

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

Tuesday, June 26, 2018

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:02 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

Apostle S. Constanca Daley of Rhema Word Ministries International offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

SPECIAL RECOGNITION

The City Commission recognized Commissioner Barry Moss' Birthday on June 29, 2018.

APPROVAL OF MINUTES

[18-451](#) Regular City Commission Meeting Minutes of June 12, 2018

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Fisher announced that Item 11 will be tabled until July 10, 2018, and they will pull Item 14 from the table and table to July 10, 2018 City Commission Meeting.

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

CONSENT AGENDA DISCUSSION

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

Mayor Fisher announced that Items 2, 3, 4, 5, 7 and 12 will be pulled for Commission discussion.

A. 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.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

The following persons were called to speak:

Bands Up Guns Down Event Issue - Jocelyn Jackson, Pompano Beach, FL, stated that she attended the “Bands up Guns Down” event and she was told some disturbing news at the time when Mayor Fisher presented the proclamation. She said a statement was made against Comr. Sobel.

Comr. Sobel asked Ms. Jackson if she was referring to when he was asked to leave the stage, which he was asked to do so but it was not directly by Mayor Fisher.

Ms. Jackson stated that for a commissioner to be asked to leave a stage during the reading of a proclamation does not represent Unity in the Community and none of the elected officials should experience this type of behavior.

Community Angsts - Ms. Jackson asked Comr. Hardin if he is running for Mayor for the City or for the Northeast side of the City. She then asked what he would do different for the Northwest District that the current mayor has not done for the district. She complained that there is still slum and blight in the northwest area.

Comr. Hardin responded that he appreciated Ms. Jackson's questions and concerns about the mayor's race, however, he does not consider the City Commission meeting to be the proper venue to put on his platform or any type of political matter. Nevertheless, he would be happy to speak with her throughout his campaign.

Ms. Jackson complained that the Commission has bullied Comr. Perkins since she has been in office and alleged that no respect has been shown to the residents of District 4, which is Comr. Perkins' district.

District 2 Prospective Commissioner - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, announced that he will be running for District 2 City Commissioner seat and thanked Commissioner Charlotte Burrie for her endorsement in the Pelican when she said "I want to stop everything going on in the City. Yes, I want to stop the waste."

Waste Management Monopoly - Mr. Terwilliger spoke about the garbage issue and provided a brief historical background on the efforts of Waste Management of Broward County donating campaign funds to Comrs. Moss, Burrie, Hardin and Mayor Fisher. He said multiple subsidiaries of Waste Management contributed to these campaign funds in increments of \$500 for a total of \$15,000. He alleged the City was on the verge of suing Waste Management for not doing their job well with the collection of the City's garbage. Nevertheless, a contract was signed with them for a twenty-two-year exclusive contract to end in September 2022. Further, Mr. Terwilliger stated that Waste Management gave the City Commission a \$10 million signing voter's check.

Additionally, Mr. Terwilliger indicated that in 2016 Waste Management changed all the City's garbage pickup days to cut labor and used one-man trucks to make more money, yet at the same time creating monumental problems with the City's pickup of trash being

left on the streets, which problem exists currently.

Mr. Terwilliger complained that Waste Management is supposed to be the City's single source garbage hauler, but today the City has been forced to hire fourteen city employees to pick up garbage and trash that Waste Management leaves behind.

In sum, Mr. Terwilliger complained that it appears Waste Management is a monopoly countywide and if they propose increases of 100% to Pompano Beach, the residents could be paying millions more to pick up garbage. He urged the City to get involved in the Broward County lawsuit with Waste Management who is the monopoly contractor for municipalities countywide.

Hurricanes - John Geer, 1300 South Ocean Boulevard, Pompano Beach, FL, focused his comments on hurricanes, which involve the preparation for them and experiencing them, as well as cleaning up afterwards. He congratulated the City for doing a marvelous job in informing the residents on what to do through the city's website. However, he complained that during and after former Hurricane Irma there were some problems with shelters, communication difficulties that ensued, and a long time to collect garbage. He then expounded in details on what transpired after Irma. He recommended that the City utilizes staff to gather reports after such catastrophe rather than pay to have consultants to do the job. He said even though a report was done by consultants, it was not put on the City's website and disseminated to residents. He said he received it after his persistent request to the City Manager. In sum, he said the report had 65 recommendations and he has not seen any of those item being brought to the City Commission for discussion regarding hurricane preparedness. He suggested that the report be made available for tracking by residents, as hurricanes are considered dangers living in paradise. Therefore, he would like to see an item placed on the agenda for discussion, so the residents can have a better understanding of what the City is doing to protect the residents in the event of a hurricane.

Comr. Sobel appreciated Mr. Geer's comments and said he considered what happened with Hurricane Irma similar to a "mild heart attack." He said it is important for the City to take care of basic infrastructures and dealing with the protection of the residents during a hurricane. He said in his conversations with the City Manager and staff, the City is taking steps to try to be better prepared than in the instance with Hurricane Irma. Nevertheless, there were backup and double backup systems that failed during Irma.

Furthermore, he said there were people asking him where to take their disabled relatives and what shelters were available. There was only one opened and it had failure in its air

conditioning and lights. People wanted to know where to go during mandatory evacuation. Sand bags were requested and none were prepared and bags were depleted very quickly. Therefore, he said Irma was a warning for the City and many residents in Broward County and steps are being taken. However, he likes Mr. Geer's suggestion to have a forum and an opportunity for the Commission to discuss the plans and to get the residents' input of their experiences.

Continued Cleanup of Neighborhood - George Dillard, Pompano Beach, FL, thanked Comr. Perkins for trying hard to straighten out the community and for making the northwest area a better place to live. However, he said low income housing is needed. He said when everybody starts working together, Pompano Beach will be a better place to work and live. He encouraged everybody to work hard to make the south, east, west and the north sides a better place for all to live. He thanked Captain Tim Irving, Broward Sheriff's Office (BSO) for his efforts in getting the neighborhood cleaned up. He said he has seen some things done and some things not done, but he continues to call the City Manager and the City Commission to get things done in the neighborhood.

Other Community Issues - Mr. Dillard stated he is trying to get a marquee installed at Mitchell Moore Park, which is needed. Also, there is a need to get the trash picked up. On the other hand, the chickens are gone.

Comr. Perkins added that there is a trapper hired to assist in getting rid of the chickens in the area that Mr. Dillard spoke about earlier.

Donation - Tomas Sinisterra, 1630 North Ocean Boulevard, Pompano Beach, FL, indicated he became aware of the ET Express Booster Club basketball program. Consequently, he said he was motivated by the platform that the coaches provide for the kids to advance in life. Therefore, he wanted to present a contribution to the ET Express Booster program on behalf of his company Mount Vernon Property Holdings in an amount of \$2,000.00

Comr. Perkins requested that the City pay the remaining balance to allow the team to purchase the championship rings which they are looking to get prior to going off to college. She stated to date the City had contributed \$2,500.00, towards the purchase of rings for the champions.

A Motion was made by Comr. Perkins, seconded by Comr. Sobel for the City to give \$5,000 from the reserve funds to the Ely High Basketball Champions. The motion carried unanimously.

Cultural Arts - David Miller, Pompano Beach, FL, stated that he is a self-appointed cultural arts ambassador, along with several other organizations that he is involved and volunteering. He thanked Pompano Proud for their donation to the Community Garden. He said due to a few unfortunate incidences, when he tried to promote art in the City with no success, has caused him to want to retire his cultural arts ambassador title. He cited one incident that happened in Collier City when he tried to talk to some people by the corner store by the park about the mural. He explained that they had a mural up, but he spoke with a well-known artist that did the mural at Ely High Cafeteria/Library to see if he could work on the north side of the store. However, the place got painted over the same day he went to propose doing a mural there. He was told that the City requested a paint over to cover the mural on the store. He thought the mural would be a way to beautify the community.

Finally, Mr. Miller thanked the City for awarding him for his efforts in public art, as well as the Tiger Trail Committee who recognized his efforts.

Mayor Fisher directed Brian Donovan, Assistant City Manager to check into whether the city forced anyone to paint the building, as Mr. Miller spoke about earlier and report his findings to the City Commission.

Cresthaven Civic Association - Ron Boehl, 1685 NE 31st Street, Pompano Beach, FL, stated that at their last meeting, Vice Mayor Burrie was present and she spoke about a few items. He said the recording secretary was told not to print it, however, it was eventually printed. Mr. Boehl indicated that Comr. Sobel had some problems with it. In addition, he complained that Comr. Sobel appears to vote no to most items brought up for the west side, as well as he did not vote for the G.O. Bonds, which he said is needed to assist the development on the west side of the city. He said Comr. Sobel should not vote only for items for the beach area. Finally, Mr. Boehl spoke against Tom Terwilliger who is running for office.

Nuisance Ordinance - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked where is the City's position regarding the nuisance ordinance. He said the store on NW 27th Street continue to be a nuisance. He said the calls that the store gets and the gun violence taking place next to McNair Park is "ridiculous." He said it does not make sense that the City cannot come up with a plan on how to deal with the nuisance issues. Therefore, he asked for an update on how the nuisance abatement ordinance can be strengthened. He concluded that these properties are becoming a hazard to the seniors and youth of the neighborhood.

Mark Berman, City Attorney, responded that another ordinance is not necessary for these issues, as there are quite a number of ordinances in place to deal with the issues. Furthermore, he said the court date for the owner for the property being referenced is in a few weeks. The City is getting him for the violation in the Broward County court and there is a court date coming up. Also, there are matters that are before the Special Magistrate and if it is not resolved, then they have to clean the property up, which the first step is to paint over the mural on the property.

In sum, Mr. Berman explained how the process will work in the City and that they are looking into alternatives.

Mr. Thrower indicated that there is another place on NW 15th Street that is similar to the one on NW 27th Street. He urged the City Commission to do something to get the assistance of the lobbyists or Senator Perry Thurston.

Mayor Fisher agreed that the City should seek the assistance of the lobbyists to free up legislation so the City can do more with these type of issues.

Comr. Moss asked about the status on the instruction given by the City Commission to the City Attorney to establish a chronic nuisance ordinance.

Mr. Berman responded it is still being worked on, which will address property conditions, as well as crime in general, but it will not stop the shooting activities.

Incident at Battle of the Bands - Mr. Thrower commented on what took place at the Battle of the Bands when the proclamation was given and confirmed that he made the call regarding the non-district commissioner being on stage.

Mosque Property - Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, complained that the land, next to her house, at 1641 NW 15th Street where the Mosque was built has been bought, which is upsetting to her.

Robert Reese, Pompano Beach, FL, son of Ms. Duncan, explained that the Islamic Mosque that was located in the Northeast district and was subsequently relocated to the northwest district, just down the street from his mother's property. He said his mother has become emotional because they are planning to rezone the area, which once that has been accomplished, all the properties in the area will be bought and the people living in the existing houses will be turned out, which was done some years ago in another section

of the northwest community.

Mr. Reese stated that there is no problem having a mosque or any worship center in the vicinity. He mentioned that there are no more regulations to build a church in Pompano Beach, however, a property owner can protrude on somebody's space by basically purchasing land and do anything they desire to do. He said it is the same people who own the stores at the corner street in Collier City, NW 27th Street, NW 15th Street and several other streets, and all have ties to the mosque. The nuisance being experienced by the neighborhood is a result of the people running the corner stores who are not following regulations, thus they "hide behind their faith" and say what they can or cannot do.

Mayor Fisher explained that the Mosque wanted a special exception to build a school. At the time they went through the process with the Planning and Zoning Board, one of the things that they promised to do was to have community outreach. Since they did not do that, the item was tabled until the July 10, 2018 meeting, which will come before the City Commission not as a complete rezone of a property but an exception. Therefore, he encouraged everybody to attend the July 10, 2018 meeting for that item.

In addition, Mayor Fisher stated that as it relates to the purchasing of houses, he was unaware of that information until recently. He said the City Commission does not control a church in what they are doing. On the other hand, for the record, he wanted to make it clear that he has not sold any property in the neighborhood that Ms. Duncan has accused him of making money.

Mr. Reese explained that his mother is a bit emotional and has perceived that since donations were given to campaigns then there is the possibility of putting through certain agenda items to get done. While it may not be true that Mayor Fisher has received donations from certain individuals, his mother is of that opinion.

Mayor Fisher confirmed that opinion is not true. He said he has never received any money from the mosque and do not intend to; therefore, he wanted to get the record straight on this.

Ms. Duncan stated that at the Planning and Zoning Board, the man who represented the Mosque said he wants a school on the east side, which the current school is Markham Elementary that has been there for years. She said they planning to tear it down. Also, he said in the northwest section he wants to get places to build a school and so forth.

Mayor Fisher indicated that the City Commission will make the ultimate decision whether they receive an exception or not for the school.

Brian Donovan, Assistant City Manager, indicated that just prior to the start of the meeting Mr. Recor, Director of Development Services, indicated that the applicant is not prepared for July 10, 2018 meeting, therefore, that item will be tabled until July 24, 2018.

Mayor Fisher reiterated that the item will be tabled from July 10, 2018 to July 24, 2018.

Comr. Hardin stated that he has never discussed this issue with Mayor Fisher and is unaware of what the ties are that he has.

Mr. Reese apologized for any misconception regarding the Mayor and Comr. Hardin.

Comr. Perkins indicated that she can understand why residents would be concerned about a Mosque being built near their home. While she does not have a problem with the Mosque, she felt it did not come into the community the proper way, thus creating the problem being experienced today. She indicated that the Mosque owners should have met with the community prior. In fact, she said all the homes in the surrounding area, the Mosque has not connected with the people living there.

Slum & Blight Issue - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, listed a number of subdivisions in district 4 namely, Kendall Lakes, Kendall Green, Sanders Park, Liberty Park, Canal Pointe, Pompano Terrace, Ortanique, and several well-kept neighborhoods in the community in which he resides. He said sometimes he gets concerned when he hears the comment that where he resides there is still slum and blight, because some people cannot see the amount of development that is beginning to come to Pompano Beach and particularly the number of houses, multi-family and single-family houses that are being developed in the neighborhood and it is not because of slum and blighted neighborhoods.

Mr. Phillips said he has observed that because they are a cultural community there seems to be a lot of people getting contracts making money creating murals. Therefore, he suggested that an outreach be done with the spirit of inclusion so that others within his neighborhood, District 4, and others can make some of that money doing murals.

Evacuation Shelters - Mr. Phillips said the City must ensure that shelters are available in the neighborhoods. He said residents should not have to go to Pompano High from District 4 to a shelter when there are elementary schools that are built like bunkers in the district. Moreover, he understands that some of the fire stations will be built to withstand Category 4 and 5 storms. Therefore, he suggested that now would be a time to look into

identifying shelters in the neighborhoods.

City Strategic Plan - Mr. Phillips indicated that he is concerned, as he called earlier to get a copy of the strategic plan for 2018-2022. He left a message for a “David” who did not return his call. He said for the agenda item online there was no backup.

Basketball Champions - Mr. Phillips said he was disappointed that they had to come to the City to ask for money to purchase rings for the Blanche Ely High School Basketball team. He said there are so many developers flooding the neighborhoods and they should be asked to assist with these efforts.

Comr. Perkins reiterated that 29 years ago when the City started out with the Community Redevelopment Agency (CRA) and former Comr. Pat Larkins was in office, one of the reasons to start the CRA was because of the slum and blight. Even though it is 29 years later they are still living in slum and blight in the northwest community, because of the trash, drugs, prostitution, as well as the “hanging out.” Comr. Perkins stated that to understand this is to live in it or drive through it. Finally, she said while she is aware of all the developments that have transpired under the CRA, however, there is still a lot of slum and blight visible 29 years later.

Affordable Housing - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, noticed that the recent developments of the past, the one in Palm Aire and the recent ones along Federal Highway that people are opting out of the affordable housing by paying \$3,000 into a fund. Therefore, he enquired as to the City Commission’s plan for building affordable housing for low income workers on that plot of land.

Mayor Fisher referred the question to David Recor, Director of Development Services regarding the trust fund and how those dollars are being used for affordable housing.

David Recor, Director of Development Services, responded that the fee is \$2,333 and it is allocated in a special fund that is accounted separately that the Office of Housing and Urban Improvement (OHUI) allocates on an annual basis to various projects. The allocation of those funds are also recommended by the Community Development Advisory Committee (CDAC), but there is no specific plot of property that is designated to receive it. The funds are reviewed on an annual basis and allocated to a project or a number of projects as recommended by the CDAC.

Mr. Drum stated that the prices of the condominiums and apartments are being increased and he felt some people are left in the cold.

Habitat for Humanity Project - Harlan Woodard, 1241 NW 99 Street, Miami Dade County, FL, KDOI/ADPD, Inc., Community Builders Holistic Development, stated that sometime last year he was made aware of the 77-unit development, which is the Habitat for Humanity project. He said he spoke with Comr. Perkins at one point and expressed his concerns of housing at that particular site. He said the intersection is prominent within the Ely community and he thought the City had an opportunity to do something more uplifting for the community, which would be more of a mixed use to elevate the community socially, economically and so forth. Mr. Woodard provided a brief background of his credentials as an architect, and LEED certified. He then provided some images to provide a visual to the City Commission as to what is being done in that particular community with Habitat for Humanity housing. See Exhibit I for details.

Mayor Fisher indicated that he appreciated Mr. Woodard's ideas. However, the project is already completed and a ground breaking has already taken place.

Mr. Woodard stated that things could be changed now rather than later when it becomes problematic.

Mayor Fisher encouraged Mr. Woodard to reach out to the private developer to present some opportunities to them.

Mr. Woodard requested that the City Commission consider his presentation and that something be done to change the current plans to the one he is suggesting as it is ideal for the neighborhood.

B. CONSENT AGENDA

There was no discussion on Items 1, 6, 8, 9, 10, 11 and 13.

1. [18-423](#) Approve ranking order for RFP E-09-18 Post Disaster Emergency Catering Services and authorize staff to negotiate a primary contract with DRC Emergency Services, LLC, and an alternate contract with Piccadilly Holdings, LLC DBA Piccadilly. (No cost at this time.)
(Fiscal Impact: N/A)

(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.

2. [18-432](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT PROVIDING FOR JOINT OPERATION AND MAINTENANCE OF A PUBLIC PARK; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Moss pulled the item for City Commission discussion. Comr. Moss asked for a historical background on the item. He said he understands that in 1979 the City of Pompano Beach gave land to Lighthouse Point to satisfy some needed requirement for open spaces.

Mark Beaudreau, Recreation Programs Administrator, responded that the statement was partially correct. He explained that it is a Florida Inland Navigation District (FIND) property, which is not owned by neither of the two cities. There is a separate agreement with FIND where the city manages the property in consultation with FIND and Lighthouse Point. The cities mutually share the property and has maintenance responsibilities; therefore, the current agreement memorializes the negotiations between each city.

Comr. Moss asked if the City leases from FIND, which Mr. Beaudreau responded yes.

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. 2018-187

3. [18-433](#) 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 SOUTH FLORIDA WATER POLO FOUNDATION, INC. TO UTILIZE THE CITY'S AQUATIC CENTER OR HOUSTON/SWORN AQUATIC CENTER TO PROVIDE A YOUTH WATER POLO PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins asked for more information on the South Florida Water Polo organization and asked if this is the first time it is coming to the Houston Sworn area.

Mark Beaudreau, Recreation Programs Administrator, provided a brief historical background and stated that approximately one month ago the City Commission approved a Request for Proposal (RFP) for youth sports services. One of the responders to the bid was the South Florida Water Polo, which in the past the City has worked with them. They have sponsored many water polo tournaments. Primarily, they will be at the aquatics center but they could be at Houston/Sworn as well.

Comr. Perkins said she would like to see some of the young people in the area get exposed to the water polo foundation and asked what are the age groups that would be participating.

Mr. Beaudreau responded from five (5) to eighteen (18) years.

Comr. Perkins indicated that she desires to see a bit more outreach in the community about the program and asked how would the students be informed about the activities taking place.

Mr. Beaudreau noted that the organization is responsible for the outreach to a diverse age group for the program. He said what they have done in the past has been notable, and they are expected to bring some notable events to the City of Pompano Beach to stimulate the sports tours and component.

Comr. Perkins requested that the age groups in the area be exposed to this sports as well.

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. 2018-188

4. [18-425](#) Approval to piggyback the City of Margate Florida Contract #2014-006 for the purchase of “Asphalt Surface Preservation with Rejuvenation Agent” as needed, from Pavement Technology, Inc., in the estimated amount of \$142,947.48.
(Fiscal Impact: \$142,947.48)

(Staff Contact: Robert McCaughan)

Comr. Hardin pulled the item for City Commission discussion. Comr. Hardin recalled the way the City tried to resurface some streets a few years ago that was not satisfactory. Therefore, he wanted to ensure this has nothing to do with that experience.

Robert McCaughan, Public Works Director, stated that this is a different product and explained in details the difference in products used then and now. In sum, they are utilizing several types of paving techniques.

Comr. Moss asked if it is similar to the black gook they paint on parking lots.

Mr. McCaughan replied it is not, and explained that they use a sealant, which is not allowed in the roadways because it would reduce the friction of the road, as well as it does not penetrate the actual pavement. However, the material they will be utilizing will penetrate the pavement and will add life of five to seven years to the roadways.

Comr. Perkins enquired if the streets that this will be used on have already been selected, which Mr. McCaughan replied yes, and it is included in the backup material.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated he resides on one of the test streets and admit it is fine now but they had to surface his street twice as the first time it was put on too thin. Nevertheless, he concluded that it is a fine product.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Approval Request be APPROVED. The

motion carried by the following vote:**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

5. [18-426](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SIDEWALK EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TSATAS ACQUISITIONS, LLC;; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Comr. Sobel pulled the item for City Commission discussion. Comr. Sobel indicated that he thought the City Commission had approved the Atlantic bridge project in its entirety and it was underway and moving forward. He asked if the project is completely underway at this time.

Horacio Danovich, CIP Manager, stated that the Atlantic bridge project is moving along. He explained in details some of the kinks that they experienced during the design.

Comr. Sobel indicated that he pulled item 7 as well and asked if the transformer mentioned is impacting the movement of the sidewalks in item 5.

Mr. Danovich replied that is correct and said they are companion items.

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. 2018-189

6. [18-431](#) 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 BROWARD COUNTY FOR GRANT FUNDS TO FINANCE ARTWORK AT POMPANO BEACH PIER IN POMPANO BEACH FISHING VILLAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000.00)

(Staff Contact: Horacio Danovich)

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. 2018-190

7. [18-427](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CITY/COUNTY RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Comr. Sobel pulled the item for City Commission discussion. Comr. Sobel indicated that he has a problem with the City paying 100% for what appears to be some added electrical capacity that at least 50% is for the benefit of a private commercial entity.

Mr. Danovich stated that the City is not paying 100% for it. He explained that the City is giving FP&L an easement for them to locate the utilities for the services to both parties. He said there is no cost to moving and installing the additional transformer. He said FP&L require the easement to properly enter, maintain and operate the equipment.

Comr. Sobel asked if there are any assurances from FP&L in the event damages occur underground.

Mr. Danovich indicated that he would have to defer the question to the legal team regarding the legalities.

Mark Berman, City Attorney, stated that with the assumption that there is the proper right-of-way (ROW) permit to operate, the proper insurance, proper language in the agreement that protects the City in terms of to cure any damages in the City's ROW. With regard to any City facilities, they or their subcontractors do as far as what they do on private property, they are doing it for the property owner and it is between those parties.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher
No: Sobel

Enactment No: RES. No. 2018-191

8. [18-392](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF POMPANO BEACH AND VARIOUS MUNICIPALITIES TO ESTABLISH THE RELATIONSHIP, PROCEDURES AND RESPONSIBILITIES BETWEEN THE PARTICIPATING AGENCIES FOR PARTICIPATION IN A REGIONAL 2017-2018 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$27,798.78)

(Staff Contact: John Jurgle)

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. 2018-192

9. [18-411](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND FABIO GONCALVES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$1,500.00)

(Staff Contact: Laura Atria/David Recor)

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. 2018-193

10. [18-412](#) 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 PAINTING OF A MURAL ON THE WEST EXTERIOR WALL OF THE BAILEY CONTEMPORARY ARTS BUILDING LOCATED AT 41 NE 1ST STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10.00)

(Staff Contact: Laura Atria/David Recor)

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. 2018-194

11. [18-434](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR CITY'S SHARE OF THE COST FOR THE COUNTY'S PREPARATION OF A 100-YEAR FLOOD ELEVATION MAP AND ASSOCIATED MODELING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$49,285.71)

(Staff Contact: Jean E. Dolan/David Recor)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be TABLED until the July 10, 2018 City Commission meeting. The motion carried unanimously.

12. [18-439](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING AN UPDATED STRATEGIC PLAN FOR 2018 - 2023 AND AN ACTION AGENDA FOR 2018/19; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David L. Recor)

Mayor Fisher was requested by Doug Matthes to pull the item for City Commission discussion.

Doug Matthes, Pompano Beach, FL, stated that the strategic plan for 2018-2023 did not address the known chronic problems in Old Pompano. He said in the immediate future there are six (6) high rise buildings in or adjacent to the neighborhood that are under construction or in the permitting stage. This will add approximately 1,800 housing units, 2,700 vehicles and 4,500 residents. Mr. Matthes stated that they need to add to the strategic and budget plans the following:

- Elimination of the truck and bus routes through the residential neighborhood
- Conduct immediate traffic planning and implementation to eliminate all cut through traffic that limits the traffic flow on all streets to less than 100 vehicles per day
- Remove the side stripes and center lines on all streets and make them look like residential roadways instead of interstate highways
- Remove the excess of street signage clutter and uniformly sign the streets like other City neighborhoods
- Install missing drainage on all city designed and installed speed humps to eliminate street flooding
- Survey all streets and repair potholes

On completion of all these items, he said they should mill all the streets to remove the humps and bumps and abnormalities and then add a new layer of two to three inches of asphalt on top.

Mr. Matthes complained that the City has not done anything useful for the neighborhood for 40 years and he feels it is their turn to get some action from the City. He suggested that if this cannot be placed in the strategic plan now, then it could be tabled and brought back at a later date.

John Geer, 1300 South Ocean Boulevard, Pompano Beach, congratulated David Recor on doing a marvelous job, which is incredibly comprehensive, and an unbelievable complex job with the contractor. Mr. Geer mentioned that he had talked about hurricanes prior, however, in the strategic plan and in the action agenda the word hurricane appears once in each document. He opined that more attention is needed to hurricanes in the strategic and action plans. Finally, he said the action plan has items that have already passed several months ago. He suggested that the City Commission ensure that the action plans identified are accomplished quickly.

David Recor, Development Services Director, stated he appreciated the item being pulled for discussion, as this item is a very important action plan to the strategic plan update, as well as the decision to be made by the City Commission. Mr. Recor stated that the action agenda for 2018-19 reflects the priorities that were established at the April 18, 2018 City Commission Workshop that was facilitated by Mr. Lyle Sumek. Thereafter, the Management Team got together to develop specific action outlines to establish the priorities that the City Commission identified. He explained that each action item aligns with one of the five goals that are established in the strategic plan. Therefore, on approval of second reading, they will transition from the tracking software that is used currently called AchieveIt to OpenGov, which allow staff to track the specific action items and report to the City Commission on a regular basis the status of the action items.

Mr. Recor reiterated that the activities and milestones identified in the plan is a guide. OpenGov will be used to communicate with the Commission regarding updates and changes made to the plan. Finally, he said all the backup material is available on the City's website.

Comr. Sobel asked to differentiate the 2023 strategic plan to the Pompano Beach vision of 2033 that is laid out in the backup.

Mr. Recor stated that because this was an update and the vision was established in 2017, there were no changes made to the vision and the principles that defined the vision, nor did they reorder or change the five-year goals. He said that they simply focused on updating the challenges, opportunities, strengths, weaknesses, issues, projects and activities followed up with specific action outlines based on the Commission

priorities. To respond to the question, he said staff did not make any changes to the fifteen-year vision or the five-year goals in this process.

Comr. Sobel stated that there is reference to the Pompano Beach vision of 2033 and asked if the vision may change over time.

Mr. Recor explained that there is a fifteen-year vision and five-year goals. However, the principles of the vision could change if the Commission so desires and the time to reflect and make that change would be during the annual update. No changes were made to the principles of the vision for this year.

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. 2018-195

13. [18-456](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SISTER CITY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TERMOLI, (CB), ITALY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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. 2018-196

C. REGULAR AGENDA**14. [18-220](#) P.H. 2018-49: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JUNE 12, 2018

TABLED FROM MAY 22, 2018

FIRST READING: MAY 8, 2018

(Staff Contact: John Sfiropoulos)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to take 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 TABLED to the July 10, 2018 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

15. [18-414](#) **P.H. 2018-74: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018 IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$108,000,000 TO BE APPLIED, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS OF THE CITY, IF ANY, TO FINANCE, REIMBURSE AND REFINANCE THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PROJECTS APPROVED BY THE QUALIFIED ELECTORS OF THE CITY VOTING IN A BOND REFERENDUM HELD IN THE CITY; PROVIDED, HOWEVER THE AGGREGATE PRINCIPAL AMOUNT OF THE GENERAL OBLIGATION BONDS, SERIES 2018 TO BE ISSUED IN CONNECTION WITH (1) THE PUBLIC SAFETY PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$18,000,000, (2) PARKS, RECREATION AND LEISURE PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$47,000,000, AND (3) THE STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$43,000,000; FIXING CERTAIN TERMS AND DETAILS OF THE GENERAL OBLIGATION BONDS, SERIES 2018; AUTHORIZING EXECUTION AND DELIVERY OF THE GENERAL OBLIGATION BONDS, SERIES 2018; DELEGATING AUTHORITY TO DETERMINE WHETHER TO INCLUDE CERTAIN PROJECT COMPONENTS IN THE PROJECTS TO BE FINANCED BY THE GENERAL OBLIGATION BONDS, SERIES 2018; AUTHORIZING THE PUBLIC SALE OF THE SERIES 2018 BONDS AND THE USE OF THE PRELIMINARY OFFICIAL STATEMENT, OFFICIAL NOTICE OF SALE AND SUMMARY NOTICE OF SALE IN CONNECTION THEREWITH; DELEGATING AUTHORITY TO THE CITY MANAGER OF THE CITY, IN CONSULTATION WITH THE CITY'S FINANCIAL ADVISOR, TO ACCEPT, PURSUANT TO A COMPETITIVE PUBLIC SALE PROCESS, THE BID OR BIDS OF THE LOWEST QUALIFIED BIDDER OR BIDDERS FOR THE PURCHASE OF THE SERIES 2018 BONDS, SUBJECT TO CERTAIN PARAMETERS AND OTHER MATTERS SET FORTH HEREIN; DIRECTING THE APPLICATION OF THE PROCEEDS OF THE GENERAL OBLIGATION BONDS, SERIES 2018; APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A CERTIFICATE DEEMING THE PRELIMINARY OFFICIAL STATEMENT FINAL; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS

THE INITIAL PAYING AGENT AND BOND REGISTRAR FOR THE GENERAL OBLIGATION BONDS, SERIES 2018; APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE WITH RESPECT TO THE GENERAL OBLIGATION BONDS, SERIES 2018; PROVIDING FOR THE APPOINTMENT OF A DISSEMINATION AGENT; AUTHORIZING OTHER REQUIRED ACTIONS; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE MATTERS PROVIDED FOR HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 12, 2018

(Staff Contact: Andrew Jean-Pierre/Suzette Sibble)

Andrew Jean-Pierre, Finance Director, presented the item and stated that there were no changes from the first reading. He reiterated that the item is to set forth the parameters that will be used going forward towards the issuance of the bonds. Staff and financial adviser is available to answer any further questions.

Comr. Sobel indicated when the General Obligation (G.O.) Bond was first proposed and the City provided calculations on what the cost would be over the 33 years, and he enquired as to the estimated interest rate that was used to calculate the projections.

Mr. Jean-Pierre responded that it was approximately 4.6%.

Comr. Sobel referred to the bottom of page 6, where it states, "True Interest Cost Rate would not exceed 5% per annum." However, Comr. Sobel asked if at the time the City moves to sell these bonds that the interest rates are greater than 5% what would happen.

Mr. Jean-Pierre responded that the City would not be able to issue the bonds if it exceeds 5%. He mentioned that the current rate is 4.1%, therefore staff does not anticipate the interest rate would go over 5%.

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
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-58

16. [18-367](#) **P.H. 2018-75: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND OPENGOV, INC. TO PROVIDE CLOUD BASED SOFTWARE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: FY 2018 \$152,920)

FIRST READING: JUNE 12, 2018

(Staff Contact: Erjeta Diamanti/Gene Zamoski)

Erjeta Diamanti, Budget Manager, presented the item and stated that there were no changes from the first reading.

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
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-62

17. [18-403](#) **P.H. 2018-76: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AMERICAN LEGAL PUBLISHING CORPORATION TO PROVIDE FOR THE REPRINTING AND THE SUPPLEMENTING OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$11,100.00 average annual cost)

FIRST READING: JUNE 12, 2018

(Staff Contact: Asceleta Hammond)

Asceleta Hammond, City Clerk presented the item and stated that there were no changes since the last meeting.

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
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-63

18. [16-32](#) **P.H. 2018-77: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JUNE 12, 2018

FIRST READING: JANUARY 10, 2017

(Staff Contact: Maggie Barszewski/David Recor)

Daniel Keester O'Mills, Principal Planner, presented the item stating the item is to request the change of the future land use designation of several parcels totaling 8.9 gross acres from Commercial (C), Medium High (MH), Low Medium (LM), Residential to Mixed Use Residential (MUR). The property is located at 1500-1590 North Federal Highway across from the golf course and owned by AMP IV Hidden Harbor LLC. The application was unanimously approved by the Planning and Zoning Board at the May 25, 2016 meeting with four conditions. Over the course of the last two years, the applicant has addressed the conditions. In addition, Mr. Keester O'Mills stated this is the second reading of the ordinance, which the City Commission approved the first reading at the January 10, 2017 meeting with a 5-1 vote.

Continuing, Mr. Keester O'Mills stated that the MUR designation allows the applicant to choose among four

different categories of density and intensity standards. Consequently, the applicant has requested the high option of 50 mixed use permits of up to 50 residential dwelling units per gross acre and a floor area ratio of two and half for combined residential and non-residential development. He then outlined the intent of the designation. He said the proposed land use plan amendment is consistent with the five objectives and thirteen policies in the land use element of the comprehensive plan as listed in the backup. Furthermore, the Broward County Commission recently approved the amendment on May 22, 2018. Prior to the County's approval, the City required an agreement to provide evacuation shelters staff to mitigate the impact that the amendment would have on Pompano Beach shelters. Therefore, the resolution for that agreement is a companion item following this item on the agenda.

The developer has submitted a voluntary declaration of restriction for the property and included in the document is the maximum number of residential units, which has been provided at an amount of 323, which is a reduction of 122 units that are permitted by the land use. Also, it has provided a maximum floor area for the various uses or the overall mixed use development and the design standards to ensure compatibility of the adjacent properties. In addition, the affordable housing in lieu of fee must be paid to the City at the time of the building permit, which requires the applicant to pay \$2,333.00 per market rate unit.

Continuing, Mr. Keester O'Mills stated that the Development Services Department has received several inquiries over the closure of NE 23rd Avenue and there have been no applications to request an abandonment of this public street, and it is not a part of the request of this item.

Comr. Sobel disclosed that he had communications with the applicant's counsel, George Platt and Seth Platt, even though this is not a quasi-judicial hearing.

Graham Penn, Esq., Bercow Randell Fernandez & Larkin PLLC, 200 South Biscayne Boulevard, Miami, FL 33131, presented an overhead to reintroduce what they are doing to include the changes that have occurred since the first reading. Please see Exhibit II attached for details. Mr. Penn stated that he represents the AMP IV Hidden Harbour, which is the owner and operator of the hidden harbor marina project.

Mr. Penn reiterated as stated in his presentation earlier, they had the unanimous approval by the County of their companion amendment. Therefore, the application continues the County's efforts to implement the corridor study's recommendations on a smaller scale than the East Transit Oriented Corridor (ETOC). However, he says while it is a smaller implementation it is a positive one for the area given the importance that the transformation plan placed on this location. In addition, he said it represents a significant reduction in potential development, which is approximately 200,000 square feet of what could be built on the property. He said the trip generation has also been reduced to a cap of 1,377 square feet. After discussion with the community, they were able to expand their limits, added the new park, reduced the density, added restrictions on height, and uses next to the residential neighbors. Therefore, the design guidelines they have in the covenant implemented through zoning, shows a vertical mix of uses, pedestrian friendly development, access to the water for the public, which are all the things the transformation plan required.

Mr. Penn stated that over the years they have met with their neighbors and they are aware that there are remaining concerns about the development of the property. They have committed to continue to meet with the neighborhood once the rezoning master plan approval is packaged together, to address those issues and

questions about the height, the closure of 23rd Avenue, etc. which they will continue to work on and update accordingly.

In sum, Mr. Penn said they are requesting the City Commission's approval to allow them to come back before the City with a rezoning and a site plan approval. He said the land use plan amendment does not provide anything but the ability to ask for a zoning change. So, this is just a step towards implementing the transformation plan. Therefore, they asked for the City Commission's approval on second reading.

The following persons spoke against any changes to the land use plan that was stated would negatively impact their property.

- Joyce Mathews, 1600 NE 25th Avenue, Pompano Beach, FL, stated residents have been meeting with Mr. Penn who has been working positively with the neighbors. However, the primary concern for her is the increase in traffic on the roads and on the waterway. She is happy to hear they do not plan to close 23rd Street because it is their only access to 14th Street. She provided a copy of a letter to the City Clerk that addresses her comments.
- Tom Drum, 2700 NE 8th Street, Pompano Beach, FL stated that he believes in development but they should stick to the 85 units as planned. He does not agree to overdevelopment, therefore, he is against the project.
- Doug Anderson, 2625 NE 17th Street, Pompano Beach, FL, expressed concerns about the traffic going through the area. He does not want to see overdevelopment of the area.
- Melody Martorona, NE 16th Street, Pompano Beach, FL, stated that the land use plan amendment will be the start of a domino effect for zoning change, deed restriction changes and so forth. She concluded that they do not need any more development in that restricted area.
- Jeff Scott, 2600 NE 16th Street, Pompano Beach, FL, reiterated what the other speakers spoke about prior. Moreover, he has also seen streets disappear so it is possible for NE 23rd Street to go away. The proposed plan is not ideal for the area, and he suggested to "squash it" before it goes any further.
- Molly Moor, [REDACTED], echoes the concerns that Ms. Martorona had about sustainable development and asked a number of questions to seek clarity on the zoning plans that the developer would use for the area, which Mr. Penn provided some of the proposed uses of the property.
- Judy Blaine, NE 16th Street, Pompano Beach, FL, stated that she has lived on this street for approximately 60 years and the word that come to her mind is "bottle neck" on US-1, NE 27th, NE 16th, the side streets, and NE 14th Street Causeway. Moreover, she complained that she and her neighbors were unaware of any community meetings regarding the project. She concluded that they are not doing a good job to get the word out to all the people in the neighborhoods.
- Tom Terwilliger, Pompano Beach, FL, stated that this sounds like a repeat of a proposal that was

made many years ago on the “Old mushroom farm” as Vice Mayor Burrie could recall. He said this is an opportunity for the City Commission to limit the amount of units proposed for the project. He urged the commission not to repeat the “Mushroom Farm” development.

- Dennis Bondurant, NE 16th Street, Pompano Beach, FL, stated that he has lived in Pompano Beach for 52 years with his family. He said there is enough traffic on the street, as well as the waterway. Therefore, to put a capacity for this many people in such a small area, definitively impacts the value of his home.

The following persons spoke in favor of the land use plan:

- Melissa Milroy, 2710 NE 6th Street, Pompano Beach, FL, stated the property has been on Federal Highway as an underutilized area for many years and it is time to do something at the property. She would support a mixed use project for the property and expressed her reasons.

Mayor Fisher reiterated that this item is not for a rezoning but a land use plan amendment and that the rezoning would come at a later date.

- William Blackwood, Jr., operates HR Marine Group, 2787 Northeast 5th Street, Pompano Beach, FL, agrees with previous speakers that it is time to do something with the property.
- Michael Horan, 3241 Holiday Springs Boulevard, Unit 401, Margate, FL, stated he owns two units at the Villa Rio within 500 feet of the existing property. He does not want to stop improvement to the area. The City staff is wonderful to work with to include Ms. Gomez who worked diligently to get the word out to the neighbors. While he is not against developing the property, he thinks it should be developed with a “few warnings” as it relates to the number of units being proposed, and provided details of his reason.
- Michael Skversky, 1637 SW 5th Avenue, Pompano Beach, FL, asked if the project is requiring 323 units. He also wanted to know if there will be one or two bedroom units.

Mayor Fisher responded that it could change to less based on the zoning. Also, as the applicant indicated they have not determined the unit mix at this time. This is just the land use plan amendment therefore, zoning and site plans would come much later.

Mr. Penn stated that the unit mix will be decided at the time of zoning. Currently, this is the land use plan amendment which allows a broad category of uses for the property. The specific development plan is something they will work out as part of the planned development, and rezoning the master plan associated with the planned development. He explained that the land use plan amendment deals with general uses permitted on the property.

- Vicente Thrower, Pompano Beach, FL, asked for clarity purposes, once again that this item is not for zoning but it is for a land use plan amendment. In sum, Mr. Thrower believes this project would complement the newly renovated golf course, as well as help with reviving the Pompano Center Mall.
- Whitney Rawls, 1529 NW 4th Avenue, Pompano Beach, FL, reiterated Mayor Fisher's comments that this is just for a land use plan amendment. But, he is looking forward to what would come after this in terms of the site plan and conceptual drawings that will hopefully show that this project would benefit the community, which he believes it will.
- Nick Damasceno, 2381 NE 14th Street, Pompano Beach, FL, stated that he has lived in Pompano Beach for 18 years and has participated in a number of the City's development initiatives. He said his house is located at the SE corner of the subject property and they have been waiting a long time for this project.

George Platt, LSN Partners representing the applicant, stated that he has met with the City Commission before and thanked them for taking the time to meet with their company and to provide them with their input. He said they made a lot of changes as a result of some of the meetings with the Commission and the community. He said the City staff has been terrific in terms of their vetting of the project. Moreover, it has taken a long time, as well as being expensive to arrive at this point. Also, it has been arduous, thorough, unanimous approvals at the county and planning council levels, but most importantly, he said this is a step in the implementation of the corridor studies that the City undertook on three major corridors, Dixie Highway, Atlantic Boulevard and Federal Highway. He said the City recognized and with some foresight went through a lot of public hearings on the corridor studies and a lot of discussion before they were finalized. The City said they wanted to encourage redevelopment in these corridors and when it can be done they would like to see mixed use redevelopment so they can have housing, commercial, and other opportunities for restaurants and perhaps entertainment.

Continuing, Mr. Platt stated that there will be a restaurant as part of the commercial development. There will be commercial on the first floor and units over the top. He said it will be a mid-rise building not a high-rise. In addition, he said there is a demand on this corridor. Overall, the City of Pompano Beach is in a state of change. Mr. Platt promised to continue to reach out to the community to get their input and if there is a need to expand the area to be noticed, they will commit to do it. Finally, Mr. Platt stated that they would appreciate the City Commission's support for this project as was done in the past.

Comr. Sobel stated that he vote no approximately one year ago. It is true this is in his district and he is very attuned to the residents. He said the project is too big, too dense and the residents do not like it and they do not want it. Therefore, to "sugar coat it" and call it a land use plan amendment and worry about the rezoning down the line, to him, it is a royal con job and the residents are being bamboozled. He said a land use amendment can be done without insisting on 323 units. Notwithstanding, development is good and this property cries out for quality development. However, this is all about quality of life.

In sum, Comr. Sobel indicated that there is nothing concrete taking place to date, which only represents a "shot in the dark." They are hoping, trusting that these people are going to be there and will do what they are

promising to do today. However, there is nothing that will suggest that this will actually happen. The property in all likelihood will be flipped to a developer and until a site plan is seen of 10 stories or more, which is what will be required to be able to build one or two bedrooms. He stated that the City wants quality development and there could be so much built on the property, but wanted to know why must it be so excessive, so dense and so extreme in order to justify the years of expense and recoup perhaps some of the mistakes of the past, which is not the residents' problem.

Finally, Comr. Sobel stated that in reviewing the notes prior to him getting elected into office, the instructions were clear that there was to be no extra entitlements unless the city and the residents know what they are getting. The Commission understood when they granted the 85 to 343 units that there was no specificity, and they did not know what the residents would be getting. He said nothing has changed today, regardless of what may have been said.

Comr. Hardin said that NE 23 Avenue is an important topic and they indicated earlier they will not be closing the road. In their discussion he had explained how important this really is. In communication with some of the people who live in the area, it is important. In fact, he had tried to get a bike path on NE 23 Avenue years ago. He mentioned that in the restrictive covenant, as noted in the backup under 10 (h), it states, "In order to improve pedestrian connectivity and access to the waterway and subject to the necessary city approvals, the owner may incorporate the permanent vacation of NE 23rd Avenue, between NE 15th and NE 16th Street as part of any mixed use development plan." He concluded that this does not sound like what was discussed.

Mr. Penn apologized for not catching this, and indicated that it was a hold over that should have been removed from the last drafted actions between the transmittal and coming back from the county. They had additional discussions with the neighborhood after that point.

Mr. Berman stated that if it is in the restrictive covenant then it has to be part of what is requested to be approved.

Mr. Penn confirmed that the provision should be stricken from the covenant and they will ensure it is removed should this item be approved.

Mr. Berman advised that they should request to remove it as part of the Commission's vote.

Mr. Penn stated that it should have been removed before and requested that the City Commission remove it from the covenant, and they will provide the City with the amended version with that provision removed.

MOTION: A motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to strike paragraph 10 (h) of the restrictive covenants. All voted yes except Comr. Sobel.

Comr. Hardin stated that he has heard both the pros and cons for this project and he understands the issues. However, some of the comments made earlier concerns him, which is not about the project per se, but of what has been going on in the neighborhoods for years. He said it appears there are issues on NE 16th Street, which he is hearing about, but he does not understand why someone has not addressed them. These are district issues and should be addressed accordingly.

Continuing, Comr. Hardin said additional development on Federal Highway is what the City Commission has been asking for and to keep the density, but people are coming to the City. Nevertheless, the commission has focused on getting the density reduced on the major corridors, so that there is public transportation and people can get around without using their cars. In fact, this is being done along Atlantic Boulevard, and Federal Highway. He said he does not see this as a detriment to the neighborhood but a positive for the neighborhood. New development will increase property values. Moreover, he understands when there is change there is a "knee jerk" reaction of not wanting it, but it is part of what is being experienced throughout South Florida and part of what Pompano Beach is going through. Furthermore, had the City not make changes, people, outside of developers, would not be singing the praises of the City. In essence, with the change that is coming it needs to be managed and this is what this is about. There is a demand to meet with the neighborhood and to make changes to make it right for the residents. Finally, he said this is for the land use amendment and now that NE 23rd Avenue is protected, he would support the item.

Comr. Perkins indicated this is similar to the problem being experienced with the mosque. She stated that had they handled the mosque differently prior to placing it where it is, and they had some connection with the community, then the problems now being experienced would not be. She said similar problem exists with this development and she will be opposing it. Also, because the area seems small and it is unknown what will happen once the land use amendment is approved. She agrees the City needs change which will happen but there needs to be consideration given to the residents living in the area, and how it would affect them and their immediate neighbors impacted by the development.

Vice Mayor Burrie indicated that Mr. Terwilliger brought up the point about the Old Mushroom Farm, however, this was a RPUD where the developer came in and showed great pictures of the area and when the RPUD zoning was done, he flipped the property and the site became a horrible one. She said she will be voting against it because of the amount of residential units proposed. She does understand the concern of the single family home owners in the area. However, she would like to see development within the area but not with 300 plus units. She could accept the 85 units, as well as the commercial.

Mr. Platt stated that they try to work closely with the community. To date, they may have had over eight meetings and they intend to continue to meet with the residents. Moreover, he reported that they had submitted to the City Clerk sixteen letters from the community supporting the development, to include the support of the Economic Development Council, the Greater Chamber of Commerce of Pompano Beach, as well as the City Commission. Mr. Platt explained that the development has not increased but has decreased since the last time the City Commission voted for the item at the beginning of 2017. The number of units have been reduced and the number of trips capped, so he is puzzled that they could get this far and have the people who supported it prior, such as Comrs. Perkins, and Burrie not support it at this stage. He reiterated that nothing has changed to the detriment. In fact, he said it has gotten better in terms of the restrictions they have placed on the development.

In sum, Mr. Platt indicated that they do not want to start over and they want to work with the City. However, if the City Commission decide to table the item they will go back to work with staff and the community to bring it back at a later date, which is what they would prefer rather than going down in flames at this point, leaving them no alternative other than doing major commercial development of the property, which the City

Commission does not want, because they had indicated prior that they would want mix use.

Mayor Fisher asked how much time would they need.

Mr. Platt stated that tabling to sixty (60) days would allow them to come up with a plan, which is what the neighbors have been asking them to come up with. He said that with 60 days they may be able to get moving and come in with actual plans and the opportunity to have one to two meetings with the neighborhood in the interim to start talking about the plans, and hopefully, they will be able to move into the zoning process.

Andrew Sterner, CEO for Amp IV Hidden Harbour, LLC, 11925 Northeast 39th Avenue, Aventura, FL, said he understood that the land use plan amendment was a pre-requisite to be able to move forward with the rezoning. Therefore, the idea was to get this approval so that they can move forward with knowledge of the underlining land use to be able to hire an architect, bring in developers and present a project to the City.

Continuing, Mr. Sterner stated that given the uncertainty that seems to be clouding the proceeding, he has advised counsel that in the next 60 days they could start the zoning process. Therefore, he enquired can they run parallel paths in this proceeding.

Mr. Berman responded that Mr. Sterner would have to clarify what he means by parallel paths. So, if they want to move to a rezoning and keep that process going before acquiring the land use amendment approval. They will need to get the Land Use Plan Amendment (LUPA) before they can move forward. So, staff would not be able to properly consider and work on their application.

Mr. Sterner stated that it is possible not to initiate them simultaneously, because the LUPA is the condition preceding to be able to file a zoning application, but they could prepare the zoning application in a form that would allow people to see the level of details that they have been asking for that they are not able to provide, such as height, number of units, the mix of the bedrooms, access points, and the location of the parking. In sum, Mr. Sterner stated they are trying to work with the City. However, while they could not file a formal zoning application they could at least prepare a package for presentation to the community.

Mayor Fisher indicated that they would accept the 60 days to table and they could return in September because the Commission do not meet in August.

Comr. Sobel suggested that they proceed as mentioned and that they find a developer to put together something conceptually concrete so that the legal mechanics can be worked out and make a reasonable development on that site. He said the City would like to see a developer's concept and what is actually being planned and not have the bait and switch possibility. Even if it takes six months there is no need to rush it.

Mr. Sterner said he agrees with the City, and the sixty days can be extended for any meritable reason that justifies an extension. Therefore, he thinks they need to work on a deadline to get back to the City Commission.

Mayor Fisher stated that they are being given the deadline of September 11, 2018, and asked that they extend their 500 feet radius notice to the additional neighborhood and reach out more to those people especially on

NE 16th Street.

Mr. Sterner stated that suggestions were made on how to calm 16th Street, which is needed but that would have to come from city staff, as his team do not have control over that street. However, they are willing to work with the City on this.

Mayor Fisher directed Chief Hale and Captain Adkins of Broward Sheriff's Office (BSO), to meet regarding getting an application for the process of getting street humps. He said contact information can be obtained through Dr. Dennis Bondurant, who spoke earlier.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to take 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 TABLED to the September 11, 2018 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

19. [18-400](#) 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 BROWARD COUNTY FOR EVACUATION SHELTER STAFFING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

TABLED FROM JUNE 12, 2018

(Staff Contact: Maggie Barszewski/David Recor)

Mark Berman, City Attorney stated that City staff has already gone to training with the County, therefore, city employees will be assisting the county who has the responsibility of providing shelters and staffing those shelters under state law. However, since the item was tabled, the City Manager and staff has already agreed to volunteer. So, the city employees will be happy to assist Pompano Beach residents in that manner.

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

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be TABLED to the September 11, 2018 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

20. [18-368](#) P.H. 2018-78: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO MODIFY POWERS AND DUTIES; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY APPLICABILITY, EXEMPTIONS, STANDARDS AND MINOR DEVIATIONS; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY APPLICABILITY AND STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO MODIFY PROCEDURES AND REQUIREMENTS FOR AMENDMENTS OF APPROVED PLATS; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO MODIFY PROVISIONS FOR REVIEW OF TEMPORARY USE PERMITS; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION 155.4302., "GENERAL," TO MODIFY REQUIREMENTS FOR ACCESSORY USE STRUCTURES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AND ADDING CERTAIN COMMERCIAL USES; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO MODIFY LANDSCAPING REQUIREMENTS FOR EXISTING DEVELOPMENT AND DEMOLITION SITES; BY AMENDING SECTION 155.5301., "SCREENING," TO MODIFY SCREENING STANDARDS FOR NEW AND CERTAIN EXISTING DEVELOPMENT AND PROVIDING EXEMPTIONS; BY AMENDING SECTION 155.5603., "INDUSTRIAL DESIGN STANDARDS," BY MODIFYING INDUSTRIAL DESIGN STANDARDS FOR ENTRANCES AND FACADES OF BUILDINGS; BY AMENDING SECTION 155.5902., "MAINTENANCE," BY MODIFYING LANGUAGE TO CLARIFY GENERAL MAINTENANCE

REQUIREMENTS; BY AMENDING APPENDIX C: FEE SCHEDULE, TO MODIFY FEES FOR CERTAIN DEVELOPMENT SERVICES APPLICATIONS FOR DEVELOPMENT IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Paola A. West/David Recor)

Paola West, Principal Planner, presented the item stating that it is to further strengthen the City of Pompano Beach as a preferred place to do business, improve development services, and to enhance the City's reputation as being business friendly. All were identified in the strategic plan, and a development staff hosted two round table forums, last August and this March. The purpose of the forum was to obtain customer input regarding the development processes and zoning requirements. With the input obtained by staff, they would assess the processes to identify where additional improvements can be done if necessary. Ms. West stated that the text amendments being presented include changes that were classified in three different categories, which she provided details on these.

Mayor Fisher thanked Ms. West for the forum and indicated that he had an opportunity to sit on the sessions with the private sector. He said it was nice to have the City reach out to the development community to listen to their likes and dislikes. Mayor Fisher said staff did a fantastic job to get the City to this point and he wanted to thank Mr. Recor and his staff for doing a great job.

Comr. Perkins asked what powers were they looking to change.

Ms. West asked if Comr. Perkins was referring to items that were identified to make them more streamlined, which Comr. Perkins replied yes.

Ms. West responded that one example identified is that they are revising the language for deviations from an approved plat in order to allow for minor deviations to be approved by the Development Services Director. Such items would be a Non Vehicular Access Line (NVAL) change on a plat, which amendments are very administrative in nature.

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 vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

21. [18-410](#) **P.H. 2018-79: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.40, "LOCAL BUSINESS PROGRAM," TO MODIFY EXCEPTIONS TO THE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Chris Clemens)

Chris Clemens, Economic Development Manager, presented the item stating that this is an amendment to an ordinance that was passed in March this year. The action helps clarify the ordinance by removing the Consultants Competitive Negotiations Act (CCNA) provision from the ordinance.

Dodie Keith, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, thanked the City Commission for passing the ordinance earlier this year. She said this is an important ordinance for all the businesses and residents of the City of Pompano Beach. It will create jobs for the residents, create business in many ways to all the different business sectors of the community, and it is a great way when hiring international and national firms from all around to come to do business, which encourages them to use local businesses and local community residents when they need to hire people. In addition, she said this has been proven to work as she has served on advisory boards with the Economic Development for Broward County, the School Districts and seen this exact program work in a spectacular way and it really helps the local businesses and the hiring of local residents.

Mayor Fisher thanked Ms. Keith for her efforts in working with the City Commission and staff over the years.

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 vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

22. [18-438](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT OF LEASE AMONG THE CITY OF POMPANO BEACH, AMERIFLYERS OF FLORIDA, L.L.C., AS ASSIGNOR AND POMPANO AVIATION II, LLC, AS ASSIGNEE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan/Steven Rocco)

Robert McCaughan, Public Works Director, presented the item and stated that this addresses a five-acre parcel at the southwest corner at the airport and it seeks the City Commission's approval for the assignment of a lease currently with American Flyers who are looking to assign the lease with Pompano Aviation. Pompano Aviation is a tenant that leases parcels on each side of the subject parcel. Therefore, item 23 is a separate matter, which is an amendment to the lease. This item must be approved first to assign the lease, however, their intention is to make an amendment to the lease and in effect make a new lease. So, they are separate but related and is conditional in nature.

Mayor Fisher asked if Mr. Spatz is taking the lease over.

Mr. McCaughan responded correct, and it allows for the City's allowance for assignment of the lease.

Comr. Hardin asked if the Air Park Advisory Committee looked at this item.

Mr. McCaughan responded that they did not.

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. 2018-197

23. [18-437](#) **P.H. 2018-80: (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 FIRST ADDENDUM TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO AVIATION II, LLC, FOR PARCEL "AAAA" OF THE POMPANO BEACH AIR PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,094.00 to be paid to the City annually)

(Staff Contact: Robert McCaughan/Steven Rocco)

Robert McCaughan, Public Works Director, presented the item and stated that it is a companion item to the

previous item 22, which the City Commission just approved the assignment of the lease and this amendment establishes a new lease. It will follow under the new fixed base operator minimum standards, which requires a \$3 million minimum capital investment in the property to be done within the first four years. Also, the term will be for 30 years, which begins on the execution of the lease. The annual rent is \$50,094.00, and there is a fuel flowage rate of 5 cents per gallon, which is revenue for the city. In sum, American Flyers will continue to operate as they are doing on that parcel, but Pompano Aviation will be providing the new infrastructure.

Finally, Mr. McCaughan refer to the layout in the backup material that will show the proposed plan to include new classrooms, admin building, maintenance hangars, and aircraft storage hangars to be developed on the 5 acres.

Matthew Scott, Esq, Dunay, Miskel and Bachman, LLC, 14 Southeast 4th Street, Boca Raton, FL, stated he represents Gregory Spatz of Pompano Aviation II, LLC. He thanked City staff, Steve Rocco, Air Park Manager and Tracey Lyons, Assistant City Attorney for working through these issues so quickly. He said they are excited to start the improvements of the infrastructure in this area and keeping American Flyers as a tenant.

Comr. Sobel asked why not execute a whole new lease instead of an addendum.

Mr. Scott responded that it would take three and half years on the whole new lease, so this allows his client to come in sooner and make the improvements as opposed to waiting.

Comr. Perkins asked how will the City utilize the \$50,000 funds.

Mr. McCaughan responded that it must stay within the air park enterprise fund to payback for the operations of the air park.

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 vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

24. [18-435](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOHN R. CHAPMAN TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE ALTERNATE 2 POSITION; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

John R. Chapman - District 1

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name JOHN R. CHAPMAN and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

Enactment No: RES. No. 2018-198

25. [18-391](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONFLICT WAIVER BETWEEN THE CITY OF POMPANO BEACH AND HOLLAND & KNIGHT LLP; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JUNE 12, 2018

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated that Mr. Chapman who was just appointed as alternate 2 on the Marine Advisory Board, indicated that there is a conflict of interest to serve, however, in reality there is no conflict. His duties with his clients rarely will have anything to do with the Marine Advisory Board and it is not likely to have any type of conflict. However, in the abundance of caution, his firm is requiring him to enter into an agreement, where he has pledged that should any conflict arise he will not vote and he will recuse himself. He also asked that should the city engage in litigation against his client, it will not use that against his client as a defense. In sum, he does not think this will act to the detriment of the city.

Comrs. Hardin and Sobel felt that item 25 should have been brought before item 24, but it makes no difference. Nevertheless, Comr. Sobel thanked Mr. Berman for bringing forth the application for Mr. Chapman who is more than an ample qualified individual to serve as long as there is no potential conflict.

Comr. Moss asked if this type of action has ever been done prior and is concerned that the City is setting a precedent. So, he reasoned that if Mr. Chapman's firm is concerned about his serving on this board, then

perhaps he should not serve.

Mayor Fisher believes they are just being over cautious, which most lawyers seem to do.

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

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
Perkins
Sobel
Burrie
Fisher

No: Moss

Enactment No: RES. No. 2018-199

26. [18-436](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY C. ANTOINE TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KEITH HAAG, AS ALTERNATE 2; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Mary C. Antoine, District 1

Claudia Mazzocchi, District 1

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name MARY C. ANTOINE and that the Resolution be ADOPTED. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2018-200

27. [18-441](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARGARET WHITE TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO SERVE A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Margaret White, Incumbent - District 3

Micah A. Johnson, Incumbent - District 4

Hibbard Casselberry, Incumbent - District 5

Barbara Armbrister-Boynton, Incumbent/Alternate 1 - District 5

Tom McMahon, Incumbent/Alternate 2 - District 3

Claudia Mazzocchi - District 1

Patrice DaCruz - District 2

Carmen Jones - District 4

Jazzmann LeSane - District 4

Marguerite K. Luster - District 4

Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name MARGARET WHITE and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-201

28. [18-444](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MICAH A. JOHNSON** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2021; PROVIDING AN EFFECTIVE DATE. .

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 18-441 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Perkins, seconded by Commissioner Hardin, to insert the name MICAH A. JOHNSON and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-202

29. [18-445](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HIBBARD CASSELBERRY** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2021;

PROVIDING AN EFFECTIVE DATE. .

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 18-441 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, to insert the name HIBBARD CASSELBERRY and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-203

30. [18-446](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BARBARA ARMBRISTER-BOYNTON TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE 1 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 18-441 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, to insert the name BARBARA ARMBRISTER-BOYNTON and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-204

31. [18-447](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TOM MCMAHON TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 18-441 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name TOM MCMAHON and that

the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-205

32. [18-448](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **THOMAS D. DENNIS** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 26, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Thomas D. Dennis, Incumbent - District 1

Sharon Fornes, Alternate #1 - District 5

Connie Tidwell, Alternate #2 - District 3

Claudia Mazzocchetti - District 1

Patrice DaCruz - District 2

Kelly Ann Maguire - Fort Lauderdale



Strategic Plan Initiative

(Staff Contact: Asceleta Hammond)

A motion was made by Mayor Fisher, seconded by Commissioner Hardin, to insert the name THOMAS D. DENNIS and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2018-206

D. REPORTS

Brian Donovan, Assistant City Manager - Results of Hurricane Report - Mr. Donovan stated that earlier there were some questions about hurricane season. He said a report was done after Hurricane Irma to analyze how the City did last year. He reported that a public meeting was held at the E. Pat Larkins Center after the report was provided on January 10, 2018, and representatives from FEMA were present, which was a way to gauge public input into that report.

Nuisance Properties - Mr. Donovan reported that the City has identified some problem properties and he wanted to recognize the City Attorney's Office for working diligently on exploring alternative ways of dealing with them. A court date has been set for one of the properties. In addition, Mr. Donovan reported that they will be reconvening the Nuisance Abatement Board to get that process started. Also, Code Enforcement has citations that they are working on, so multiple approaches have been pursued for these problematic properties.

Outstanding Employee Recognition - Mr. Donovan stated that the City has outstanding employees and wanted to recognize one such employee, Victoria Burgess, who have been mentioned in the Sun Sentinel

newspaper. She will be paddle boarding from Cuba to Keywest.

Employees Training - Mr. Donovan stated that the City Manager has requested that employees who have direct interaction with the public undergo customer service training, which is underway to ensure the best customer service possible.

Visitors to Broward County - Mr. Donovan stated that if it felt like a lot of people has come to Broward County, they did. He said that 12.8 million came which is a 4.50% increase over last fiscal year. It is estimated that they would have spent \$6 billion on the local economy.

Mark Berman, City Attorney - 1841 Powerline Road Property Surplus Sale - Mr. Berman informed that the sale of surplus property at 1841 Powerline Road was completed today and the funds wired to the City.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rex Hardin - Impacts of Homeless Population - Comr. Hardin stated that he has been receiving numerous reports about homeless people and their impacts on the communities. He said there are two BSO deputies working on homeless issues, and the City is always on the lookout on how to better the quality of life for the residents and visitors in Pompano Beach. He understands the issues involved with arresting people and processing them. However, he felt more must be done to discourage those homeless people who are habitual violators from congregating in the City of Pompano Beach. Comr. Hardin clarified that he is not referring to the situations where a person is down on their luck and needs help, because there are lot of resources that are available for these people. However, there are those who are not looking for a hand up, but rather they are looking for their next beer, next hit, and looking to live how they want and this impacts the community. In sum, this is a long term social issue and we just need to do a better job of discouraging those types of homeless people in the City.

Commissioner Barry Moss - Collier City Civic Association meeting - Comr. Moss reported that the Collier City Civic Association meets tomorrow, Wednesday, June 27, 2018 at 7:00 p.m. at the Jan Moran Library in Collier City.

Habitat for Humanity Ribbon Cutting - Comr. Moss reported that on Saturday, he had the pleasure, along with Comr. Hardin of attending a ribbon cutting for Habitat for Humanity for six new homes in Collier City, which is another milestone for the community.

Palm Aire Farmer's Market - Comr. Moss reported that the Farmer's Market in Palm Aire continues to do very well. It takes place every Tuesday, from noon to 7:00 p.m. He encouraged everybody to stop by and get some fresh fruits and vegetables among other things.

Town Hall Meeting for Judicial Candidates - Comr. Moss stated that on July 5, 2018, he will be sponsoring a town hall meeting at the Herb Skolnick Center for judicial candidates. He will get posters and announcements distributed. He said it is a non-political event. Also, approximately 15 candidates have signed

up for the meeting.

Commissioner Beverly Perkins - Absence of City Manager/CRA Director - Comr. Perkins stated that the CRA Director and City Manager is missing but she has a question and asked where he was.

Brian Donovan, Assistant City Manager, responded that the City Manager is out of the office on vacation and he will be back starting on Wednesday morning.

Comr. Perkins asked if it is the norm for most department heads to take vacation in August during the same time the City Commission does.

Mayor Fisher noted that the City Manager normally sends a memorandum to indicate when he will be out of office.

Comr. Perkins agreed yes, but this time she did not receive a memorandum to that regard.

Funds from Sale of Surplus Property - Comr. Perkins stated that earlier the City Attorney mentioned the sale of surplus property for 1841 Powerline Road, and wanted to ensure that those funds be earmarked for District 4. Therefore, she enquired as to the procedure to have the item brought back at another time.

Mayor Fisher indicated that they can have staff bring the item back at a future agenda as a discussion item for the allocation of funds obtained from the sale of surplus property.

Juneteenth Event - Comr. Perkins stated that on June 16, 2018 she attended the Juneteenth event at the Apollo Park, which was nicely organized and well attended.

District 4 Empowerment meeting - Comr. Perkins announced that on Thursday, June 28, 2018 they will be having the second Empowerment meeting for District 4, to be held at the E. Pat Larkins Center at 6:00 p.m. She reported that the last meeting they had approximately 82 people in attendance and she is inviting everybody to attend.

Governor Candidates - Comr. Perkins announced that on Wednesday, June 27, 2018 there will be a "Meet the Governor Candidates" at the E. Pat Larkins Center at 6:00 p.m.

Mayor Fisher mentioned that perhaps the City Clerk should properly notice the Empowerment meeting in the abundance of caution if more than one commissioner may be in attendance.

Mark Berman, City Attorney, confirmed that due notice should be posted by the City Clerk and minutes made of the meeting, in the abundance of caution that items may come up at a future commission meeting.

Commissioner Michael Sobel - Homelessness Problems - Comr. Sobel stated that homelessness is a problem throughout Broward County and Pompano Beach, but tough talk in reports does not get the job done.

He thinks the Broward Sheriff's Office (BSO) has done a good job with the resources they have been provided in trying to address, in a common sense manner, what they are able to do. However, more needs to be done. He has been trying to encourage the Commission to take the homelessness and vagrant problems seriously and to allow the expertise toward a complex, and difficult social issue that requires all kinds of methodologies for the veterans, for those with mental issues, those that have drug abuse issues, and those who need counseling on the street. He said there are all kinds of things that other cities have done successfully to try and reduce the issues with the homelessness. Therefore, as soon as funds are available to support that kind of program, the City can start hiring the right people to get the expertise and set up a business plan that will take care of the problem to enhance the quality of life for the residents.

In sum, he said what is being done to address the issues is not enough and more needs to be done with this very complex issue.

Commissioner Newsletter - Comr. Sobel announced that he will be sending out his quarterly newsletter that pertains to issues of concern throughout the City and invited residents to send him an email address and he will add them to his distribution list.

Update on Forensic Audit of NW CRA - Comr. Sobel requested to make a motion to direct the City Manager to provide the City Commission at its next meeting with a status report of the Northwest CRA forensic audit that the City Commission voted on, for good reasons, and the County was going to do.

Mayor Fisher asked can this matter be voted on at this meeting since it is a CRA matter. Therefore, this should be brought up at the next CRA meeting. However, in advance, the City Manager's office could note and get that update for the next CRA meeting.

Comr. Sobel agrees with Mayor Fisher's comments but thought both the Commission body and the CRA Committee voted on the item.

Mark Berman, City Attorney mentioned that it does not take a motion to get either the CRA Director or the City Manager to provide an update.

Vice Mayor Charlotte Burrie - No Report.

Mayor Lamar Fisher - Welcome Back Sitel - Mayor Fisher welcomed back Sitel. He recalled that Sitel, a prospective employer, came to the City a few years ago but things did not work out as planned. However, they have returned and an open house was done last week. He said they will employ approximately 400 employees that will be working with Dahlia Baker, who is in our City, and works to get residents employed. Mayor Fisher stated that this company has the capacity to have approximately 1,000 employees and this is exciting news for the City.

Broward County Council Professional Firefighters' Award - Mayor Fisher announced that the City Manager was chosen as one of the outstanding municipal leaders this year by the Broward County Council Professional Firefighters' Award. The dinner award will take place on July 21, 2018, and he asked for a

motion to purchase a table of ten, which will cost approximately \$1,500.00. This will show the City's support for the City Manager's receipt of the municipal leader's award.


MOTION: A motion was made by Comr. Hardin, seconded by Vice Mayor Burrie for the City to purchase a table for the City Manager's Dinner Award. The motion carried unanimously.

Fourth of July Celebration - Mayor Fisher announced that the Fourth of July will be celebrated in the wonderful City of Pompano Beach at 222 North Pompano Beach Boulevard, to begin at 5:00 p.m. to 9:00 p.m. There will be music and entertainment and rain date is planned for July 5th. Mayor Fisher invited everybody to come out and enjoy the time.


Prevailing Homelessness/Panhandling Issues - Mayor Fisher reiterated the comments regarding the homelessness issue, which has been his "pet peeve for a long time." He said the panhandling has gotten out of control and now they are seen at Copans and Federal Highway, Atlantic Boulevard and Federal Highway and at night at 10:00 p.m. they are selling water at Dixie Highway and Sample Road and so forth. He respectfully requested that the "City gets back in the game." He is aware of the prior issues that the City had to overcome. However, the matter has gotten out of hand. Therefore, he requested that Police Chief Hale get on this issue.

E. ADJOURNMENT

The meeting adjourned at 10:13 p.m.



Lamar Fisher, Mayor



Asceleta Hammond, City Clerk



ELY VILLAGE SHOPPERS & RESIDENCES

An Alternative Development Proposal

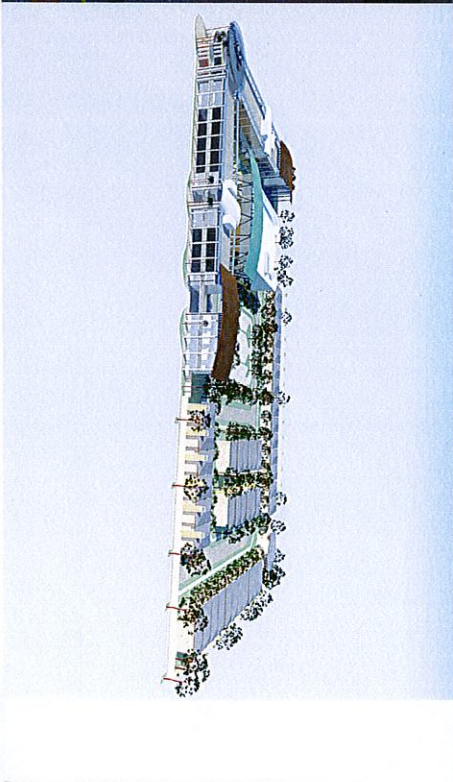
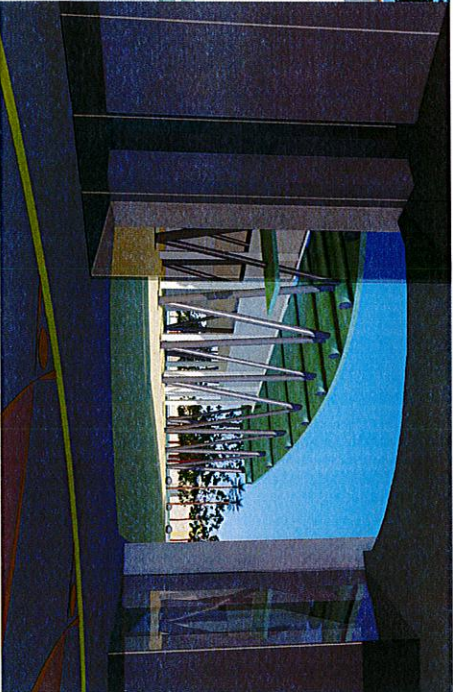
The ELY COMMUNITY of Pleasant Valley, Idaho, is seeking the best of all options available for comprehensive and equitable development. In the ELY COMMUNITY, the alternative development proposal is the 77 single-story, multi-unit ELY VILLAGE SHOPPERS & RESIDENCES.

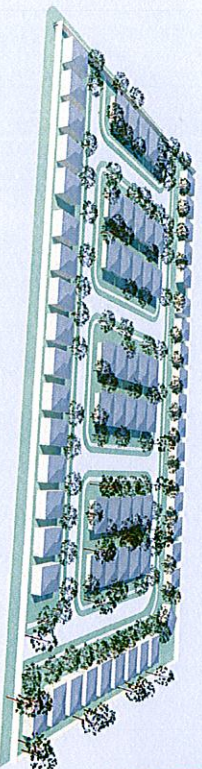
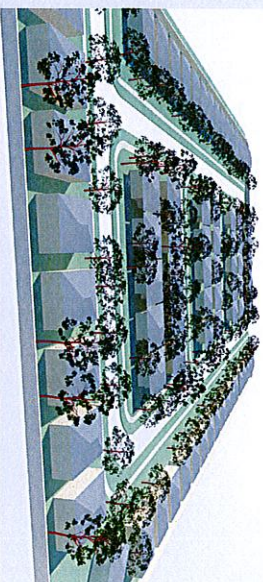
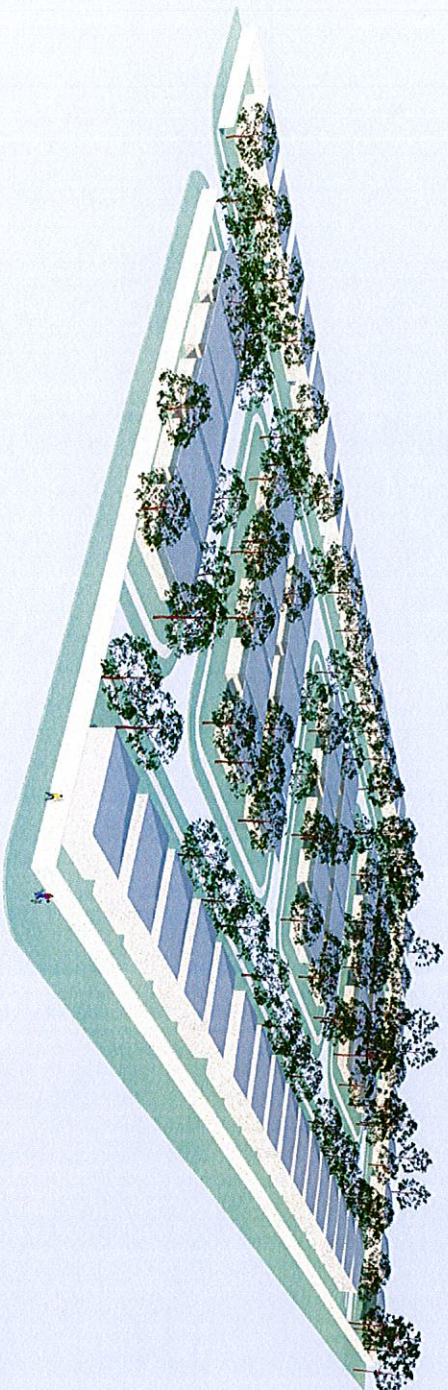
The ELY VILLAGE SHOPPERS & RESIDENCES is a multi-unit development that provides a mix of residential, retail, and commercial uses. The development is located in the ELY COMMUNITY, which is a growing area with a strong sense of community and a commitment to sustainable development.

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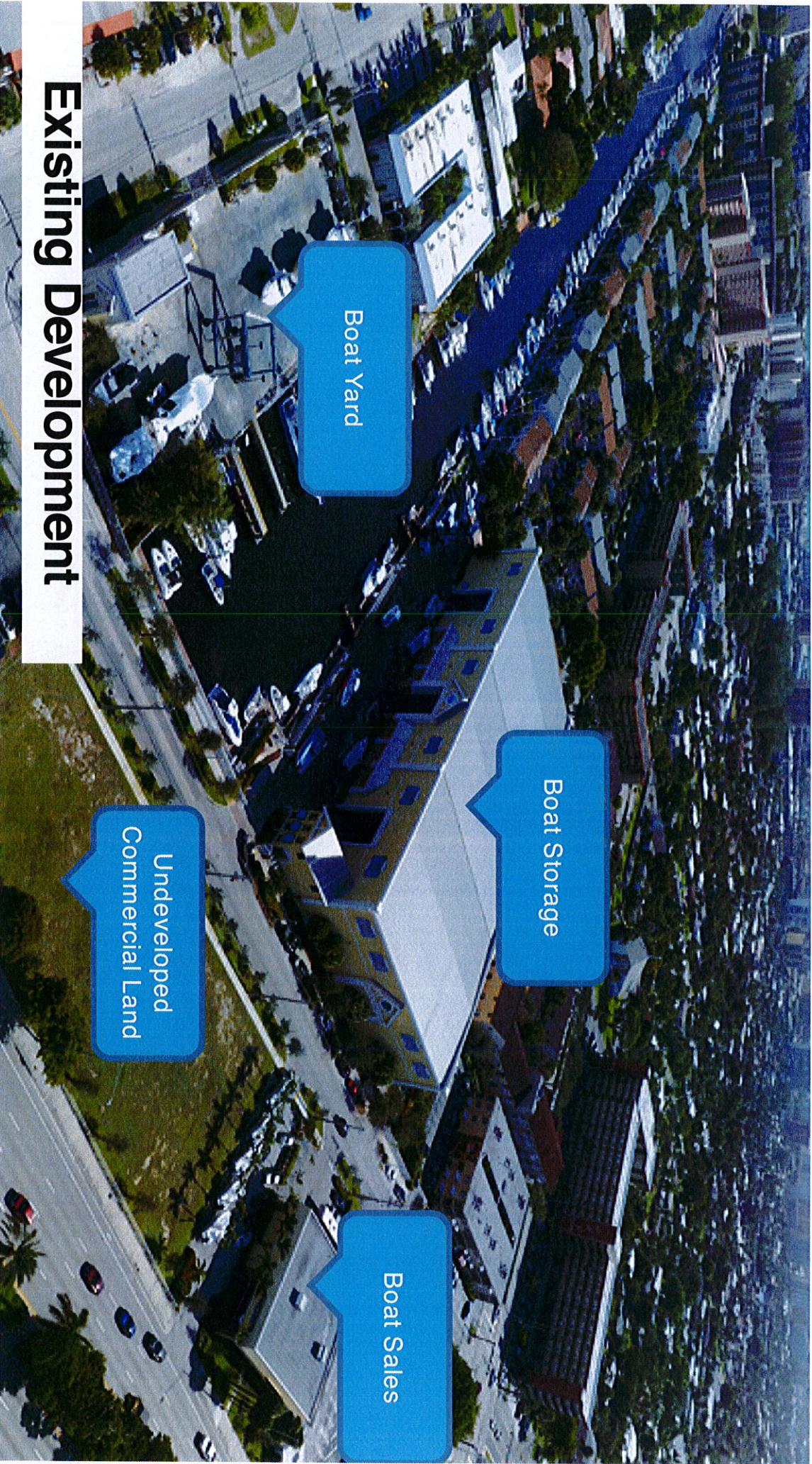
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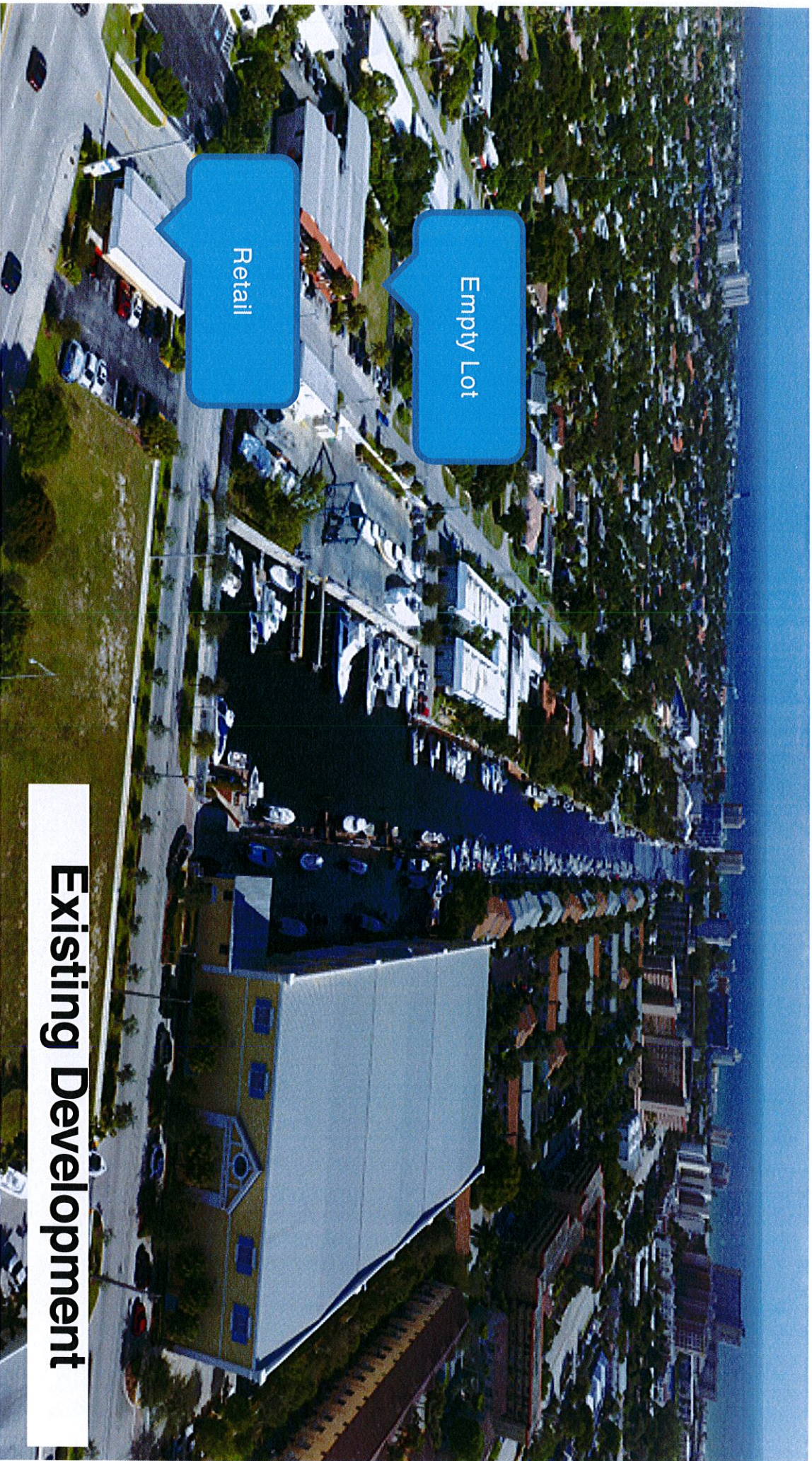


AMP IV Hidden Harbour, LLC

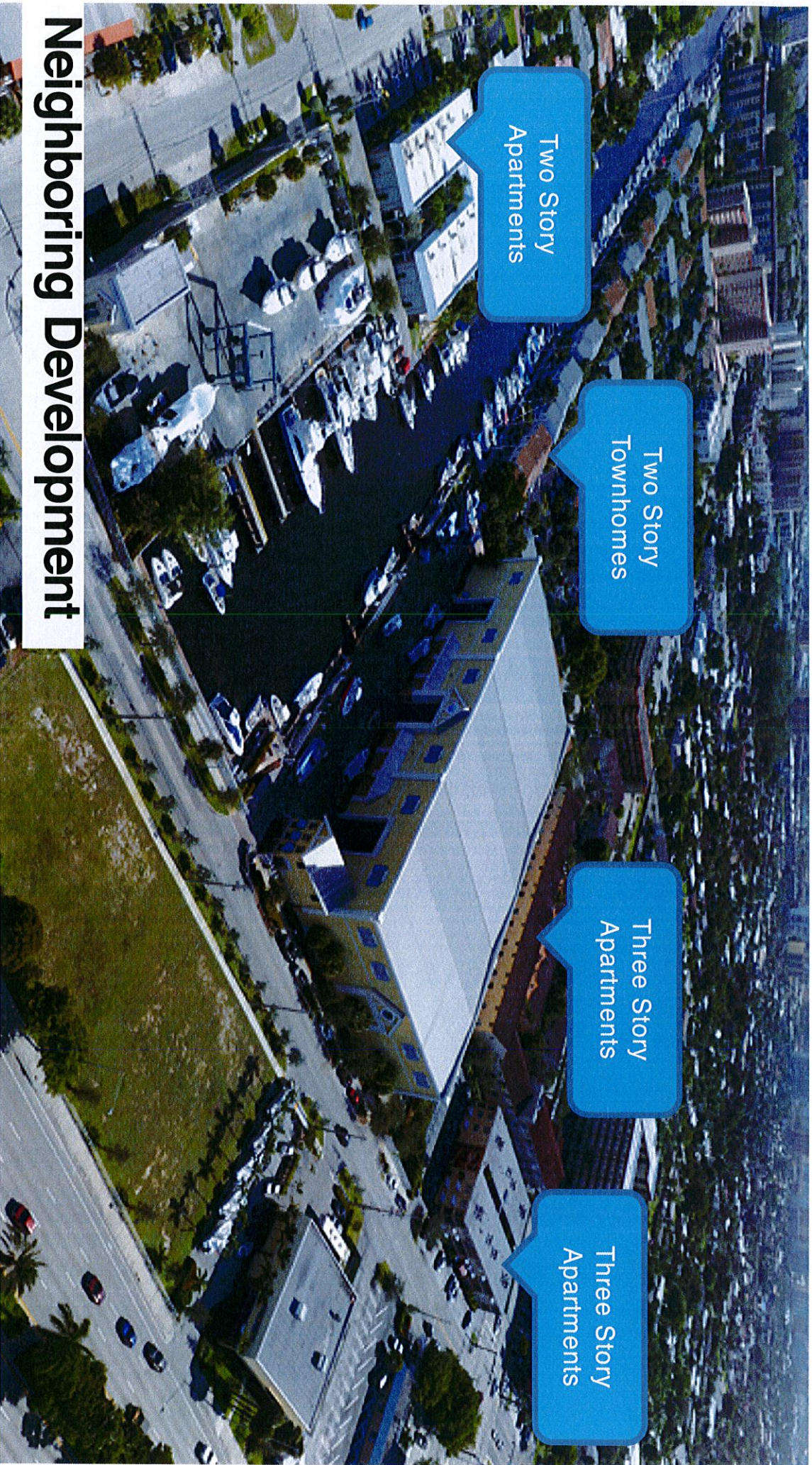




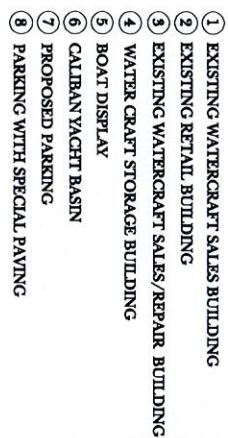
Existing Development



Existing Development



Neighboring Development



Current Potential Development Under Existing Designations

858,000 sq. ft. of Commercial

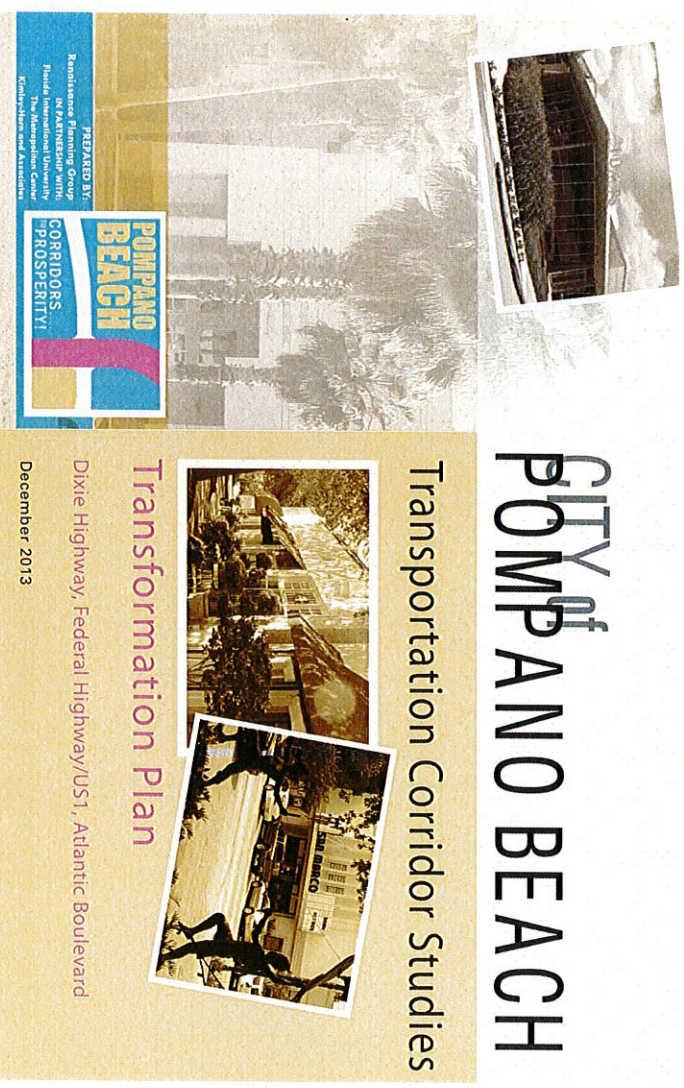
84 Residential Units

Approximately 2,600 PM Peak Hour Trips

No Additional Land Use Limits

City Corridor Study

- Redevelopment Strategies for Federal Corridor
- Replace Underutilized and Aging Strip Commercial



City Corridor Study

- **Hidden Harbour Area
Mixed Use
Development**
- **Access to the Water**
- **Residential Uses
Along Federal
Highway**





Request:

Redesignate Application Area to Mixed Use High

Agreed-To Limits and Commitments

- Cap Eastern Intensity and Uses
- Retain Marina
- Cap Residential Height Near Neighbors
- Connections to Water
- Compliance with Design Guidelines
- Hurricane Evacuation Plan at Time of Site Plan

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Berrow Radcliff & Fernandez, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to an assemblage of land in Pompano Beach, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the submitted attorney's opinion, and

WHEREAS, the Property is the Amendment Site of Pompano Beach Land Use Plan Map Amendment Application 15-91000001; and

WHEREAS, the Owner has sought to change the designation of the Amendment Site from "Commercial," "Low-Medium (10) Density Residential," and "Medium-High Density Residential" to "Mixed-Use Medium," "Mixed-Use Medium/High" and "Mixed-Use High."

NOW THEREFORE, in order to assure the City of Pompano Beach (the "City") that the representations made by the Owner during the consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Development Limits. Any future master plan or zoning action for any mixed-use development of the Property will incorporate the following restrictions:

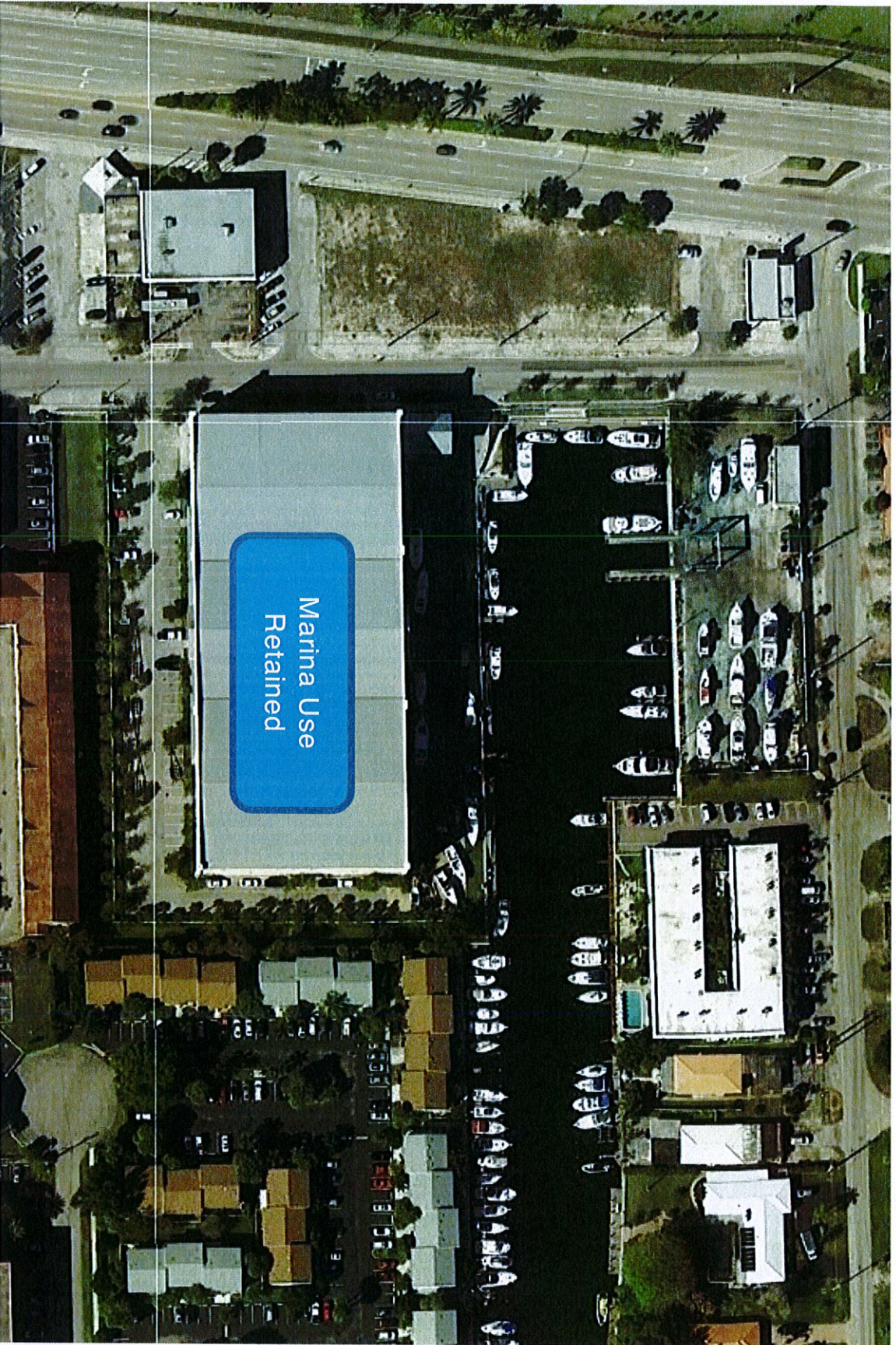
1. The residential development of the Property shall be limited to a maximum of 343 residential units. The residential intensity shall further be limited on certain portions of the Property as depicted on the attached Exhibit "B."
2. The maximum floor area of any mixed-use redevelopment on the Property will be 650,000 square feet.

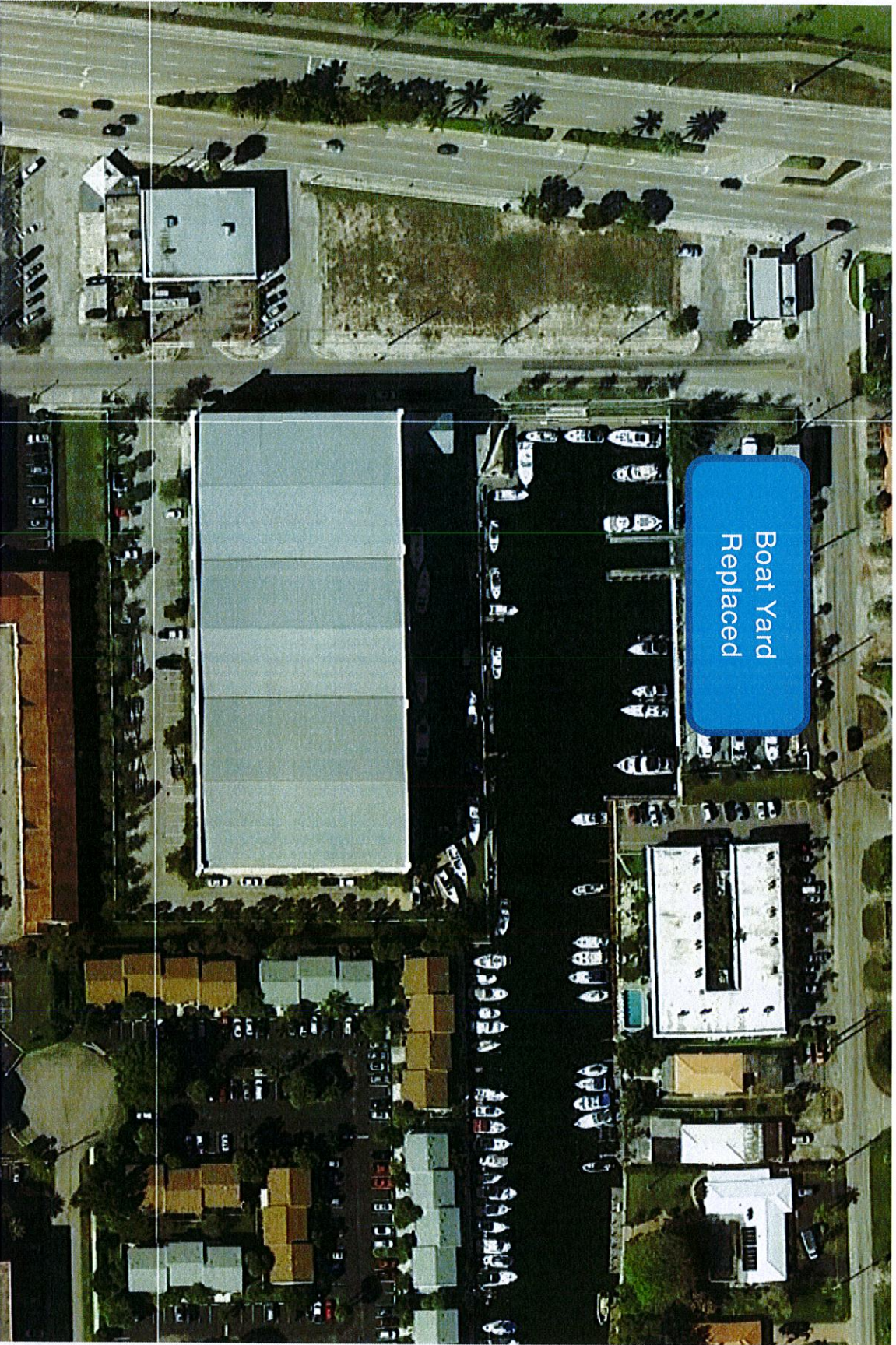


map

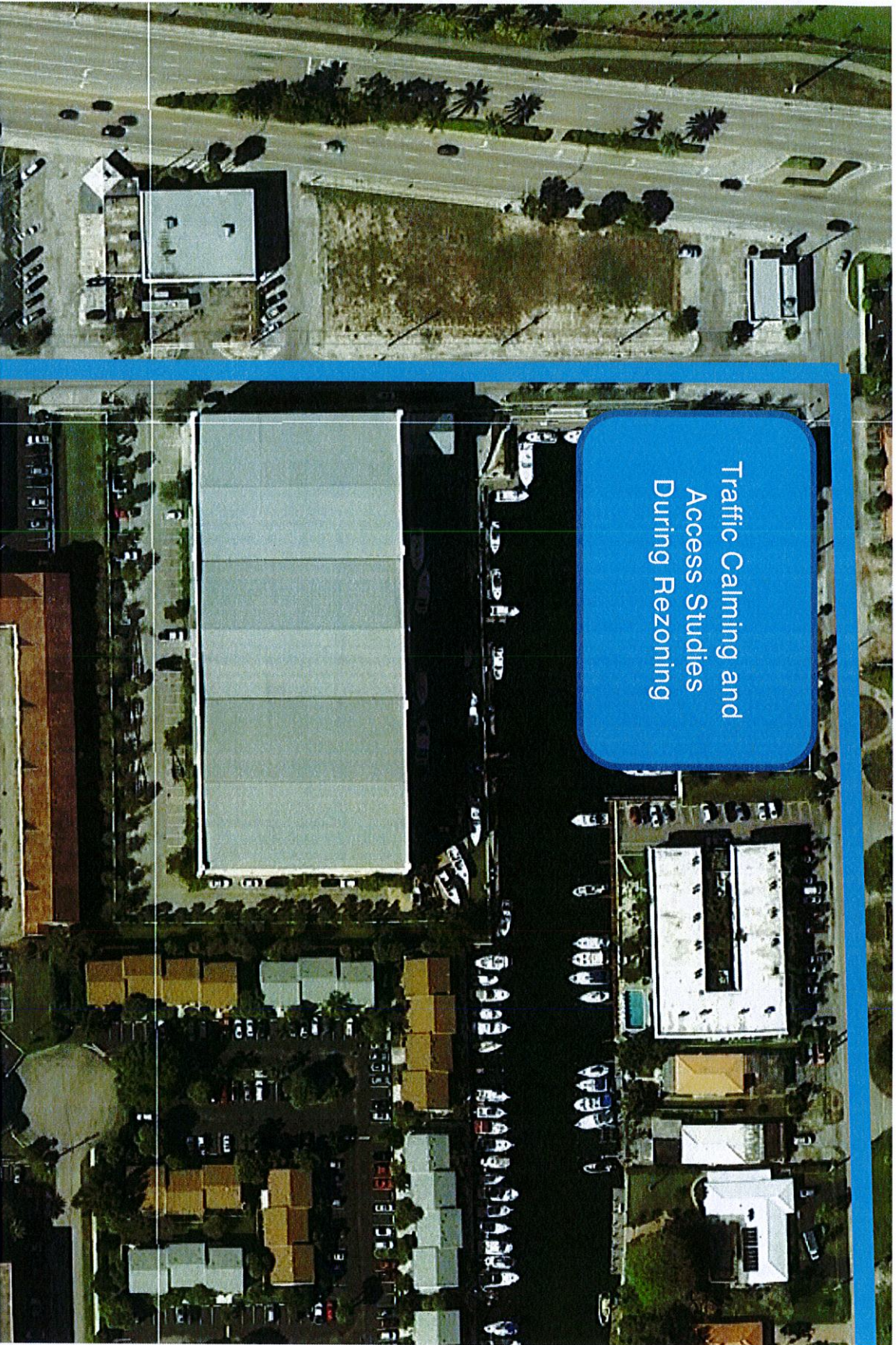
Redevelopment Plan Will
Incorporate One or More
Pedestrian or Visual
Connections from Federal
Highway to Waterway







Boat Yard
Replaced



Traffic Calming and
Access Studies
During Rezoning

County Action

Unanimous Approval with New Limitations

County Limits

Multi-Family Residential: 343 units

Commercial Development (including, but not limited to, boat sales, offices, showrooms, and related uses): 510,000 square feet

Marina Use (including boat storage, boat repair, and slips): 75,000 square feet and 15 wet slips.

County Limits

The development may not, in aggregate,
generate more than **1,377 PM peak hour**
external vehicle trips

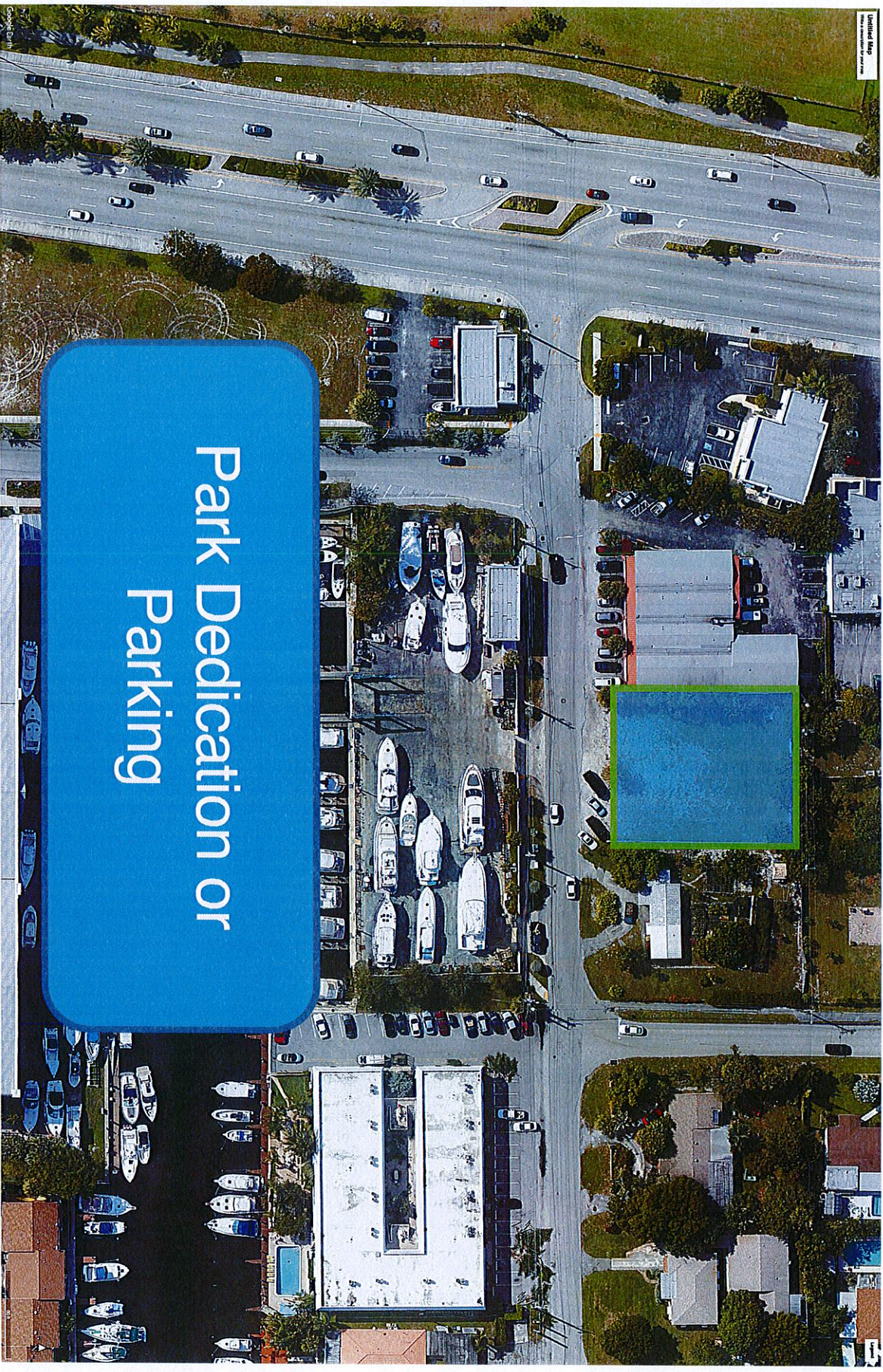
Existing Designations = Approx. 2,600 Trips

New Limits and Commitments

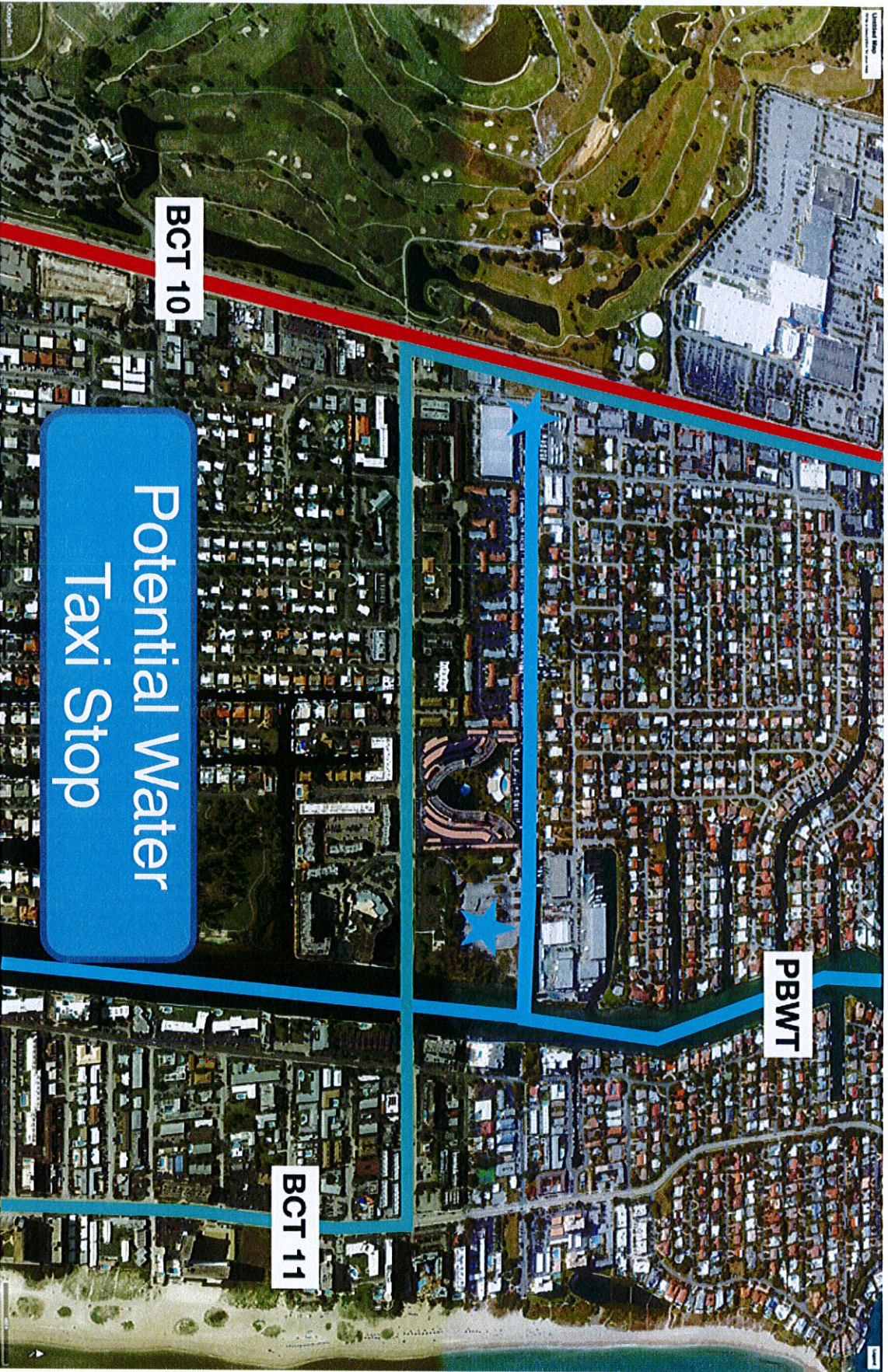
Reduction in Max. Density – 323 Units

Offer Park Dedication for Lot North of 16th
Street

Offer Water Taxi Connection



Park Dedication or
Parking



BCT 10

Potential Water
Taxi Stop

PBWT

BCT 11

Rezoning/Site Plan Approval

- **Details on Design**
- **Implementation of
Design Guidelines**
- **Commitment to
Continue
Neighborhood
Discussions**



AMP IV Hidden Harbour, LLC



Airport Zoning Limits

