2. Clarify that recreational fencing applies to non residential districts (even though it already says that).
3. Maintain the 6' residential fence height limit

# SUMMARY

- Sports Court Amendment is not permissible under the code –it directly conflicts with existing code.
- Sports Courts need a proper definition. This offers none.
- Anyone can throw up a 14' high fence and block a neighbor's view if this is passed.
- You will have many, many issues with water views if you pass this.
- **NO** other City in Broward or Miami allows 14' high fences and none allow them 5' from a waterway. Staff can't provide even one example.



# IS THIS PERSONAL?

- Please keep in mind that this has no impact on us whatsoever.
- We already have to live with our view blocked by an illegal structure. That is not going to change with this vote.
- A vote for this is NOT a vote against us. Nor is a vote against it a vote FOR us. We stay exactly the same either way.
- We don't want any other resident to live with what we live with every day.
- PLEASE do not throw every other resident in this city under the bus because you dislike us.
- Search your souls and PLEASE do the right thing for the City **and** its residents!

I URGE YOU TO  
VOTE NO!

Thank You!



## Tony Hill

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**From:** Matthew DeSantis <Matthew.DeSantis@copbfl.com>  
**Sent:** Monday, April 20, 2015 2:25 PM  
**To:** Tony Hill  
**Subject:** RE: BP15-0625

The determination of the Director is that this structure is to be enforced following the most similar listed accessory use, which is a Screened Enclosure – which has a 15' required setback.

Regarding lot pervious area, you are incorrect – the overall lot, including the house, driveway, court, and pool/deck has been measured and found to be in compliance with the 30% pervious requirement.



Matthew DeSantis  
Zoning Technician  
Matthew.DeSantis@copbfl.com  
954.786.4652  
pompanobeachfl.gov

**From:** Tony Hill [mailto:tk\_hill@hotmail.com]  
**Sent:** Monday, April 20, 2015 2:06 PM  
**To:** Matthew DeSantis  
**Subject:** BP15-0625

Hi Matt,

I received your voicemail, thank you.

In your message you mentioned a 15 foot setback. 155.4302 section B subsection 2 provides for a minimum setback of 15 feet from the water.

155.4302 section B subsection 3 adds to that "Unless otherwise provided for in Section [155.4403](#) (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit or structure." He also needs to comply with this. The minimum setback for RS2 is 25 feet from the water.

Also, I sent a message previously regarding his pervious area which does not meet the 30% requirement.

I am sorry for being such a pain. I just want to be sure that the permit is correct so that whatever he does is legal and nobody has anything to complain about.

Thank you for your help.

Tony Hill  
954-590-4126



#22 ROBIN BIRDS FIRST TENNIS CT.



ITEM # 22 4/11/17





**POMPANO  
BEACH  
FISHING PIER**



## FISHING PIER RECONSTRUCTION PROJECT

CITY COMMISSION MEETING 4/11/2017 - AGENDA ITEMS 20 AND 21

IT'S HOW  
**YOU** **W**  
WHEN YOU'RE **W**  
**HERE** **W**

pompano  
beach  
Florida's Warmest Welcome



# LOCATION MAP





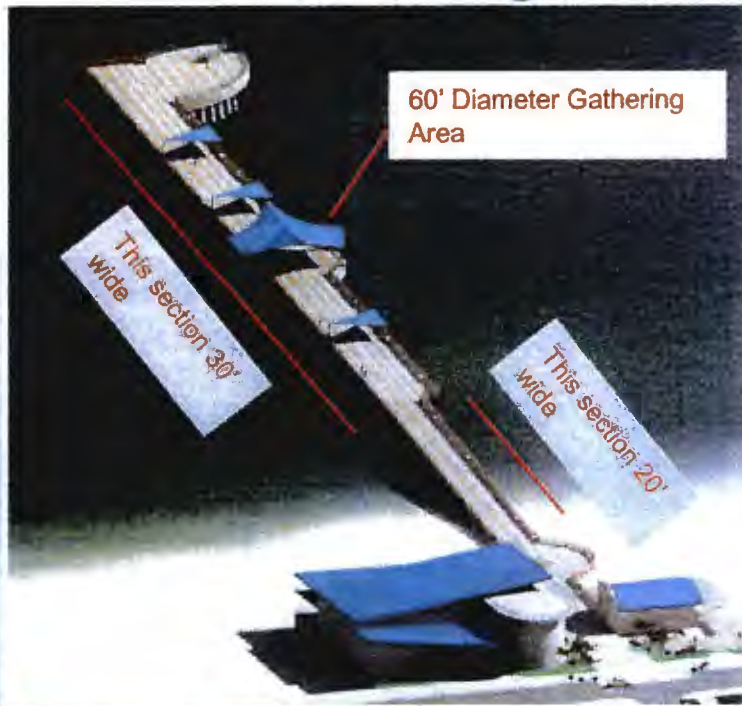
# BACKGROUND AND HISTORY

- PIER WAS BUILT IN THE EARLY 1960S - 865' LONG AND 18' WIDE (+/- 16,000 SQ. FT.)
  - TYPICAL LIFE SPAN +/- 50 YEARS
- HANDRAILS REPLACED PRIOR TO 1997.
- REPAIR WORK IN 2001.
  - CONCRETE RESTORATION.
  - HANDRAIL AND TIMBER DECKING REPAIR.
- VOLKERT & ASSOC. 2005 REPORT RECOMMENDED REPLACEMENT WITHIN +/-10 YEARS.
  - SPALLED (MISSING/CHIPPED CONCRETE DUE TO CORROSION) OR CRACKED CONCRETE WITH AND WITHOUT EXPOSED REINFORCING STEEL.
  - DELAMINATION (CONCRETE THAT HAS SEPARATED FROM THE MAIN STRUCTURE/WIDE CRACKS) DUE TO OVERSTRESS.
  - CORROSION BLEED OUT (STAINS ON CONCRETE DUE TO CORROSION FROM UNDERLYING REINFORCING).
- LAKDAS-YOHALEM 2013 REPORT RECOMMENDED REPLACEMENT.

# NEW PROPOSED PIER

- 28,300 SQ. FT. PIER (+/-75% LARGER THAN OLD PIER): 864' LONG'; 20' WIDE UNTIL HIGH WATER MARK; 30' WIDE FOR 400', AND 60'-DIAMETER AROUND GATHERING AREAS; 30' TO THE TERMINUS WIDENING INTO A SHAPE RESEMBLING A POMPAÑO FISH.

## Actual Design





# CHRONOLOGY OF EVENTS

- CITY RETAINED BRIDGE DESIGN (2014) TO ASSIST WITH DESIGN AND PERMITTING SERVICES.
- MARCH 2015 - SUBMITTED PERMIT APPLICATIONS TO MULTIPLE GOVERNMENT AGENCIES
- AUGUST 2015 - BROWARD COUNTY ENVIRONMENTAL RESOURCE LICENSE (APPROVED)
- JANUARY 2016 – PUBLISHED RFQ FOR CMAR SERVICES.
- FEBRUARY 2016 - FDEP JOINT COASTAL LICENSE (APPROVED)
- FEBRUARY 2016 - FDEP SOVEREIGN LAND LEASE (APPROVED)
- APRIL 2016 – CITY COMMISSION APPROVED CMAR RANKINGS
- JULY 2016 – CITY COMMISSION APPROVED PRE-CONSTRUCTION SERVICES AGREEMENT WITH WT
- JULY 2016 – CONSTRUCTION PRE-QUALIFICATION PROCESS STARTS
- JANUARY 5, 2017 – CONSTRUCTION PRE-QUALIFICATION ENDS
- JANUARY 31, 2017 – WT SECURES BIDS FROM PRE-QUALIFIED VENDORS
- FEBRUARY-MARCH 2017 – STAFF MET WITH WT TO NEGOTIATE GMP
- APRIL 2017 - USACE PIER REPLACEMENT PERMIT (FINAL REPORT AND PERMIT PENDING)
  - REQUIRES FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWCC) AND NATIONAL MARINE FISHERIES SERVICE (NMFS) (REVIEW COMPLETE).
- APRIL/MAY 2017 - CITY'S BUILDING DEPARTMENT PERMIT (PENDING)

# PROPOSED CONTRACTS (BOTH AGENDA ITEMS)

- CMAR – GMP \$ 11,548,859.00 INCLUDING \$500,000.00 IN CONTINGENCY (PLUS \$73,912.00 OUTSIDE CONTINGENCY) AND \$73,889.00 IN TAX SAVINGS.
- CEI - \$747,230.00 INCLUDING \$56,280.00 IN CONTINGENCY.

# PROPOSED GMP (CONSTRUCTION)

## GMP INCLUDES:

- 1) DEMOLITION
- 2) STRUCTURAL CONSTRUCTION AND PRECAST CONCRETE MATERIALS INCLUDING PIER FOUNDATION, POST-TENSIONED BEAMS, PRE-STRESSED CONCRETE PILES, BOLLARDS, CAPS, ETC.
- 3) DELIVERY CHARGES (FREIGHT)
- 4) TEMPORARY FENCING
- 5) MAINTENANCE OF TRAFFIC
- 6) TURBIDITY TESTING AND MONITORING, SEA-TURTLE MONITORING
- 7) ALUMINUM AND WOOD HANDRAIL INCLUDING IPE CAPS, LUMBER, HARDWARE, DECKING, ETC.
- 8) FURNISHINGS
- 9) SHADE STRUCTURES INCLUDING REMOVE AND REINSTALL FABRIC FOR 5 YEARS (STORM EVENT)
- 10) UTILITIES
- 11) SEA-TURTLE COMPLIANT LIGHTING
- 12) LANDSCAPE MITIGATION
- 13) SECURITY CAMERAS, WI-FI SERVICE, UNDERWATER CAMERAS (INCLUDING 1 YEAR MAINTENANCE)
- 14) PROGRESS PHOTOS
- 15) ARTWORK (ON PYLONS, CITY'S LOGO, PLAQUES)
- 16) MULTIVISTA DOCUMENTATION OF CONSTRUCTION
- 17) BUILDER'S RISK INSURANCE
- 18) GENERAL LIABILITY INSURANCE
- 19) PERMIT FEES
- 20) PAYMENT AND PERFORMANCE BONDS
- 21) CONTINGENCY FUNDS
- 22) SURVEYS AND AS-BUILTS
- 23) GENERAL CONDITIONS (WT STAFF, OFFICE COSTS, FEES)
- 24) COORDINATION WITH PIER DEVELOPERS



# LOCAL PARTICIPATION

- AN ESTIMATED 10% OF PROPOSED PROJECT WORKFORCE ARE LOCAL RESIDENTS
  - 1 OUT OF 6 MURRAY-LOGAN EMPLOYEES ARE LOCAL RESIDENTS.
- OVER 6% OF THE CONTRACT WILL HAVE A DIRECT EFFECT ON POMPANO-BASED BUSINESSES.
  - LOCAL BUSINESSES, SUCH AS CEMEX, WILL BE PART OF THE PROJECT.



# PROPOSED PROFESSIONAL SERVICES CONTRACT

## CEI SERVICES INCLUDES:

- CONTRACT ADMINISTRATION
- SPECIAL RESIDENT INSPECTIONS (PILE DRIVING, REINFORCED STEEL AND CONCRETE CASTING, PRE-STRESS AND POST-TENSIONING, INSTALLATION OF RAILINGS AND DECKING, ENVIRONMENTAL COMPLIANCE, WEEKLY REPORTS, FINAL CERTIFICATION)
- RESPONSES TO REQUESTS FOR INFORMATION (RFIS)
- ATTEND COORDINATION MEETINGS
- PREPARE ENVIRONMENTAL COMPLIANCE REPORTS
- DESIGN BAIT AND TACKLE SHOP AND PREPARE PERMIT PACKAGES
- PREPARE PLAN MODIFICATIONS DUE TO UNFORESEEN CONDITIONS, GEOTECH SERVICES (CONTINGENCY)
- COORDINATION WITH PIER DEVELOPERS

# RECENT REPLACEMENT COSTS

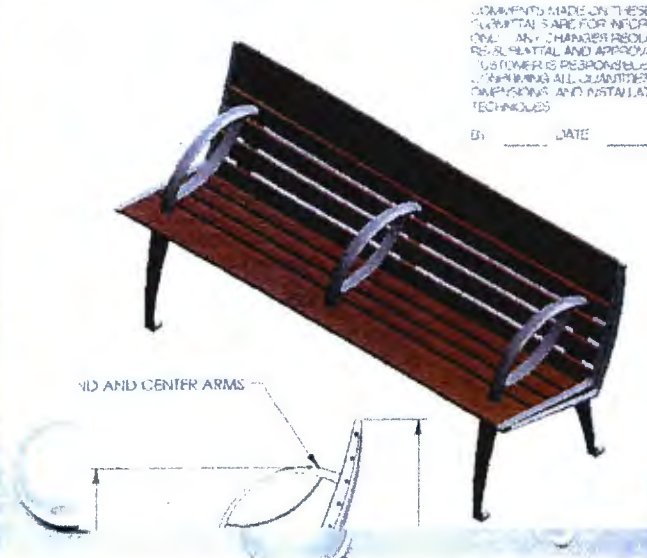
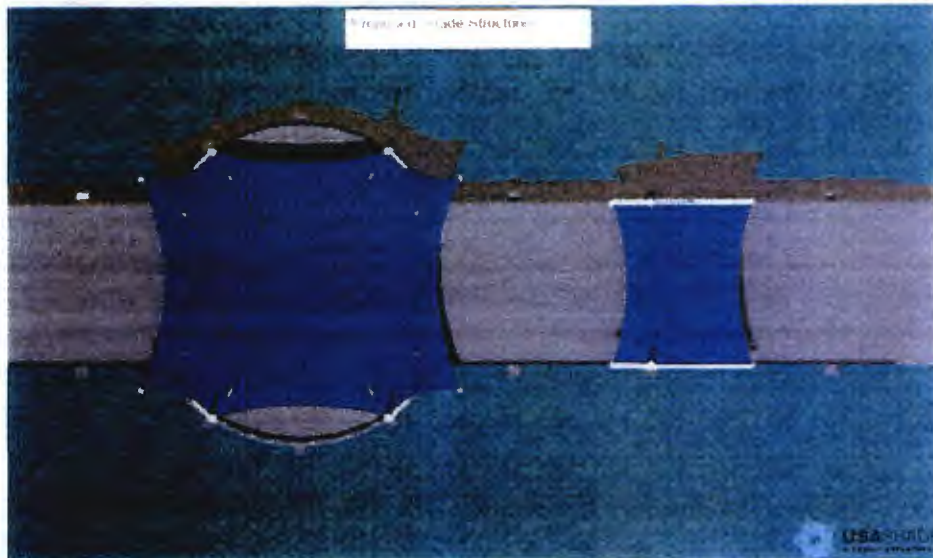
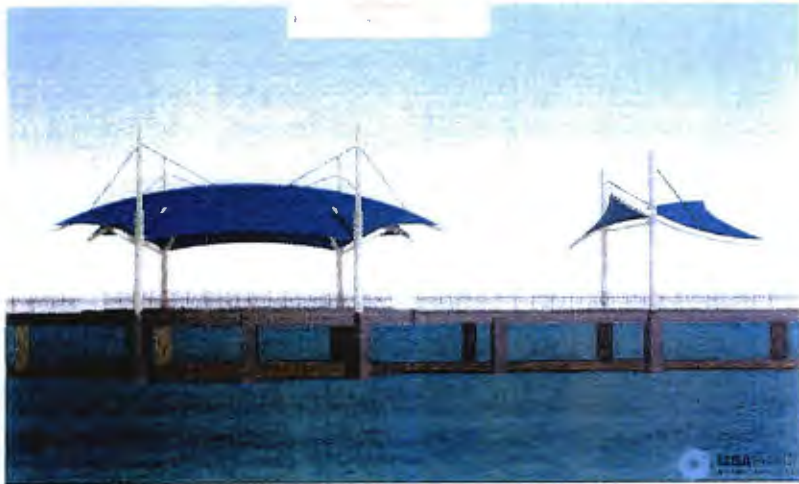
- TITUSVILLE MEMORIAL (2008), M.B. MILLER PIER - PANAMA CITY (2010), DEERFIELD BEACH (2012)
  - COST OF CONSTRUCTION OF THE AFOREMENTIONED PIERS FLUCTUATED FROM \$348.00 TO \$417.00 PER SQ. FT. (AT TODAY'S PRICES)
  - OUR PIER WILL COST \$408.00 INCLUDING ALL ENHANCEMENTS AND SEA LEVEL RISING PROVISIONS.

# DESIGN CONSIDERATIONS

- RE-BUILD PIER AT OR ABOVE 100-YEAR STORM EVENT ELEVATION (PROPOSED FF. +/-21')
  - SEA LEVEL RISE CONSIDERATIONS: ADDED 4+ FEET. CAPACITY TO RAISE 1.5'-2' (BEYOND 2060 -2100 PROJECTED LEVELS)
  - PIER DESIGNED TO WITHSTAND EROSION, SCOUR, AND HYDRODYNAMIC LOADS
  - PIER DECKING AND RAILINGS DESIGNED AS EXPENDABLE PARTS
  - MUST CONSIDER CORAL TRANSPLANTATION MITIGATION AND IMPACTS TO HARDBOTTOM
  - MUST CONSIDER IMPACT TO FISHING LINES BEING SNAGGED
- INCREASE PIER WIDTH TO IMPROVE FUNCTIONALITY AND USE (FISHERMEN OCCUPY 5' IN WIDTH WITH THEIR ROADS)
- WIDEN PIER TO PROVIDE MORE ROOM FOR FISHERMEN AND PEDESTRIANS
- CONSTRUCT CANTILEVERED SECTIONS (BALCONIES) TO FURTHER WIDEN AND BEAUTIFY PIER
- ADD BAIT AND TACKLE SHOP
- INSTALL SEA-TURTLE FRIENDLY LIGHTING SYSTEM
- INSTALL EDUCATIONAL SIGNAGE (SEA TURTLE, MARINE WILDLIFE)
- CREATE CONNECTION TO POMpano BEACH BOULEVARD STREETScape AND PIER PARKING LOT (INSET PAVERS)
- INSTALL SUPPLEMENTAL WATER SOURCES FOR SPECIAL EVENTS AND/OR MAINTENANCE/FIRE NEEDS
- INSTALL HANDICAP RAILINGS TO COMPLY WITH ADA STANDARDS
- ADD SHADE STRUCTURES
  - MUST DEMONSTRATE IMPACT CAUSED BY SHADING THAT MAY BE PRODUCED BY AWNINGS/UMBRELLAS, ETC.
- PROVIDE WI-FI SERVICES
- PROVIDE SECURITY SYSTEM (CAMERAS) TO COMPLY WITH CPTED
- ADD UNDERWATER CAMERAS
- ADD IPE HANDRAIL CAPS ON WOOD RAILINGS (PREVENT SPLINTERS)
- ADD ARTWORK (ON PYLONS); ADD CITY'S LOGO AND COMMEMORATIVE PLAQUES (ENTRANCE TO PIER)



# DESIGN FEATURES





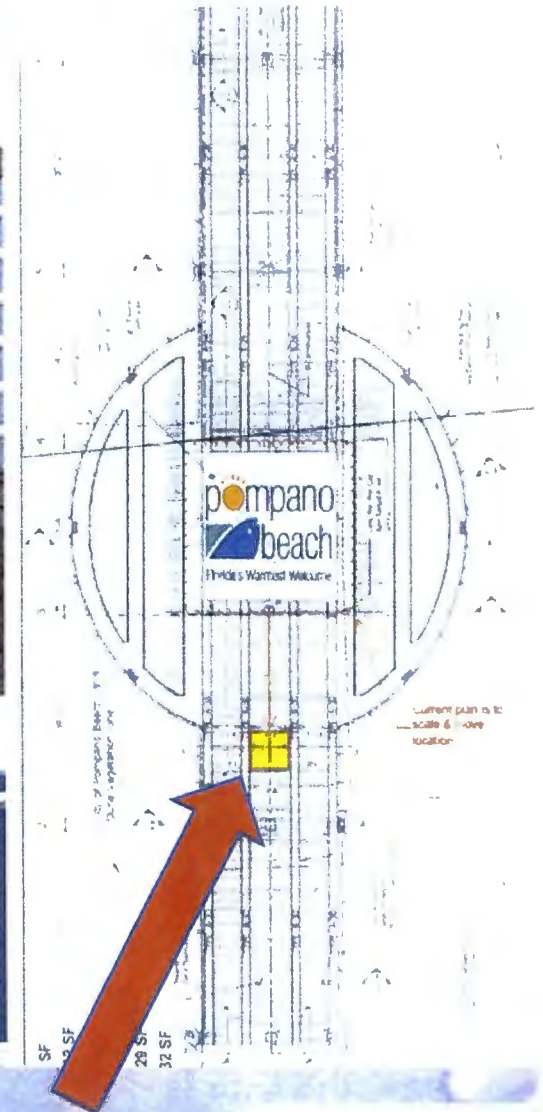
# DESIGN FEATURES

Ipa Handrail Caps  
on Wood Rails

Artwork on  
Selected Pylons

Glass Beads'  
Pavers in Front of  
Selected Pylons


City's Logo at  
Entrance to Pier





# PROPOSED SCHEDULE

- MOBILIZE ON/OR ABOUT MAY 30, 2017
- DEMOLISH AND INSTALL EACH SPAN EARLY JUNE 2017 – END OF SEPTEMBER 2018
- TERMINAL SPANS EARLY AUGUST 2018 – END OF OCTOBER 2018
- UTILITIES, AMENITIES EARLY OCTOBER 2018 – END OF DECEMBER 2018
- CLOSEOUT EARLY JANUARY 2019 – MID-FEBRUARY 2019



IT'S HOW  
YOU  
WHEN YOU'RE  
HERE

QUESTIONS?



pompano  
beach.  
Florida's Warmest Welcome