

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, January 28, 2020

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Bishop Charles Ross of Judah NOW Church offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[20-241](#) Regular City Commission Meeting Minutes of January 14, 2020

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

APPROVAL OF AGENDA

Mayor Hardin announced that items 13 and 14, as well as 3 would be postponed until February 25, 2020 City Commission Meeting.

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

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that item 4 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[20-243](#) Broward County School Superintendent to address the City Commission

Robert Runcie, Broward County School Superintendent, presented an update on the SMART projects in Pompano Beach.

Superintendent Robert Runcie, Broward County School, provided a brief outline of the School's core mission, the district's operations and academic increase in excellence and equity as well as investments in Safety and Security measures for the district. He thanked the City for assisting in making the schools safe by providing School Resource Officers. In addition, Mr. Runcie provided an outline on how the \$4 billion budget is expended.

Mental Health - There is room for improvement in the classroom and they are making good progress. The state has added funds for Mental Health Services for the schools in Broward County. Therefore, they were able to add sixty positions and through the referendum, another ninety will be added. This includes social workers, school counselors, and family therapists to reduce the caseloads and to ensure the services are more effective for the growing need for this service.

Mr. Runcie outlined several programs that the School Board is working on overall, which include:

Smart Bond Program - They identified approximately \$1.4 billion priority type projects to include capital projects that they would work on. The scope of the program will be completed as promised without requesting taxpayers for more funds. Additionally, the components in the SMART Bond program includes; **Safety** - they have completed their single point entry projects. **Music in the Art** - this piece has been completed and they have invested \$17 million to put over 58,000 musical instruments in the schools. **Athletics** - they have completed all the tracks they promised to do and have redone 29 out of 30 of the weight rooms throughout the county. **Technology** - they have invested approximately \$95,000 for computing devices. **Renovation Work** - this work is behind schedule, however, they are working to get this back on track. They have completed nine schools and there are another seventy schools in construction.

Mayor Hardin asked if he would briefly provide an update on the schools in Pompano Beach.

Mr. Runcie mentioned that in Pompano Beach there are seven (7) elementary, two (2) middle and two (2) high schools, as well as five education centers. Charles Drew Elementary - work is 95% through the design phase and will be going out for bid to hire a contractor this spring; and school choice enhancement has been completed. Cresthaven Elementary - this is at the point where an architect is being hired to do the design. Markham Elementary - a contractor is being hired, also a building is being replaced at this school, so a significant of work has been committed for this school. Norcrest Elementary - design work has been completed, and they have started the bidding process to hire a contractor, also they have completed all the school choice enhancements. Palm View Elementary - they are finishing up the design and it moves into hiring a contractor to do the work. Pompano Beach Middle - this is in construction and approximately 80% complete, as well as all the school choice enhancements have been completed. Sanders Park Elementary - this is in design phase. Blanche Ely High - this is one of the big three priority schools that they have. Construction work is going on and they are one third of the way through. They have completed the weight rooms, enhancements with music technology and the schools choice enhancements have been completed. Most of the work that remain to be done is the roof, and HVAC at Pompano Beach.

Mayor Hardin thanked the Superintendent for his update and mentioned that the scores have gone in his favor lately and it is great news for the students.

Comr. Perkins asked about the status of the roof at Markham Elementary School. She mentioned that they have been trying to get a roof there for over fifteen years but did not see it on the budget for facilities throughout the county.

Mr. Runcie indicated the Building Envelop improvements and the roofing work are encompassed in that listing. This is part of the construction work that will be going on at that school, as well as one of the buildings will be replaced. He said he will get in writing the exact timeline for the Commissioner and indicated that the information is also available online at Browardschools.com and scroll down to find the icon for the SMART Program and this will provide a variety of different ways you can find the information, which can be by district, and specific schools.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Mental Health Services Available - Imani Williams & Mernelle St. Jean, Community Connections for Life, 1951 W. Copans Road, Pompano Beach, FL, stated that they are both with Community Connections for Life, which is a community mental health center. Ms. Williams informed this is a non-profit organization that can provide an array of mental health services to individuals, children, and families, at their newest location within the City of Pompano Beach. Services are free to children and families who have Medicaid. Some of the services they provide include transportation to and from the center, as well as clients are provided with meals while they are in the program. In addition, they offer services during teachers’ workdays, summer and spring breaks through therapeutic camps. Detailed information is available at **ccflinc.com** where a registration form is available to be completed online or call (786) 657-3276. The locations are at 1951 W. Copans Road, Pompano Beach, as well as in Miami Gardens and Palm Beach. Finally, Ms. St. Jean provided the contact information in creole.

School Teachers - Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, followed up with a comment after the presentation by the Superintendent of Broward County Schools, and opined that the most underpaid people in the country are the teachers.

Election Day on March 17, 2020 - Mr. Skversky mentioned that March 17, 2020 is voting day for the Presidential Primary Preference (PPP). Apart from the vote for who will represent the democratic and republic parties, there will be three (3) referendums for the City of Pompano Beach. There is early voting, mail in ballot or vote on March 17, 2020. He then summarized what the three questions for the City of Pompano Beach would be on this ballot. In sum, he urged the people to go out to vote and vote no.

Schools in Pompano Beach - Ann F. Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, stated that she was dismayed to hear about the City Commission approving the opening of a Charter School in the City of Pompano Beach. This seems to her that “We are going for the new shiny penny and ignoring pennies that need

polishing in our City.” She suggested some other alternatives that the Commission could take such as “Ask the principals what they need.” She mentioned that she has volunteered at Pompano Elementary for three and a half years and knows that Ms. Small would appreciate being able to hire a full time volunteer coordinator, as the volunteers have diminished substantially.

In sum, Ms. Geer suggested that the other principals should be asked what they need, and she noted that we cannot give up on the children, as they are just too important and are the future of the City. Ms. Geer suggested that the City hires a volunteer coordinator for every school. As well as, she mentioned the City Commission has a great deal of “municipal muscle they could exercise” to the Broward County Schools. She referenced the presentation that was done earlier by the Superintendent of the Broward County School Board, who did not include in his presentation how they could improve the academic performance in the schools.

C. CONSENT AGENDA

Items 1, 2, and 5-8 were approved without City Commission discussion.

1. [20-231](#) Approval to award Bid T-40-19, Sanitary Sewer Manhole Rehabilitation, Annual Contract to the lowest responsive responsible bidder, Intercounty Engineering, Inc, at a cost of \$80,000.00.

(Fiscal Impact: \$80,000.00)

(Staff Contact: A. Randolph Brown)

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

2. [20-135](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR THE ISSUANCE OF BUILDING PERMITS PRIOR TO PLAT RECORDATION BETWEEN BROWARD COUNTY, SOUTHEASTERN FREIGHT LINES, INC., AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

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

Enactment No: RES. No. 2020-109

3. [20-223](#) 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 LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: In-kind services not to exceed \$75,000)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Consent Agenda/ Resolution be POSTPONED until February 25, 2020. City Commission meeting. The motion carried unanimously.

4. [20-246](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING SENATE BILL 1128 REGULATING SHORT-TERM RENTALS AND PREEMPTING LOCAL REGULATION TO THE STATE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Comr. Eaton pulled this item for City Commission discussion, who thanked City Attorney Mark Berman and staff for putting this item together. She mentioned this is something happening in the legislature that affects every City and the State. There are a number of regulations in place to monitor and keep in good standing rental properties, sober homes that are recovery residences. This bill will usurp what the City has done with short-term rentals and any zoning codes that have been active prior, as well as to take all the inspections and oversight out of the City's hands and put it in the hands of the State. Many municipalities are opposing this bill throughout Broward County because the State is planning to have only six individuals to oversee short-term rentals throughout the State. This will erode the home rule. She urged anyone who wants to weigh-in could call their legislator and express their opposition to this type of rule.

Comr. McGee followed up with Comr. Eaton's stance that this is a very important matter and as local governments, the City does have the ability to decide how these types of properties are handled. She also urged residents to reach out to their Senators and House of Representatives members at flsenate.gov and myfloridahouse.gov and send them emails, and call their offices indicating your desire to keep the home rule for rental properties.

Vice Mayor Moss mentioned that this would have significant impact on condominium associations as well and urged residents to get in touch with their legislators.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-110

5. [20-221](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR VICE MAYOR MOSS TO SUPPORT HIS TOWN HALL MEETING EVENT ENCOURAGING VOTER REGISTRATION AND PARTICIPATION IN THE 2020 CENSUS; AND APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF FOUR THOUSAND DOLLARS (\$4,000.00) FOR AN EVENT FEATURING MUSIC, REFRESHMENTS AND HEALTH SCREENING ACTIVITIES FOR RESIDENTS SPONSORED BY VICE MAYOR MOSS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$4500.00)

(Staff Contact: Greg Harrison)

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

Enactment No: RES. No. 2020-111

6. [20-248](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) FOR COMMISSIONER PERKINS TO SUPPORT THE POMPANO CHIEFS FOOTBALL TEAM BANQUET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,000.00)

(Staff Contact: Suzette Sibble)

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

Enactment No: RES. No. 2020-112

7. [20-236](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING SECTION 1 OF POMPANO BEACH RESOLUTION

NO. 2003-38 MODIFYING THE FEE ASSOCIATED WITH THE COSTS INVOLVED IN THE NAMING AND RENAMING OF STREETS AND PUBLIC FACILITIES WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2020-113

8. [20-238](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10.00)

(Staff Contact: Matthew Kudrna/Tammy Good)

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

Enactment No: RES. No. 2020-114

D. REGULAR AGENDA

9. [20-230](#) Consideration to designate NW 4th Street a dual named road “Harold L. Abel Street”
(Fiscal Impact: \$500 paid by Requester)

(Staff Contact: Robert McCaughan)

As a point of order, City Manager Greg Harrison, respectfully, requested that item 9A be added to the agenda that will allow A. Randolph Brown, Utilities Director to explain the City’s acceptance of a grant from the South Florida Water Management District.

MOTION: Vice Mayor Moss, seconded by Commissioner McGee made a motion to add agenda item 9A to the current agenda. The motion carried unanimously by voice vote.

Robert McCaughan, Public Works Director, presented the item and stated it is requesting the Commission to consider dual naming NW 4th Street as “Harold L. Abel Street” which is bounded by NW 6th Avenue on the west and NW 3rd Avenue on the east. The justification is provided as to why the Commission could consider dual naming the street. In addition, Mr. McCaughan pointed out that item 7, was a resolution that modified the policy concerning the costs. Therefore, this item complies with the new policy that was approved earlier by the City Commission. The costs is being covered for a short segment of streets.

Continuing Mr. McCaughan stated that he has been communicating with Ms. Lawson Ingram but unfortunately, she was unable to attend the meeting. Finally, he indicated that if the item is approved, a resolution would be done and brought before the City Commission at the following meeting.

Comr. Perkins stated that Mr. Abel was a pioneer in the City of Pompano Beach and was demised in December. Therefore, this is deserving because he owned a gas station that was located next to the E. Pat Larkins Building, which was another historical site that was torn down. Mr. Abel has been involved in the community as long as over sixty years and wished they could have done this prior to his demise. This is a well deserving honor.

Mayor Hardin agreed with Comr. Perkins' comments and indicated that he had attended Mr. Abel's funeral and the outpouring from the community was touching. He touched many lives, which he agrees it is a shame people are not honored while they are living instead of after they have passed away.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

- 9A. [20-254](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ALTERNATIVE WATER SUPPLY FUNDING PROGRAM AGREEMENT BETWEEN THE CITY OF POMPAÑO BEACH AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING A GRANT NOT TO EXCEED \$500,000.00 FOR THE RECLAIMED WATER SYSTEM EXPANSION: NE 16TH STREET TO NE 24TH STREET AND NE 23RD AVENUE TO THE INTRACOASTAL WATERWAY; APPROVING AND AUTHORIZING THE CITY'S CONTRIBUTION OF A NOT TO EXCEED OF \$700,000.00; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$700,000.00)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and apologized for the last minute submittal of the item, however, the District was pushing the City to approve this. This is a matching grant for \$500,000, to supplement the City's Reuse construction funds. The City will be doing the Lighthouse Point projects as well as certain areas in Pompano Beach. This will seal off the intercostal waterways with reuse in those areas. After the

projects are completed, the plan is to move west with it.

Comr. McGee stated she had spoken with Mr. Brown recently and congratulated him on signing up his 1000th reuse water residential customer. She urged those who have access to the reuse to hookup as it is helping to push back the saltwater intrusion, it is helping to save the City's wells and it is really amazing what the reuse of the water and the technology that are being put into place have and will achieve.

Comr. Perkins indicated that she would support the item; however, it is quite a bit of reading to do and the Commission did not have this in the backup.

Mr. Brown explained that the District actually was in a rush to get it to the City as they are coming to inspect the service area on Thursday and if the City did not move quickly, could lose its funding.

Comr. Eaton welcomed this good news and urged others to sign up if they can as this does a great thing for the City and the planet and looks forward to this coming west into Cresthaven.

Mayor Hardin supports the benefits that reuse water has on the City and its reduced costs and reduction in the City's portable water supply. This is a great program, nevertheless, he encouraged staff to get this kind of item on the Agenda early so everyone is able to review the backup.

TAKING ITEM 21 OUT OF ORDER

Mayor Hardin requested a motion to take item 21 out of order.

MOTION: Vice Mayor Moss made a motion, seconded by Comr. Perkins to take item 21 out of order. The motion carried unanimously on voice vote.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-115

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 10-12 & 15-19 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

10. [20-102](#) **P.H. 2020-15: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING GENERALLY AT THE SOUTHEAST CORNER OF NORTH FEDERAL HIGHWAY AND NE 16TH STREET ADJACENT TO THE EAST SIDE OF NORTH FEDERAL HIGHWAY AND NORTH OF NE 14TH STREET FROM B-3/PCD (GENERAL BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) AND M-1/PCD (MARINE BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM DECEMBER 10, 2019 & JANUARY 14, 2020

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: David Recor/Scott Reale)

Scott Reale, Senior Planner, Development Services Department, presented the item and stated this is a second reading of an ordinance to rezone the site known as Hidden Harbour to a PD-I (Planned Development-Infill) for up to 323 dwelling units on 6.9 acres along with marine and other commercial and retail uses. This is along NE 23rd Avenue and north Federal Highway. There are two companion items on the agenda, which he will briefly outline later.

Continuing, Mr. Reale provided a brief background on the item, which included the PD-I application going before the City Commission on November 12, 2019 for first reading and December 10, 2019. The plans were revised since then and the PD-I plan currently has no pedestrian bridge. The two buildings are not connected and none of the dwelling units encroaches into the public right-of-way. The 16th Street building now transitions, starting from the east at three stories then to six, to eight and then to nine stories at 23rd Avenue. Additionally, the applicant is now proposing valet parking fronting NE 16th Street within the property's boundaries.

Kimley-Horn traffic consultants reviewed the analysis and provided comments, which have been addressed along with the requirement to provide a continuous valet operator. Chris Brown acting as a parking consultant and Jeff Lanz, the City's Parking Director also reviewed the valet analysis. They concluded that the valet parking plan does not conflict with the City's valet ordinance.

Finally, Mr. Reale indicated that there are two companion items for the rezoning, which one is the second reading for an ordinance to vacate two leftover parcels from a previous abandonment along the former NE 15th Street. The other is a resolution to execute a unified control agreement for Hidden Harbour, as required by the Planned Development in the City in order to bind parcels to the PD-I zoning.

The following City officials declared they had ex-parte communications with the developer/owner, of the property, counselor and residents in the area on numerous occasion where their plans were discussed and the modifications have been displayed in various aspects:

Mayor Hardin, Vice Mayor Moss, Comr. Eaton, Comr. McGee, Comr. McMahon, and Comr. Perkins.

Graham Penn, Esq., Bercow Randell Fernandez & Larkin, 200 S Biscayne Boulevard, Miami, FL, provided briefly the changes that Mr. Reale indicated earlier since their last appearance before the City Commission at First Reading. He then provided an overhead presentation of the newly revised plan, which is attached as ***Exhibit 1***. He indicated there are only two changes. First, they indicated that on the garage structure that the amenities for the development will be on top of the garage. The more important section is the intersection of NE 23rd and 16th Street, which now shows it's free of a bridge element, so the buildings have been pushed out of the right-of-way completely. The arcade will be done on solely private property, with no impact on NE 23rd Avenue. In addition, Mr. Penn provided a summary of the economic impact this project will have in the City. Finally, Mr. Penn indicated that to move forward they have major site plan approval ahead, air park obstruction review, and two significant traffic studies that are required prior to major site plan review and approval. First, it will be for the operation of the property. Second, the most important, is the operation of 14th Street, 23rd Avenue and Federal Highway, which they are obligated to review the functioning of the intersections, and from the City they will have to address any deficiencies found at the intersections.

Sharon Chippetta, 2870 NW 22nd Court, Pompano Beach spoke in opposition to the project and provided several points as to why this project would not be right for the area.

Thomas Drum, 1700 NE 8th Street, Pompano Beach, FL, spoke in opposition to the project being built on that size land, which is too big for it.

Adam Krhovsky, 2710 NE 22nd Court, Pompano Beach, FL, spoke in opposition to the project as the traffic will be a tremendous impact to the neighborhood as it relates to traffic congestion.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, spoke in opposition to the project and opined that the economic impact of these units will be unsuccessful in the real estate world. He asked for an explanation of affordable housing.

Mary Krhovsky, 2710 NE 22nd Court, Pompano Beach, FL, spoke in opposition to the project and

mentioned the concern is with the rate of vacancies these units will cause, which will eventually cause the neighborhood to look rundown.

Mayor Hardin asked Mr. Penn to address the affordable housing issue.

Mr. Penn explained that the City's code allows a developer not to provide affordable housing units; instead, they can pay into a trust fund. Since the inception of this development, they have been clear that they are proposing to meet their obligation by paying into the trust fund. Therefore, it is not an affordable housing development and there will be no such units in the property.

Jeannie Schermesser, 1620 N. Ocean Boulevard, Pompano Beach, FL, spoke in opposition to the project and provided a number of reasons why she opposes it, to include the impact on the City's current infrastructure for water and sewer.

Richard Vesey II, Pompano Beach Baseball, 4111 NE 13th Avenue, Pompano Beach, FL, spoke in support of the project and indicated that the developer has given back to the community especially in sports.

Deborah Hoya, 2833 North Course Drive, #101, Pompano Beach, FL, spoke in opposition to the project due to overdevelopment throughout the City.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, commented that he was unhappy with the last speaker's comments regarding affordable housing residents bringing down a neighborhood. He said the City is about people and making things better for their lives.

John Scheer, 1651 NE 27th Avenue, Pompano Beach, FL, spoke in opposition to the project and he indicated a number of his neighbors have already spoken in objection, and have expressed concerns with the project. The revised plan does not address those concerns expressed earlier by his neighbors. He foresees evacuation problems as mentioned earlier by a previous speaker.

Jeff Scott, 2600 NE 16th Street, Pompano Beach, FL, spoke in opposition to the project and the concerns they expressed regarding parking, putting in a valet system will only create more issues. He also spoke on several other issues that they will have with this project coming into the neighborhood.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, spoke in opposition to the project and mentioned that the people in the neighborhood where this project will be should be allowed to enjoy their neighborhood, instead of allowing it to be destroyed by this particular development, which is too big for the land.

Tim Golly, 2650 SE 5th Court, Pompano Beach, FL, spoke in opposition to the project and indicated it is too dense for the area.

Doug Borden, 5525 North Ocean Boulevard, Pompano Beach, FL, spoke in opposition to the project and he does not agree with developers coming into areas and try to get the zoning changed, which is spot rezoning, and is not good for the City of Pompano Beach.

Molly Moor, [REDACTED], declared that she sits on the Planning and Zoning Board and that she had the opportunity to vote on a portion of the project previously, which she voted against it. She believes the City needs to entertain a level of engagement with the public to be able to compromise on developments and to create projects that are beneficial to the public, yet bring in economic growth and development to the City. The concerns from the residents need to be addressed. Finally, she suggested that the City Commission use its authority to demand that future development is both compatible and reasonable for the proposed space and can be supported by the community.

Mr. Penn responded to some of the comments made earlier. He said they started the redevelopment application for the property at the suggestion of the City to implement the transformation plan of the corridor study. This study started in 2011 and approved in 2013. The property was highlighted in the transformation plan for a mixed-use redevelopment. The plan recognized that the Caliban canal could be a resource for the community and access to the canal could be a benefit. It also saw that the property being developed consist of an industrial boat yard, a large empty property and two single story 1960's commercial buildings, which are not in the best use for a Federal Highway property. He then explained that the land was underdeveloped and underutilized, which is how they started the project. They started with the Land Use Plan amendment, and in that process, they reduced the density and intensity significantly. They lost 140 units from the time they initiated filing to the Commission, the County's review, and back to the City Commission for final approval. The property is designated for mixed-use residential development and the PD-I is an implementation of that designation. The project will improve pedestrian access along 23rd Avenue and they are obligated to have wider sidewalks, a pedestrian walk along the northern end of the canal connecting 16th to 23rd, which will be opened to the public and maintained at the developer's cost.

Continuing, Mr. Penn indicated that the residential component is contemplated to be a rental development. They will not be building a condominium hotel or anything to do with condominiums. This has been designed from the offset to be a one ownership residential component, which will be managed by the property. They provided earlier approximately 500 letters of support for the project and approximately 80 were from District 1, so there is support for the project in that district.

The issue with the valet parking, at the PD levels are already analyzed by the City's consultants and by City staff as to its appropriateness and function, which will be reviewed again during the major site plan review once the details come in. The concern and disbelief with the previous plan that people would park in the garage and then walk all the way through the pedestrian connection to get to their building on 16th Street. The current valet plan removes that problem.

Finally, Mr. Penn stated that they have two more traffic studies to go. The County through the Land Use Plan Amendment process already tested the overall impact from a planning point of view. Their total trip generation is capped on the Land Use Plan, and they estimated that this development is about half of what the cap would be. The project has been tested and is not some kind of insane idea that is inconsistent with the City's policy. Lastly, it is not an affordable housing development.

Comr. McGee indicated that the Commission has spent a lot of time meeting with the developers and the residents, as well as all sorts of people for this project. She has heard many different views on how it could

affect the neighborhoods both good and bad, how it could affect the City altogether and that is mostly good. The comments made about the Commission do not listen or do not care is not fair, because that is what they are here to do, to listen and care and actually put in hours of time talking and listening to the residents. She appreciates those developers who listen when things like building over the right-of-ways come up, it is a hard no, and they altered their plans as well, which is a definition of compromise. Other things that have come up is affordability of housing, which is throughout the County. There are other plans to consider such as the Comprehensive Plans, the Innovation District, and the Casino development, which are all going into the plans to bring people, jobs and families to the City of Pompano Beach. Moreover, the City is on top of its infrastructure and even though things happen, people do see the good that is being done in the City.

In sum, Comr. McGee stated that to get to the next step is where we need to get to refine it. The traffic studies will be done, which is desperately needed either way on 14th and 23rd . This is a thought out project. She asked if the parking for the retail component would have access to the valet parking.

Mr. Penn responded that there is a valet drop off on the west side of 23rd for the restaurant. The idea is that there are spaces in the garage that are devoted to the commercial floor. For example, for the marine retail, which is on the southern end of the property, the boat yard parks itself, so that is designed to be a self-contained parking environment. There is a valet pull off for the restaurant area.

Comr. Eaton indicated that once a PD-I and the developer is bound to the plan, as far as the uses are contractually, they could not just flip it and sell to someone else.

Mr. Reale replied that is correct. They would have to rezone to change the permitted uses.

Comr. Eaton enquired about the cost per unit for the affordable trust fund for affordable housing.

Mr. Reale responded that it is \$2,323 per unit.

Comr. Eaton indicated years ago when she was advocating for the Community Redevelopment Agency (CRA) and some of the development and redevelopment it would bring to the City, people were opposed to it then for the same reasons, it will ruin their quality of life, the traffic is going to be horrendous and it will be terrible. So, here is the City nineteen years later and we are all seeing the quality of life and impact the CRA has made. Therefore, people can be afraid to see changes, but she does not want to see the City standing still. Furthermore, it is not common to have high-rise buildings overlooking single-family residences. This would not be a destroyer of quality of life. She then read in its entirety, Florida Statutes Chapter 342 "Waterway and Waterfront Improvement" for recreational/commercial working waterfront, which are legislative findings. "The legislature recognizes an important state interest in facilitating boating and other recreational access to the states navigable waters. The access is vital to tourism and recreational use in the marine industry of the state to maintain or enhance the \$57 billion economic input that of tourism. The \$14 billion economic impact of the state." Therefore, the City would not want to get rid of the boat access in that area.

Finally, Comr. Eaton stated that this will be a beautiful addition to Federal Highway overlooking the golf course, it would be desirable, and therefore, she will continue to support the project.

Comr. McMahon indicated that when he saw the new plan he was taken aback that more traffic will be brought on to 16th Street. He believes more traffic will back up on 16th Street, which will cause problems. He still believes this project is too dense for the area and this is not what the neighbors want. Therefore, he will not be supporting this project.

Vice Mayor Moss stated that for the five years he has been in office he is amused at the thought processes of some people. In his district, he has 13,366 apartment dwellings to include condominiums and rentals. There seems to be on the part of some people who live in single-family homes a mentality that people who live in apartment buildings are sub-human ingrates, who are morally, spiritually, physically, and intellectually inferior to them and apartment buildings are terrible things for terrible people. In fact, people who live in single-family homes generate more traffic, as they own more cars per residence. Overall, he finds it amusing that people think because a person lives in an apartment building there is something wrong with them or are of an inferior quality. Therefore, he will be supporting this project as the developer has bent over backwards to make every accommodation that he has been asked to make. Change is inevitable and single-family homes for the future will be impacted.

Mayor Hardin indicated that he dislikes the references to Section 8 housing and all that stuff especially when people bring this up, which is somewhat offensive. People can say they are against something at the podium and that the Commission do not listen to the residents and it is a done deal and their minds are made up before they get started. However, he would like to provide this as an example to dispute that. In fact, when this issue was before the Commission the last time, they were turned down, so if it was a done deal why did the Commission vote against allowing them to place units in the right-of-way. Mayor Hardin indicated that the Commission's minds are not made up and that they are open to public input. He said the developer has gone back and forth regarding this project. This project has gone back and forth for a long time. In sum, change is difficult and Mayor Hardin indicated that he understands this. He will support the project and appreciates all the input from the public and all the changes the developer has made and we are at a midpoint to move forward with this. There are still steps for going forward which if they cannot solve things like those traffic problems, then they will not get approved at the Planning & Zoning Board level, which Ms. Moor sits on. There are still hoops they will have to go through and they will have to go through them and solve those problems.

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

Yes: Eaton
McGee
Perkins
Moss
Hardin

No: McMahon

Enactment No: ORD. No. 2020-26

11. [20-183](#) P.H. 2020-30: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO REMNANT TRIANGULAR AREAS WITHIN THE PREVIOUSLY ABANDONED NE 15TH STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

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

Jean Dolan, Development Services Department, presented the item and stated that on January 14, 2020, the City Commission approved on First Reading the abandonment of the two remnant triangles remaining after a portion of NE 15th Street was abandoned in 1999. There have been no changes since First Reading.

Graham Penn, Esq., Bercow Randell Fernandez & Larkin, 200 S. Biscayne Boulevard, Miami, FL, stated that the two triangles are the cleanup from the vacation that occurred in 2000 and should have been vacated, so this is a ministerial act recognizing the oversight.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated he could not find any consideration in the backup material. The developer is taking these pieces of property but the City is receiving nothing in return. He encouraged the Commission even if it is nominal but something should be received by the City.

Ms. Dolan explained that all right-of-ways are dedicated and is previously private property so the City does not pay to take it nor pay to give it back.

At this point, Mayor Hardin asked for a motion to suspend the quasi-judicial proceedings and take item 20 out of order.

MOTION: Vice Mayor Moss made a motion seconded by Comr. McGee to suspend the Quasi-Judicial Proceedings and take item 20 out of order. The motion carried unanimously on voice vote.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-27

12. [19-712](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SUMMAN WESTERN INVESTMENT PLAT LOCATED WEST OF NW 31ST AVENUE, APPROXIMATELY 500 FEET NORTH OF WEST ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 24, 2019 , NOVEMBER 12, 2019 & JANUARY 14, 2020

(Staff Contact: Jean Dolan/David Recor)

Meeting Reconvened

MOTION: Vice Mayor Moss made a motion, seconded by Comr. Perkins to resume the quasi-judicial proceedings. The motion carried unanimously by voice vote.

Jean Dolan, Development Services Department, presented the item and stated that the applicant has requested that the item be postponed until the March 24, 2020 City Commission meeting. He is still trying to work out the issues with the homeowners and with his plat note.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be POSTPONED until March 24, 2020 City Commission meeting. The motion carried unanimously.

13. [20-215](#) **P.H. 2019-131: (PUBLIC HEARING)**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FIFTY EIGHT (58) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWESTERN CORNER OF SOUTH PALM AIRE DRIVE AND SOUTH POWERLINE ROAD; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be POSTPONED until February 25, 2020 City Commission meeting. The motion carried unanimously.

14. [20-150](#) **P.H. 2020-24: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING BETWEEN S. OCEAN DRIVE AND BRINY AVENUE ON THE NORTH SIDE OF SE 4TH STREET FROM RM-20/AOD (MULTI-FAMILY RESIDENTIAL 20) TO RM-30/AOD (MULTI-FAMILY RESIDENTIAL 30); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM DECEMBER 10, 2019

(Staff Contact: Jean Dolan/David Recor)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be POSTPONED until February 25, 2020 City Commission meeting. The motion carried unanimously.

15. [20-184](#) **P.H. 2020-27: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON NW 1ST STREET, EAST OF NW 30TH AVENUE AND WEST OF NW 28TH AVENUE AND COMMONLY KNOWN AS 2955 NW 1ST STREET, FROM B-3 (GENERAL BUSINESS) TO B-2 (COMMUNITY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

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

Jean Dolan, Development Services Department, presented the item and stated that the City Commission approved the City's sponsored rezoning on First Reading on January 14, 2020. The rezoning will allow a single family home to be built on the lot. There have been no changes to the application since First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-28

16. [20-212](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SEFL PLAT LYING ON THE SOUTH SIDE OF SW 9TH STREET, APPROXIMATELY 1,800 FEET WEST OF ANDREWS AVENUE, COMMONLY KNOWN AS 933 ANDREWS AVENUE (SW 12TH AVENUE); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that the applicant is requesting plat approval for the SEFL plat. The subject property is located on the south side of SW 9th Street approximately 1,800 feet west of Andrews Avenue. It is approximately 7.50 acres. The proposed plat will restrict the property to a maximum building of 25,000 square feet of industrial use. A site plan has been approved for the property in conjunction with the adjacent parcel to the east. The Planning and Zoning Board unanimously recommended approval of the plat on October 23, 2019.

Denna Gray, Esq., Greenspoon Marder, 200 East Broward Boulevard, Suite 1800, Fort Lauderdale, FL, stated that they are in general agreement with staff's report.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-116

17. [20-219](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HUS PLAT LYING ON THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 7TH STREET AND NW 8TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that the applicant is requesting plat approval for the entitled HUS plat. The subject property is located on the east side of NW 31st Avenue, between NW 7th and 8th Streets. The plat restricts the property to a maximum of 41 garden apartment

dwelling units. The applicant has submitted a conceptual site plan. In addition, there is a concurrent flex request being heard next on the agenda for the subject property.

Vice Mayor Moss asked if the applicant had met with the Collier City Civic Association to go over the proposals.

Steve Brandt, 510 North Federal Highway, Fort Lauderdale, FL, responded that they had a meeting with the neighborhood on Wednesday, January 22, 2020, at their office.

Vice Mayor Moss requested that Mr. Brandt meet with the Collier City Civic Association before he would vote for the item to move forward. He did send out the letter to those within the 500 feet radius and two people showed up. However, he would need to meet with the Collier City Civic Association. The President is Phyllis Smith and they meet the last Wednesday, of every month at the Jan Moran Learning Library across from the McNair Center. Therefore, Vice Mayor Moss moved that the item be postponed until March 10, 2020, which was seconded by Comr. McGee. The motion carried unanimously upon roll call.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Quasi-Judicial/ Resolution be POSTPONED until March 10, 2020 City Commission meeting. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

18. [20-213](#) **P.H. 2020-43: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF FORTY ONE (41) RESIDENTIAL FLEX UNITS FOR A PROPOSED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF NW 31ST AVENUE AND NW 7TH STREET; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that this is the companion flex request for that plat so it is assumed that this too will be postponed until March 10, 2020.

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

McGee, that the Quasi-Judicial/ Resolution be POSTPONED until March 10, 2020 City Commission meeting. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

19. [20-134](#) **P.H. 2020-42: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2020-09 AND ALLOCATING A MAXIMUM OF ONE HUNDRED EIGHTY EIGHT (188) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND WEST MCNAB ROAD; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that on October 7, 2019, the City Commission unanimously approved the allocation of 188 units for a mixed use project at the southwest corner of South Dixie Highway and McNab Road, which is now a junk yard. The resolution approved at the time was later found to include some errors, which have been corrected in the attached resolution. There are no changes to the project as a result of the correction.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, wanted to verify that the flex units are being used in the proper way. He commended the Commission for using them for this particular location. He could not find in the backup, after the allocation of the 181 flex units how many flex units would be left. Also, after the flex units are depleted is there a possibility of acquiring additional flex units.

Ms. Dolan responded that there are approximately 500 units left. There will not be any more flex unit, but the County is calling them redevelopment units. Therefore, they took 2% of 100% of all the units in Broward County and put that 2% in the “basket” and then the City could apply for those 500 at a time.

Vice Mayor Moss stated this is in Comr. McMahon’s district, but reiterated that this is the classic example of what a flex unit should be used for. This is to take a junk yard, which is of little use to the City, generates no income and the City is using it to create a place where people are going to live and work, and will create income for the City on a tax base. Therefore, it is taking something that was bad and making it good by giving it flex units.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-117

END OF QUASI-JUDICIAL PROCEEDING

20. [20-244](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UNIFIED CONTROL AGREEMENT AND RELEASE OF UNITY OF TITLE BETWEEN THE CITY OF POMPANO BEACH AND AMP IV - HIDDEN HARBOUR, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

Scott Reale, Senior Planner, Development Services Department, presented the item and stated that the Unified Control agreements require that when properties are being rezoned for a Planned Development in order to bind the properties to the zoning. A restriction runs with the land, binds the heir of successors, assigns and the owner, which is administrative in nature.

Meeting went into Recess

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-118

21. [20-222](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN JOSE G. RENTERIA & MARIA RENTERIA AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 2002 HAMMONDVILLE ROAD; AND AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER TO APPROVE AN EXTENSION OF UP TO NINETY DAYS TO CLOSE THE TRANSACTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$625,000.00)

(Staff Contact: Vincent Wooten)

Vincent Wooten, Office of Housing and Urban Improvement (OHUI), presented the item and stated that this will approve and authorize the proper officials to execute a contract for sale for purchase, including an extension required to close a transaction between Jose Renteria and Maria Renteria and the City of Pompano Beach, in order to close a transaction. The property is located at 2002 Hammondville Road, which is Dr. Martin Luther King, Jr. Blvd. The purchase price is \$625,000 and consists of approximately 32,000 square foot of property improved, with about a 6,000 square foot multi-family residential building, which is tenant occupied. The acquisition would further implement the City's strategic plan, initiatives and accommodate a senior center for the expansion of some previous acquired property. In sum, the final property will equal to 4.85 acres total.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-119

22. [20-229](#) Approval to award Bid T-01-20, Cured-In-Place Rehabilitation, Annual Contract to the lowest responsive responsible bidder, Insituform Technologies, LLC, at a cost of \$700,00.00.

(Fiscal Impact: \$700,000.00)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department, presented the item and stated this is the Second Reading of the contract and would recommend moving it forward for the lining of the City's wastewater systems and

stormwater.

Continuing Mr. Brown explained that the Insituform process does not dig up the streets. As they line the pipes that need repair, they push a sock down inside of it which is impregnated with rosin, and when hot water is ran through it becomes PVC pipe which is good for the next 20-50 years of life to the pipe. Therefore, it extends life of the infrastructure and seals any holes or cracks in the pipe. It is like putting new pipe on the inside. In addition, he explained in details the reason for the sewage leak this past Friday, which was due mainly by external forces impacting the pipe.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

23. [20-162](#) **P.H. 2020-36: (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 AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND MAN-CON, INCORPORATED AND REYNOLDS CONSTRUCTION LLC FOR EMERGENCY ON CALL UTILITIES REPAIR SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department, presented the item and stated this is the Second Reading of the ordinance to pass the emergency contracts for repair on all of the utility piping in the systems. Since the last hearing, the language has been fixed to refer to how long it will take to fix each individual incident and will be set up with the contractor.

Vice Mayor Moss mentioned that he had the opportunity to go with the City Manager and Mr. Brown out to a site where they were relining those pipes and the way it was done was fascinating. In addition, he congratulated and thanked Mr. Brown and his team on the work they did at Cypress Bend. He received numerous emails and phone calls that expressed appreciation on how they got on the job immediately, how fast it was done, how responsive they were, and how well Mr. Brown kept in contact with the community.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-29

24. [20-163](#) **P.H. 2020-37: (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 PIGGYBACK AGREEMENT FOR AS-NEEDED AND EMERGENCY UTILITY CONSTRUCTION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KILLEBREW, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,000,000)

FIRST READING: JANUARY 14, 2020

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department, presented the item and stated this is the Second Reading of an ordinance to bring on another pipe bursting contractor to compete with Murphy Pipeline, which is the other contractor that the City has in the fold. In this way there is a guarantee for getting good prices and there is competition, and the City will have two sources if one cannot answer the call.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-30

25. [20-200](#) **P.H. 2020-35: (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 GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JJ LAND REALTY, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated this is the Second Reading for a ground lease for property commonly known as the Beach Lot/Parcel A, and there have been no changes since First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-31

26. [20-198](#) **P.H. 2020-32: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.10, "FEES," TO PROVIDE FEE SCHEDULE FOR MUNICIPAL FISHING PIER; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROVIDE ADDITIONAL RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Mark A. Beaudreau)

Earl Bosworth, Assistant City Manager, presented the item and stated that he has one change for the item since the First Reading. Staff added a resident annual sightseeing pass in the amount of \$100 to the fee structure, as

outlined in Chapter 98. He assured the city Commission that staff will work with the business community to develop packages and special promotions for the pier and that the pier admissions and entrance would be considered as staff continue to develop the mobile app for the City.

Doris Schmidt, 305 North Pompano Beach Boulevard, Pompano Beach, FL, spoke in opposition for charging \$100 fee for the resident annual sightseeing pass. She indicated that was not considered at the last meeting when this item came up for discussion. She said there is a \$300 annual fee to maintain the pier and asked how much will be paid to Dania Pier Management.

Mayor Hardin responded that it would be over \$300,000 for the maintenance of the pier. The Dania Pier Management who are running the bait shack will be paying the City \$66,000 per year. They will be controlling the access and entrance and all the other activities for operating the pier, which will include operating the bait shack. However, the city will still be in charge of managing the pier.

Ms. Schmidt indicated that the people of Pompano Beach are against a fee for the pier.

Mayor Hardin explained that the process for this item is to take public input and then there will be discussion among the Commission on what they will do.

Harry Weinmann, Vice President, Bermuda House Association, 328 N. Ocean Boulevard, Pompano Beach, FL, provided comments on the matter. He stated it is a tough issue, but having lived on the beach for the past six years all he hears is constant banging of work being carried out to repair the pier and it became impossible to sit on the balcony to enjoy reading a book and things of that nature. He said he paid a lot of money to live there and he is retired and wants to relax. They were unaware of a proposal for an annual fee for the residents, which he had planned to suggest to the Commission. Nevertheless, he believes the charge is a bit steep for the annual fee, a nominal fee would be appreciated but not \$100. He urged the City Commission to consider this request.

Bob Atkins, Bermuda House Condominium Association, 328 N. Ocean Boulevard, Pompano Beach, FL, indicated he sent an email to the members of the Commission regarding the issue. They were unaware of the change in the program. The fee is a little too high. In addition, he said all the other changes that have been taking place in the area was long overdue and is so beautiful, they love the restaurants, the shops, and the garage is iconic, so he hopes the Commission would consider allowing residents to go for free or charge a very small fee per year. He urged the Commission to consider the residents who pay taxes and live in the City and could have an advantage on this issue.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated he would not charge the residents anything. He checked into Lauderdale-By-The-Sea and the fees charged was correct that was stated at the last meeting. However, he was told that there were not that many fishing at the price of \$7 per day.

Joseph Butto, 301 N. Ocean Boulevard, Pompano Beach, FL, expressed appreciation with the development in the area and with all that is happening. However, he was looking forward to be able to walk out on the new pier without being charged to do so. He would prefer no fee for local residents that live in the area and if there is to be a charge, it should be \$2/day and \$100 for the pass is steep. Therefore, he urged the Commission to

reconsider the \$100 fee for local residents.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated he would support a fee for the pier with exceptions. He mentioned that the State of Florida does not charge senior citizens for fishing and hunting licenses, so it would behoove the City to follow in the state's footsteps. Therefore, a senior citizen resident of the City should be allowed to fish on the pier. Also, exemptions for kids under 16 years old to keep them off the street and allow them to fish. The \$100 fee charged should be for a person plus one and the kids go free.

Michael Roppel, 304 S. Riverside Drive, Pompano Beach, FL, stated he enjoys the beach every day. He misses the pier and is waiting for it to reopen. He mentioned that there is no charge to use the splash park for the kids, as well as the nice fitness area near the pier. There is movie night and music at the beach, which there is no charge for these. The restaurants, ice cream and pizza shops, and the hotels will all benefit from the area to bring income. Therefore, he suggested a family pass rather than charging \$100 per person. A soft opening would be a way to see how much it costs per day/week to operate it.

Molly Moor, [REDACTED], stated that she sits on the Parks and Recreation Advisory Board and they had recommended that the City Commission consider not charging residents to use the pier and hopes that recommendation would be considered along with those mentioned earlier by other speakers.

Comr. McGee stated that one of the items missing from the proposal was the definition of children and setting the age. For example, children under six with their parents visiting the pier would go free and it would be nice to put this into place. She spoke with numerous residents whether to charge or not and most seem to fall in the middle. They would not want a charge but they understood the maintenance and management of the pier. Therefore, the annual fee came to mind. Notwithstanding, \$100 fee seems high and suggested that this be lowered to charge \$78 instead. She likes the idea of a family pass as a secondary option for families with children, as well as Vice Mayor Moss' suggestion of 60 days free access so people can check out the possibilities of the pier. She also suggested that perhaps consideration could be given to match Lauderdale-By-The-Sea fishing pass, to remain consistent.

Comr. Eaton likes the idea of an annual pass especially for those regular walkers. Also, \$100 per person is too high and she would like to see a family pass at a reduced cost. A concession should be made for Pompano Beach residents for possibly a discount. The \$2 fee should last throughout the day, as well as \$5 fishing fee for the day. Therefore, some sort of identification should be given upon entrance to allow people to go in and out of the pier. She reminded everyone that the pier must be kept safe, clean and to avoid loitering and to ensure it is for the enjoyment of everybody especially the residents of the City.

Vice Mayor Moss expressed disappointment with the recommendations brought back after there was a conversation prior on certain amendments to be included in the proposal. The only thing that was brought back with a change is the sightseeing annual resident only pass for \$100 per person. They did not address many of the concerns that were brought up prior. Comr. Eaton mentioned a good one regarding paying once for the day. In the event the person needed to get out and to get back in the same day they should be allowed instead of charging a fee every time a person leaves and returns for the day. So perhaps a one-day ticket could be issued. In addition, he thinks \$100 per person is too high. He would support an annual family pass. He wanted to know how they would treat those who were utilizing the hotels and restaurants in the area and how to

provide incentives for their guests/clients who wanted to go out to the pier.

In sum, Vice Mayor Moss stated that \$100 is too much, there should be a family pass, little children should not have to pay, some of the guests staying in the hotels and use the restaurants should be accommodated. Also, the tickets should be for one day total, and without question there should be a period of time in the beginning when its free and suggested the first 90 days.

Comr. McGee indicated that perhaps a discount or a pass could be considered for veterans.

Mayor Hardin indicated that the management would work out how to charge daily for sightseeing and fishing, as this is already mentioned in the backup. Every one of the City's parks is a budget issue, and everything being done in the City is a budget issue. Nothing is free and the taxpayers pay for most of these types of things in the City. The City will maintain the pier just like it is doing with the beachfront area, MLK Blvd and other areas. Once improvements are done it will be maintained by the City. The biggest issue is vagrancy and he does not want the same problems they are experiencing at the McNab Park, Community Park, and almost every park and elsewhere throughout the City in storefronts, to start appearing on the pier and the beach areas. Therefore, something must be done and it cannot be for free to walk out on the pier. He agrees it can be free at the start. This issue is more about control than it is to make money. He would agree to some type of nominal fee for residents, perhaps \$20 for the year. Sightseeing at \$2 per day except during the free period, he would support.

Vice Mayor Moss suggested the Commission make some amendments and recommendations and moved the following motion: that there be an annual pass for Pompano Beach residents at \$20. Therefore, he made the following motion:

MOTION: Vice Mayor Moss made a motion, seconded by Comr. Eaton to move that there be an annual pass for Pompano Beach residents at \$20.00. The motion carried unanimously on roll call.

It is understood that there will still be \$2 per person sightseeing daily pass, \$5 per person fishing daily pass.

Greg Harrison, City Manager, indicated that when the budget process was discussed with the Commission, staff prepared a survey with the surrounding area piers and based a fee for this potential operator that the City could enter into a contract with, and then they would pay the City based on the income that the City would realize. Therefore, a contract was done with a contractor who would operate the gate at the pier based on \$2 and \$5 for entrance and fishing respectively. They would then collect the money and pay the City approximately \$6,000 per month. If a different direction is being taken on the anticipated income, then the contract will need to be adjusted that the Commission approved with the contractor on a downward spiral on income to the City.

Mayor Hardin summed it up, as everything is interconnected. Basically, the bait shop operator is collecting the fees from the residents and the fishermen and then they will pay the City money based upon that. The understanding is that this is a budgetary issue, and if there is a need to amend the contract then it will be done.

The following motions were made:

- 1) To institute a \$2 per person sightseeing daily pass, the \$5 per person fishing daily pass and the new annual resident only pass at \$20.
- 2) Comr. McGee made a motion, seconded by Comr. Eaton to increase the fishing daily pass from \$5 to \$6. This motion carried unanimously on roll call.

Mark Berman, City Attorney advised for the purpose of drafting what the Commission desires and for specific direction, perhaps the item could be postponed and brought back for review of the changes or would they just want to see it after it is done by staff and move this evening. It might be more expedient to look what was done tonight, then postpone with direction from the Commission, afterwards bring it back for final reading to make sure everything is what the Commission wants.

Mayor Hardin in response to Mr. Berman's question to clarify the annual pass, indicated it could state, "All persons using the municipal fishing pier shall pay for the following activity:

Sightseeing daily pass - \$2 per person and Sightseeing annual residents only pass - \$20 for up to ten (10) people, with children under 10 free.

MOTION: Vice Mayor Moss made a motion, seconded by Comr. Eaton to make the annual residents family pass, comprised of ten (10) people over 10 years old to be \$20. The motion carried unanimously upon roll call.

Mayor Hardin asked as it relates to the free grand opening time, would that be done at this meeting. It was the consensus that it be no less than sixty days from grand opening of the pier. Staff will be able to take care of this item. Fishing will be exempt from this time.

Mr. Harrison indicated that during the free entrance days being considered for sightseeing the contract will have to be modified to pay the contractor for this time as he could not manage this and still pay the City.

Mayor Hardin understands that the entire contract will have to be modified. Therefore, it will be sixty days free sightseeing only. It was the consensus of the Commission to move forward with this amendment.

Comr. McGee added that there should be free access for sightseeing for all veterans and active duty.

Mr. Berman then suggested that a general motion to accept all amendments as agreed to amend the ordinance as indicated.

Mayor Hardin clarified that once this is done this item will not return to the Commission for further approval.

MOTION: Comr. McGee made a motion, seconded by Vice Mayor Moss to amend this ordinance as discussed. The motion carried unanimously on roll call.

Mr. Berman concluded that staff will amend and he will work with staff to get this written out with the amendments for Second Reading. Therefore, the item is passed and staff will get the copies to the Commission

and any comments, if it was not done according to discussion.

Mr. Harrison advised that he has an idea on how to handle the contract on a service contract with the contractor/operator, and allow the contract to begin on the sixty days.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-32

27. [20-239](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LEASE FINANCING OF CERTAIN EQUIPMENT PURSUANT TO AN ANNUAL APPROPRIATION LEASE; APPROVING THE FORMS, AND AUTHORIZING EXECUTION OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT AND RELATED LEASE DOCUMENTS BETWEEN THE CITY, AS LESSEE AND BANC OF AMERICA PUBLIC CAPITAL CORPORATION, AS LESSOR; AUTHORIZING THE APPROVAL OF RELATED FINANCING DOCUMENTS, INCLUDING AN ESCROW AGREEMENT AMONG THE CITY, BANC OF AMERICA PUBLIC CAPITAL CORPORATION AND BANK OF AMERICA NATIONAL ASSOCIATION, AS ESCROW AGENT; PROVIDING FOR CERTAIN AUTHORIZATIONS AND OTHER MATTERS WITH RESPECT THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Approximately \$706,077 annually for up to 5 years)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated it is a lease that staff determined was in the best interest of the City to finance the acquisition of certain equipment for various departments, such as Fire, Parks & Recreation, Solid Waste, and Public Works. Staff solicited a proposal from various banks and received ten (10) responses. Bank of America came back with the lowest rate at 1.78%. The payment for the lease was already budgeted as part of the adopted process for 2020. Staff recommends approval.

Mayor Hardin enquired if the City is leasing the equipment and if at the end of the lease term would the City

retain ownership of the equipment.

Mr. Jean-Pierre responded correct and that after the five-year period the City will retain ownership as this is a lease-purchase transaction.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-120

28. [20-189](#) **P.H. 2020-33: (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 MASTER SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FIRST MOBILE TRUST, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$25,000)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated that there are no changes or additional comments from the First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-33**29. [20-188](#) P.H. 2020-39: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ORDINANCE NO. 2018-58 ENACTED ON JUNE 26, 2018, TO MODIFY A COMPONENT OF THE STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS DESCRIBED THEREIN TO BE FINANCED BY THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF THE CITY EVIDENCING CERTAIN MATTERS RELATING TO THE MODIFIED PROJECT FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; 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 CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,000,000)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated that there are no changes or additional comments from First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-34**30. [20-206](#) P.H. 2020-38: (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 FIRST AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PORT CONSOLIDATED, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AND DIESEL FUEL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$750,000 annually)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Robert McCaughan)

Robert McCaughan, Director, Public Works Department, presented the item and stated that this executes a first amendment to the City's fuel contract and extends the term of the contract for two years. There has been no change since the First Reading of the ordinance.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-35

31. [20-143](#) **P.H. 2020-28: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO MODIFY PROCEDURES TO OBTAIN TEMPORARY USE PERMITS FOR PROPOSED TEMPORARY USE OF BUILDINGS OR LANDS BY THE CITY AND BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: David Recor/Max Wemyss)

Max Wemyss, Planner, Development Services Department, presented the item and stated it is the Second Reading of an ordinance establishing a process for the administrative approval of temporary use permits for the City and Community Redevelopment Agency (CRA). There have been no changes since the First Reading of the ordinance.

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

Yes: Eaton

McGee

McMahon

Moss

Hardin

No: Perkins

Enactment No: ORD. No. 2020-36

32. [20-142](#) **P.H. 2020-29: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO PROVIDE ADDITIONAL EXCEPTIONS FOR TREE PRESERVATION IN COMPLIANCE WITH RECENTLY ENACTED STATE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: David Recor/Max Wemyss)

Max Wemyss, Planner, Development Services Department, presented the item and stated this is the Second Reading of an ordinance amending tree preservation requirements for residential properties consistent with recently adopted State Statutes and Broward County ordinances. There have been no changes to the ordinance since the First Reading.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: ORD. No. 2020-37**33. [20-191](#) P.H. 2020-31: (PUBLIC HEARING 1ST READING)**

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

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the text amendment proposes to amend the language in the zoning code to reference a line originally drawn in 1959. As adopted, the zoning code refers to a dune vegetation line, which is used to establish setbacks from structures and calculating pervious area, lot coverage and site area. The original dune vegetation line was drawn on a photograph in 1959, and when the code was amended in 2012, a reference to the 1959-dune vegetation line was stricken that references the dune vegetation line remained. This created confusion to applicants reviewing the City's codes. The goal is to provide clarity to the development community and the public. The City hired an engineering firm to survey the original line and digitize the line so that the file could be shared electronically with surveyors, architects and engineers. There is a companion item on the agenda to adopt the digital line by resolution. The ordinance does not establish a new line, it only references the line that was existing and developed the dune vegetation line with the definition and format that is easier to share. If adopted, the line will not make any existing properties non-conforming. At the October 2019 Planning and Zoning meeting they recommended approval unanimously for the proposed text amendments and staff is also recommending approval of the amendment.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, understands that the Army Corps of Engineers uses the same line, and asked if this digitized line conforms with their dune vegetation line.

Mr. Keester-O'Mills responded that the City established the line in 1959 and not the Army Corps of Engineers.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

34. [20-228](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE GEOGRAPHICALLY DIGITIZED MAP OF THE CITY'S HISTORIC DUNE VEGETATION LINE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that this is a resolution to adopt the digitized line that is proposed in the ordinance previously presented and approved as Item 33, First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-121

35. [20-209](#) **P.H. 2020-41: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SIXTH AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$407,769.00)

SECOND READING: JANUARY 14, 2020**(Staff Contact: Greg Harrison/Major Wayne Adkins)**

Major Wayne Adkins, Broward Sheriff's Office (BSO), presented the item and stated that the Second Reading took place two weeks ago so this is the First Reading. This is a request for an amendment to the police services contract, to add one sergeant and two additional deputies positions for the newly formed CORE team. There have been no changes since the Second Reading two weeks ago.

Comr. Perkins asked what exactly will the CORE Team be doing.

Major Adkins explained that the Team started approximately fourteen months ago and was halted due to manpower issues, but they started up again January 18, 2020. They have been working on a project in conjunction with code and the building department, as well as the Civil Division of BSO and the property owner of three pieces of property located on 1400 NW 3rd Avenue, which was plagued with drugs, prostitution, violent gunfire, and shootings that have occurred. With this issue, the regular road patrol deputies could not handle because they handle calls for service. This CORE Team went in and cumulated with the eviction based on the property owner's request through the BSO civil division, to evict the occupants of the three buildings that had gone through nuisance abatement, which is one part of what the Team does. He mentioned that they do not handle calls for service but they drill down as to what are the CORE problems that are causing issues and being able to work with other entities.

Comr. Perkins asked if this is the first CORE team the City has had, which Major Adkins responded yes. In addition, she asked, "Would the \$400,000 be used for salaries," which Major Adkins responded that is correct. He also stated that overtime is not included in this amount, and is a separate budget item included on his contract.

Comr. McMahon reported that on Monday, he rode with the CORE Team to understand what exactly they do. There were many hot spots they pointed out to him, as well as a number of areas they were able to make improvements on. They also deal with homelessness, vagrancy and things like that. In fact, they found a homeless family, a woman with three children, which were taken to Broward Outreach and they received the help they needed. Therefore, he believes the CORE is a valuable part of what the City is doing, and they need to move forward to get the City cleaned up.

Mayor Hardin echoed Comr. McMahon's comments that this is something that he has heard for years and is glad that finally, something is being done about it. This is to address those quality of life issues of the many complaints that were brought to the Commission's attention. In sum, he hopes this will be a turning point for the City.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2020-25

36. [20-207](#) **P.H. 2020-34: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 35, "ELECTIONS AND RECALL," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 35.08, "ELECTRONIC REPORTING/PENALTIES," SECTION 35.09, "ELECTRONIC POSTING," AND SECTION 35.10, "TECHNICAL ASSISTANCE," TO REQUIRE ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS WITH THE CITY CLERK AS AUTHORIZED BY THE FLORIDA ELECTION CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 14, 2020

(Staff Contact: Asceleta Hammond)

Asceleta Hammond, City Clerk, presented the item and stated that it is the Second Reading of an ordinance to require electronic filing of campaign finance reports. There have been no changes since First Reading on January 14, 2020.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-38

37. [20-224](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TERRENCE DAVIS** TO THE PUBLIC ART

COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Terrence Davis, District 1/Incumbent
Donna M. Schorr, District 1/Incumbent
Tobi Aycock, District 3/Incumbent
Kelly Ann Maguire, Fort Lauderdale/Incumbent
Carol Dickler, District 1
Dwight Hoffman - District 1
Joseph A. Grisafi, District 1
Donna Russo, District 1 (8 months in Florida)
Edith Kappler - District 2
Sharon Stone-Walker - District 2
Michael Tipton, District 2
Tyler Towsend, District 3
Monifa Aruwajoye, District 4
Jazzmann LeSane, District 4
Mona Silverstein - District 5
Wayne Vereen, District 5

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2020-122

38. [20-225](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DONNA M. SCHORR** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 20-224 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name DONNA M. SCHORR. Vice Mayor Moss nominated Donna M. Schorr and Commissioner McGee nominated Michael

Tipton. The motion carried by the following vote:

Yes: Eaton
McMahon
Perkins
Moss
Hardin

No: McGee

Enactment No: RES. No. 2020-123

39. [20-226](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 20-224 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2020-124

40. [20-227](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KELLY ANN MAGUIRE** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 20-224 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name KELLY ANN MAGUIRE. Vice Mayor Moss nominated Kelly Ann Maguire and Commissioner McGee nominated Sharon Stone-Walker. The motion carried by the following vote:

Yes: Eaton
McMahon
Perkins
Moss
Hardin

No: McGee

Enactment No: RES. No. 2020-125

E. REPORTS

Gregory Harrison, City Manager - Polk County Local Preference Ordinance - Mr. Harrison indicated that at the last Commission meeting the Mayor asked if Polk County had a local preference similar to the City of Pompano Beach, which was on an agenda item for the Utilities Department. Staff checked into this and they do have a local preference ordinance as well.

Non-Profit Job Fair - Mr. Harrison reported that there is another item that Dahlia Baker requested announcing. This is a non-profit resource job fair on February 19, 2020 from 3:00 p.m. to 6:00 p.m. He distributed a copy of a flyer announcing the event, schedule to be held at the E. Pat Larkins Center.

Gala at the Oceanic Restaurant - Mr. Harrison stated that all the Commission may have received a copy of an invitation from a non-profit group that is having a gala, in connection with the Super Bowl at the Oceanic Restaurant to commence January 29, 2020. The tickets are \$75 and he was trying to find out if this violates any ethics law, and the Commission's interest to attend.

Mark Berman, City Attorney, indicated that this could be considered a gift. He did speak with the promotor once he saw this being distributed. Approximately \$40 is the cost for the food and beverage, the rest is contribution. If the Commission was to attend, it is under the \$50 limit provided by the County. As far as gift laws are concerned, they would still have to disclose it, and if they went with spouses they would have to pay for the tickets.

None of the members of the Commission expressed interest to attend the event.

Mark Berman, City Attorney - Executive Session - Mr. Berman indicated that pursuant to Florida Statutes 286.011(8)(a) governing public meetings, as the attorney for the City of Pompano Beach, he wished to advise the City that he desires the advice concerning litigation in the Rebecca Smith v. City of Pompano Beach matter, Case No. 18-018658 (14) - Broward Circuit Court. He is requesting that an Executive Session be held on Tuesday, February 11, 2020 at or about 12:30 p.m. Attending the session would be the Mayor, Commissioners, City Attorney Mark Berman, City Manager Gregory Harrison, and outside counsel, Oscar Marrero. This is a slip and fall matter, which has been to mediation and at this time they are obligated to seek advice of the City Commission on the proposed settlement agreement. Recommendations will be made accordingly at that time.

Participation in the GSE Bond AntiTrust Litigation - Mr. Berman mentioned that a memorandum was sent to the Commission from Andrew Jean-Pierre, Finance Director, through the City Attorney's Office regarding participation in the GSE Bond Class Action Notice. This is GSE Bond Antitrust litigation case in the Southern District of New York, and at this point the City has been given an opportunity to participate. It involves security brokers that may have been involved in the City's accounts. The class action claims that a number of broker dealers have allegedly conspired to fix prices in the secondary market. This involves GSEs (Government Sponsored Enterprises) their bonds that were purchased and there is quite a number of them. The deadline for participation is February 5, 2020, and staff will be working on the proof of claim form. There is no cost for the City to participate and they cannot determine what the potential amount the City would receive. There have been numerous settlement already, and Broward County may be participating as well.

In September 2019, the Southern District of New York approved preliminary settlements with Deutsche Bank and Tennessee First Horizons. On December 12, 2019, the Court approved settlement Goldman Sachs bringing a total to \$49.5 million of settlement funds. These three settlements are on the same schedule for final approval in claims filing. Therefore, staff is requesting authorization to file a claim in this matter.

MOTION: Vice Mayor Moss, seconded by Comr. McGee made a motion to direct the City Attorney to move forward with filing a claim on behalf of the City. The motion carried unanimously upon voice vote.

Asceleta Hammond, City Clerk - No Report

Commissioner Rhonda Eaton - No Report

Commissioner Andrea McGee - Broward Days - Comr. McGee reported that it was a productive Broward Days that she and Comr. Eaton attended last week. There were a lot of inroads and connections made, especially looking forward to goals and dreams for transportation and environment. Also, the City of Pompano Beach attendance was well received.

Mayor Hardin thanked the two Commissioners for attending and representing Pompano Beach in Tallahassee.

Commissioner Tom McMahon - Old Pompano Civic Association meeting - Comr. McMahon announced that on February 3, 2020 there will be a meeting of the Old Pompano Civic Association and they will have questions and answers of BSO, a presentation on the 2020 Census job opportunities and information on how the census will come in the future.

Commissioner Beverly Perkins - Charter School Application - Comr. Perkins indicated that on December 10, 2019 there was a resolution on the agenda to submit an application to the School Board for the Charter School and wanted to make a motion to rescind her vote for the submission to the Broward County School Board. Without a second to the motion, she wanted it documented that she is unwilling to sign the application to submit to the Broward County School Board to be one of the Board members for the Charter School. Originally, she had voted for the item on December 10, 2019, but when she read the application a few weeks later, she had second thoughts. She is uncomfortable signing this and wanted to put this in the record. In addition, she wanted to know what is the next step in this process, because the City Manager had indicated to

her that if she did not sign the application that she would be replaced by someone in her district.

Gregory Harrison, City Manager explained that what he had told Comr. Perkins was how the City had to go about preparing to submit the application. He had said the way it is worded now is that the Mayor and four members of the Commission would comprise the School Board, since Comr. Perkins was saying she did not feel comfortable being a school board member. He did not say the Commission would choose someone else from her district.

Vice Mayor Barry Moss - Cancelled meeting for Collier City Civic Association - Vice Mayor Moss announced that the Collier City Civic Association meeting has been cancelled.

Palm Aire United Sponsored Presentation - Vice Mayor Moss announced that on Thursday, January 30, 2020 at 7:00 p.m. at the Herb Skolnick Center in Palm Aire there will be a presentation sponsored by Palm Aire United about the Palm Aire Lakes, the Walking Trails and the County's Walking Trails where they intersect at the gazebo. There will be several presentations, to include one by the City's Urban Forester, one on the wildlife that lives in the area and the types of plantings that are appropriate for the habitat of wildlife. Also, other things concerning the nature in the Palm Aire area.

Town Hall Meeting - Vice Mayor Moss announced that on Thursday, February 6, 2020 at 7:00 p.m. he will be sponsoring a Town Hall meeting at the Herb Skolnick Center. There will be representatives from the Supervisor of Elections Office, the US Census and a few others to speak about the census and voter registration. Dahlia Baker will be available to determine if there will be anyone interested to work with 2020 Census. He will be making a presentation about the upcoming election in March and the Mayor will be there. County Commissioner Lamar Fisher has accepted an invitation to attend. Refreshments will be provided.

Strings on the Esplanade Concert - Vice Mayor Moss announced that on Sunday, February 23, 2020, from 2:00 p.m. to 4:00 p.m. he will be sponsoring Strings on the Esplanade concert in Palm Aire and everybody is invited to attend. Bring lawn chairs if you own one or a blanket to spread out with wine and cheese to enjoy a concert from the South Florida Philharmonic Orchestra Symphony along with a four-member string quartet playing classical music. Refreshments will be served.

Moving McNab House - Vice Mayor Moss indicated that the McNab House will be moved on Sunday, March 1, 2020, at 7:00 a.m., which will be quite something to see.

Mayor Rex Hardin - Sewage Break Crew - Mayor Hardin thanked the Utilities crews that came out for the Cypress Bend sewage break. They did a marvelous job taking care of the issues out there. Great job to City Manager Harrison and staff for taking care of the situation. In addition, the Communications staff came in on their day off and worked through the night to answer questions that came in from the residents. It was a group effort on the part of all the employees and he expressed thanks to everyone who participated.

Ribbon Cutting Ceremony - Mayor Hardin pointed out that there is a local business that has been reaching out to help. The name of the company is Life Wear Technologies, and Bradley J. Waugh, is the Chief Executive Officer, located in District 5. They develop and manufacture medical equipment such as tapes and knee braces. They donated three pallets of their products to the Broward County Schools. Hats off to Life Wear

Technologies and he thanked them for stepping up to make those donations.

Chess Challenge Event - Mayor Hardin announced that on February 1, 2020 at 10:00 a.m. to 1:00 p.m., there will be the first annual Mayor's Chess Challenge in the City of Pompano Beach. This will take place at the Cultural Center across from City Hall. This is designed to introduce residents to play chess. Therefore, anyone who wants to play or learn how to play or teach chess are invited to attend.

McNab House Move - Mayor Hardin indicated that Vice Mayor Moss already announced the moving of the McNab House, which he is looking forward to see.

Tiger Trail Events - Mayor Hardin announced that the Tiger Trail events would commence Saturday, February 1, 2020, with a Black Tie Gala. In addition, there will be the William Boynton 5K Walk/Run on Saturday, February 8, 2020, the Collier City Trail Blazers will take place on February 8, 2020, and the Tiger Trail Festival will take place on February 15, 2020. In addition, there will be a Gospel Fest on February 22, 2020. Special thanks to the volunteers that put all the events together for the Tiger Trail Festival.

F. ADJOURNMENT

The meeting adjourned at 10:35 p.m.

Rex Hardin, Mayor

Asceletha Hammond, City Clerk

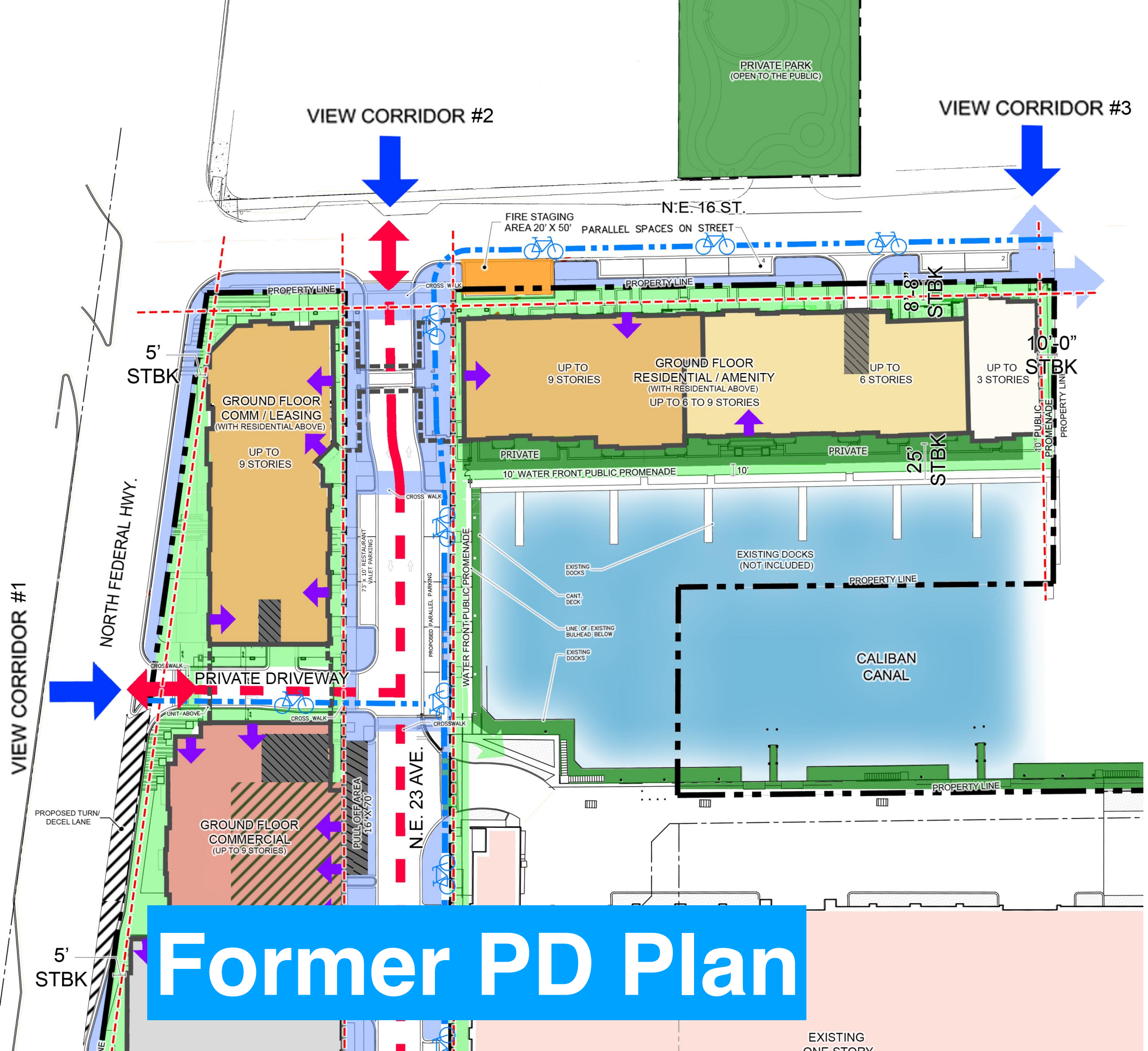


HIDDEN HARBOUR

APPLICATION FOR PLANNED DEVELOPMENT (PD-I)

MAY 22ND, 2019

PD PLAN



VIEW CORRIDOR #2

PRIVATE PARK
(OPEN TO THE PUBLIC)

N.E. 16 ST.

FIRE STAGING
AREA 20' X 50' PARALLEL SPACES ON STREET

5'
STBK

PROPERTY LINE

CROSS WALK

PROPERTY LINE

GROUND FLOOR
COMM / LEARNING
(WITH RESIDENTIAL ABOVE)

UP TO
9 STORIES

UP TO
9 STORIES

GROUND FLOOR
RESIDENTIAL / AMENITY
(WITH RESIDENTIAL ABOVE)
UP TO 6 TO 9 STORIES

PRIVATE

10' WATER FRONT PUBLIC PROMENADE

EXISTING DOCKS
(NOT INCLUDED)

EXISTING
DOCKS

CANT.
DECK

LINE OF EXISTING
BULHEAD BELOW

73' X 10' RESTAURANT
VALET PARKING

CROSS WALK

SED PARALLEL PARKING

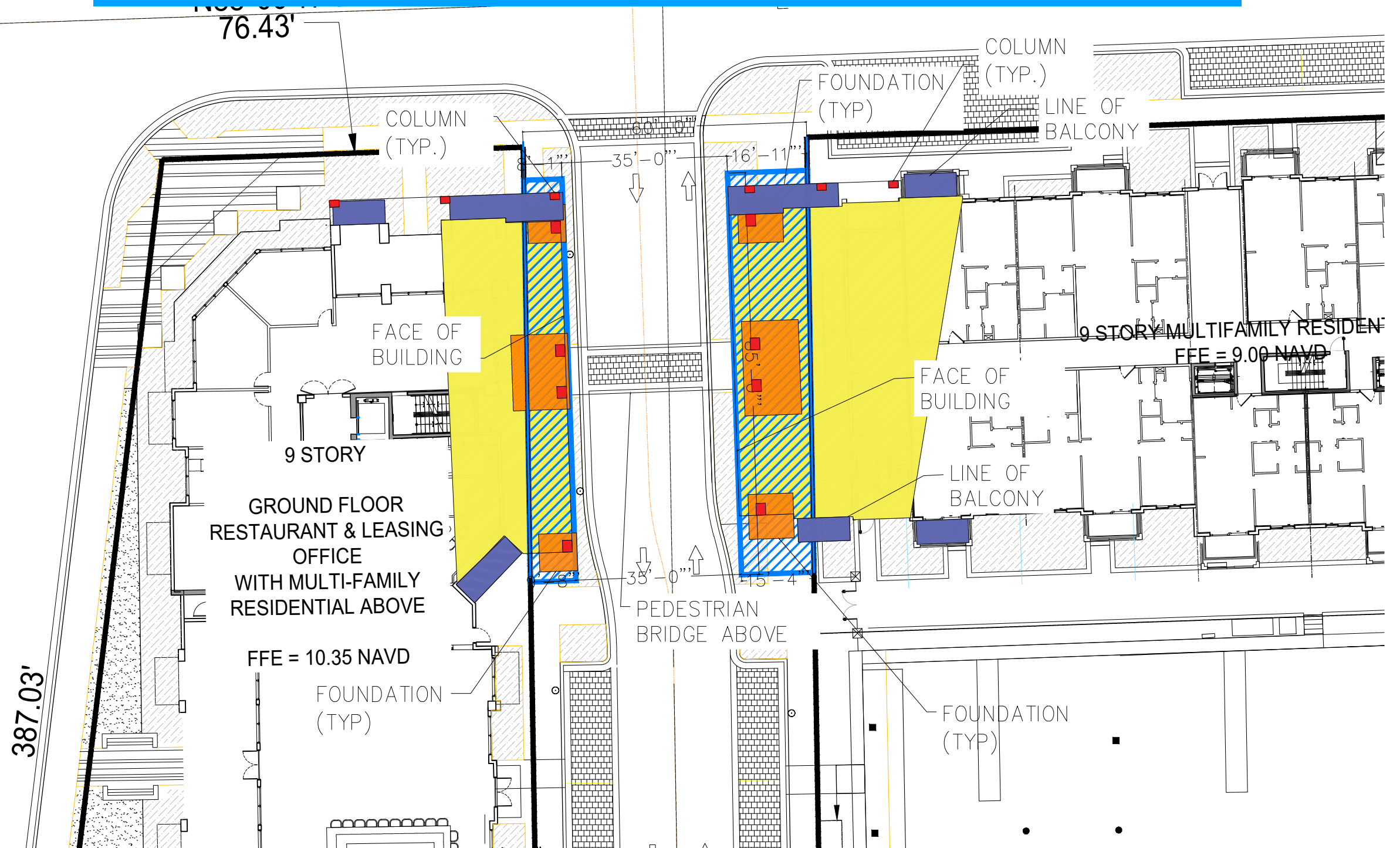
ONT. PUBLIC PROMENADE

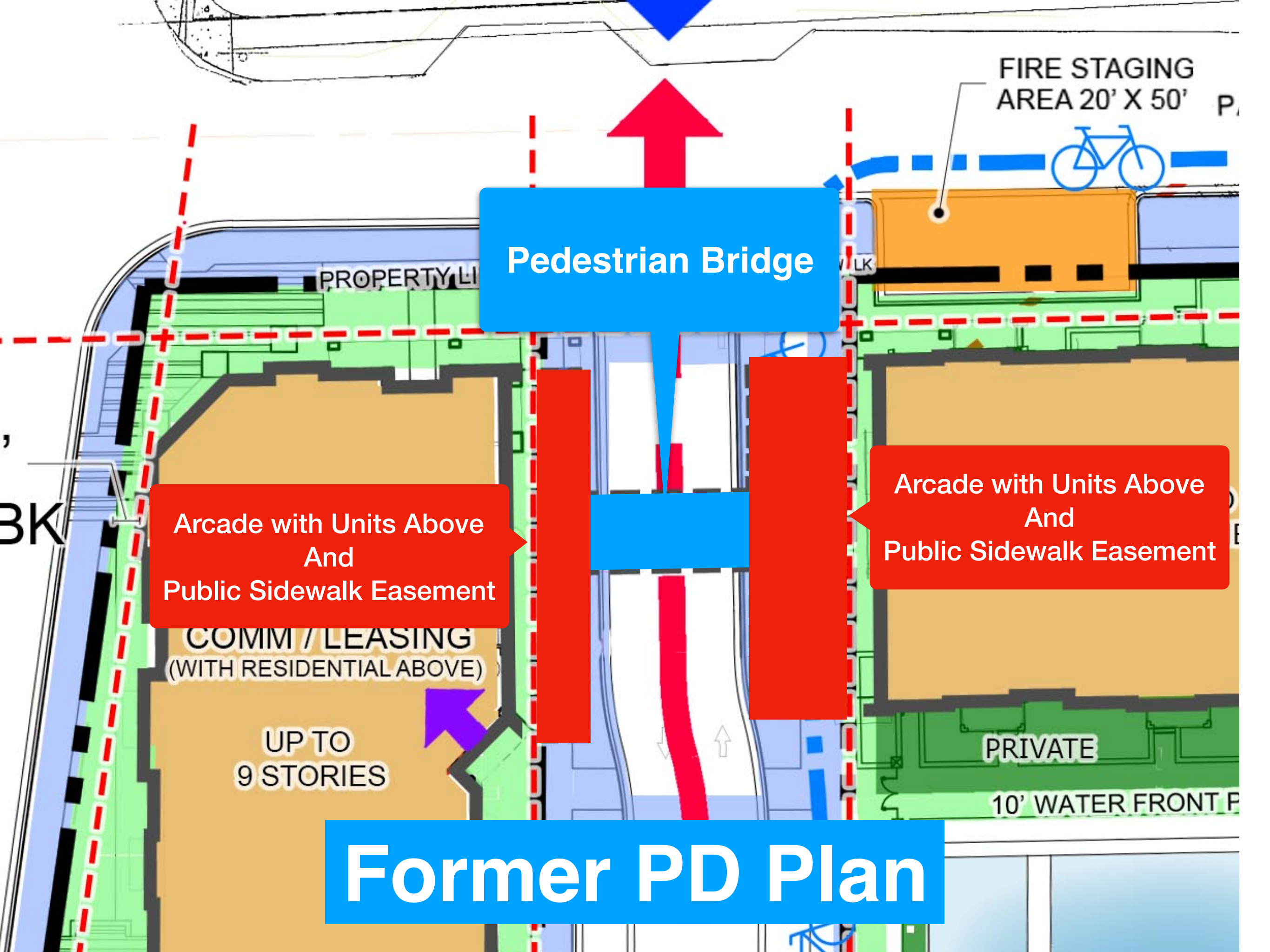
NORTH FEDERAL HWY.

Former PD Plan

VIEW CORRIDOR #1

Former PD Plan — ROW



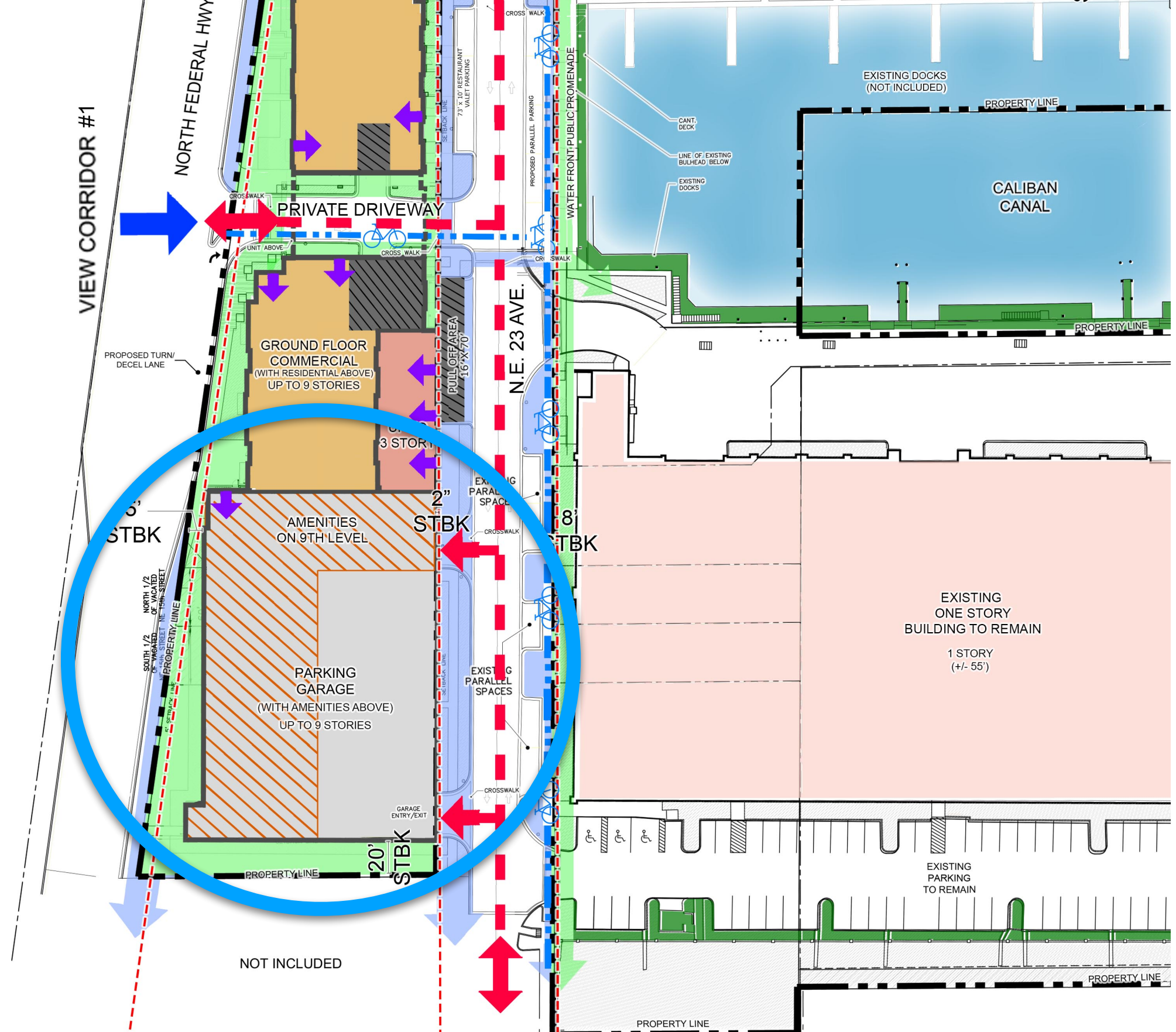


Pedestrian Bridge

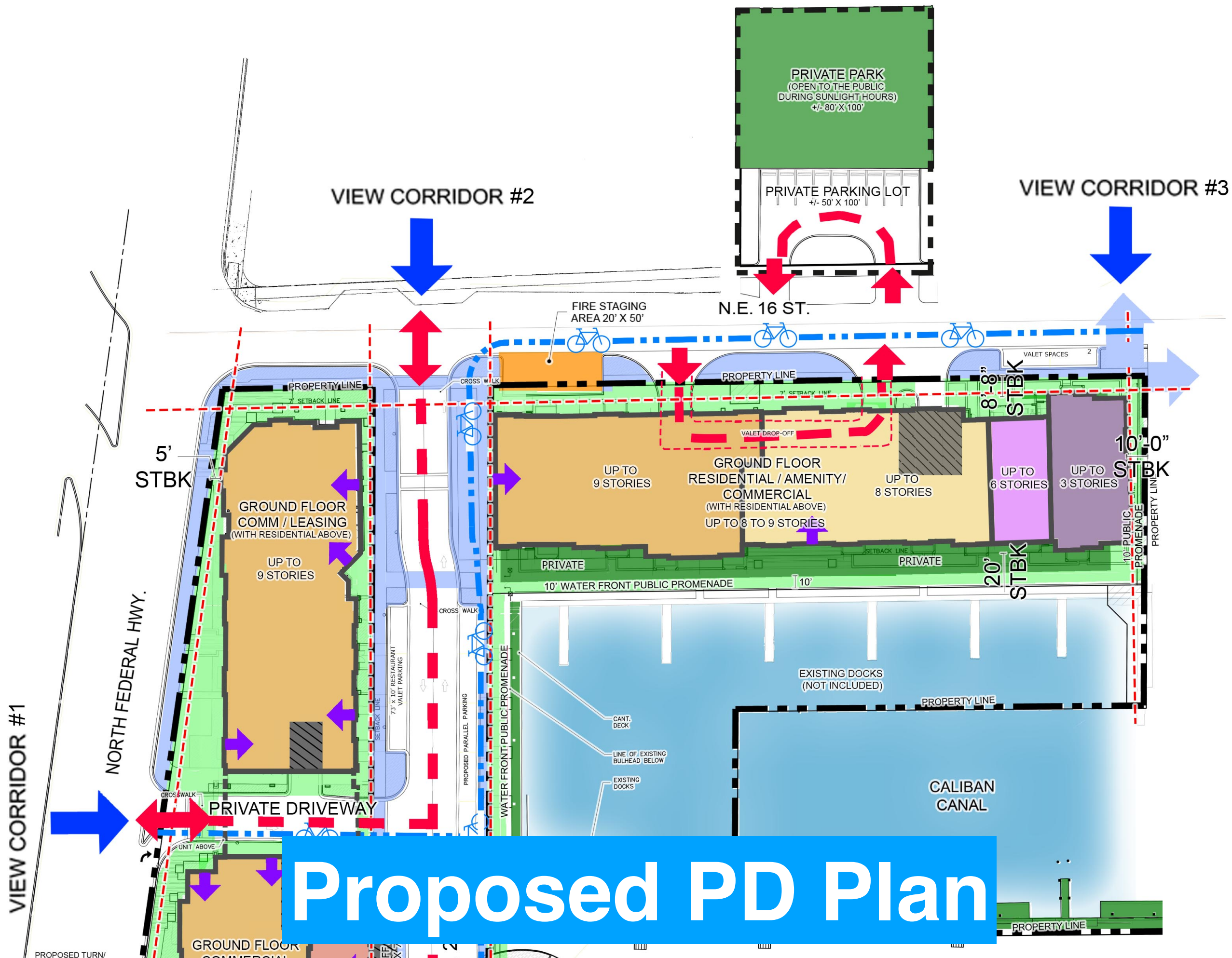
Arcade with Units Above
And
Public Sidewalk Easement

Arcade with Units Above
And
Public Sidewalk Easement

Former PD Plan



Proposed PD Plan



Proposed PD Plan

VIEW CORRIDOR #2

PRIVATE PARKING
+/- 50' X 10'

N.E. 16 ST.

FIRE STAGING
AREA 20' X 50'

5'
STBK

GROUND FLOOR
COMM / LEASING
(WITH RESIDENTIAL ABOVE)

UP TO
9 STORIES

UP TO
9 STORIES

GROUND FLOOR
RESIDENTIAL / AMENITY /
COMMERCIAL
(WITH RESIDENTIAL ABOVE)
UP TO 8 TO 9 STORIES

PRIVATE

10' WATER FRONT PUBLIC PROMENADE

EXISTING BUILDING
(NOT INCLUDED)

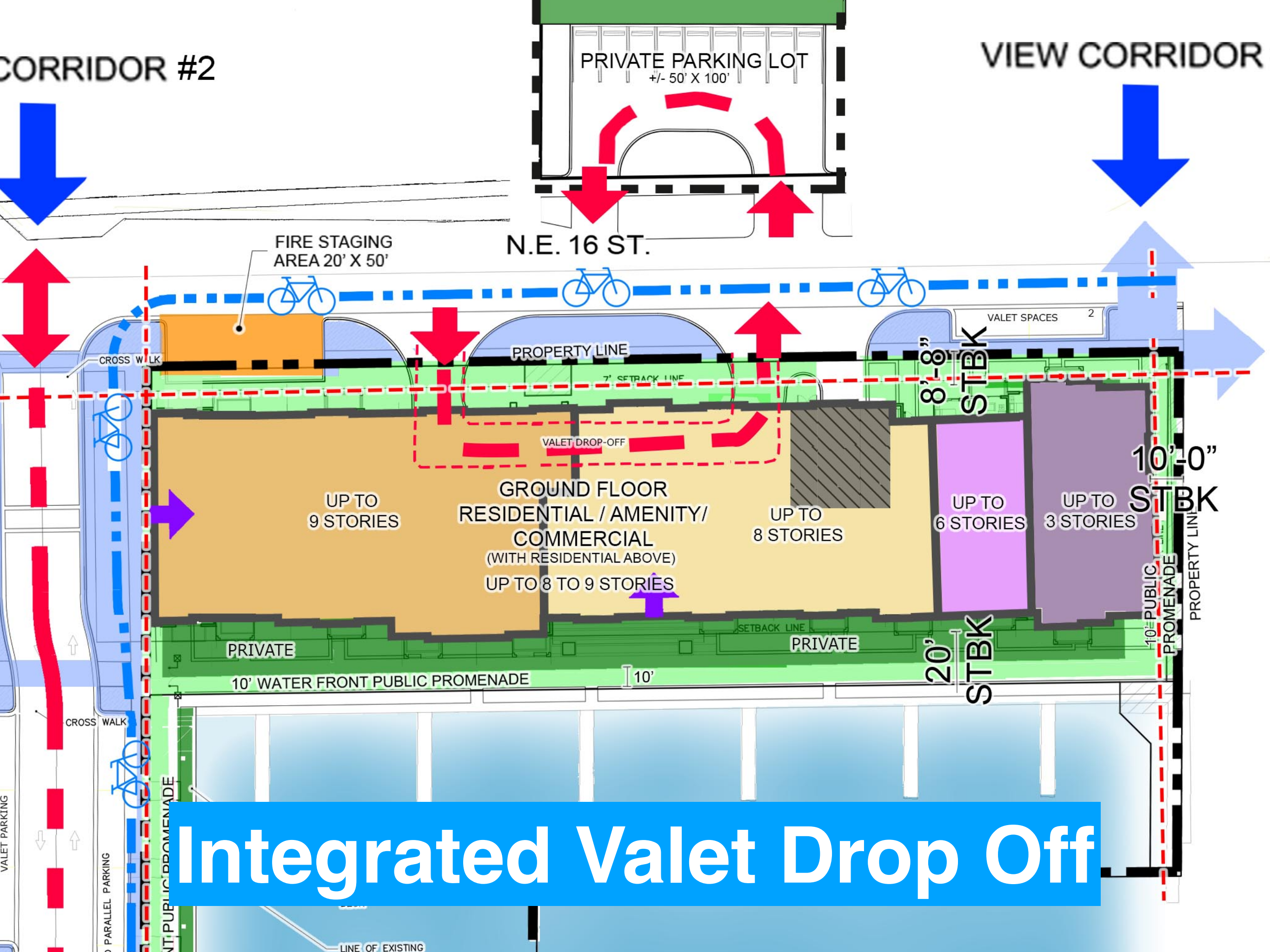
No Bridge / No Arcade

LINE OF EXISTING
BULHEAD BELOW

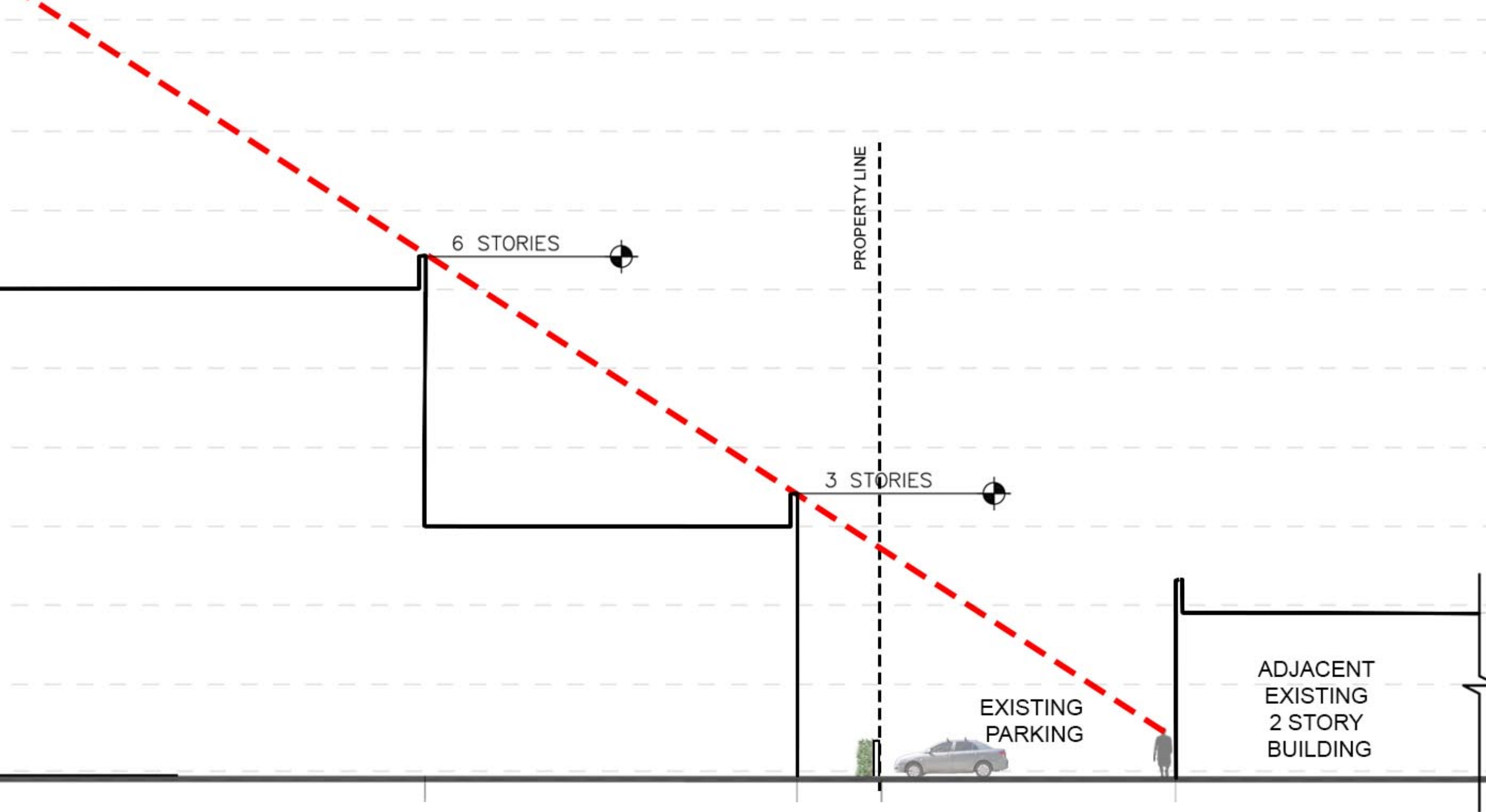
NORTH FEDERAL HWY.

CORRIDOR #2

VIEW CORRIDOR



Integrated Valet Drop Off



Former PD Plan

Former Plan Height Transition Along 16 Street

First 55 Feet

Three Stories

55 Feet to 200 Feet

Six Stories

Beyond 200 Feet

Nine Stories

Proposed Plan Height Transition Along 16 Street

First 55 Feet

Three Stories

55 Feet to 80 Feet

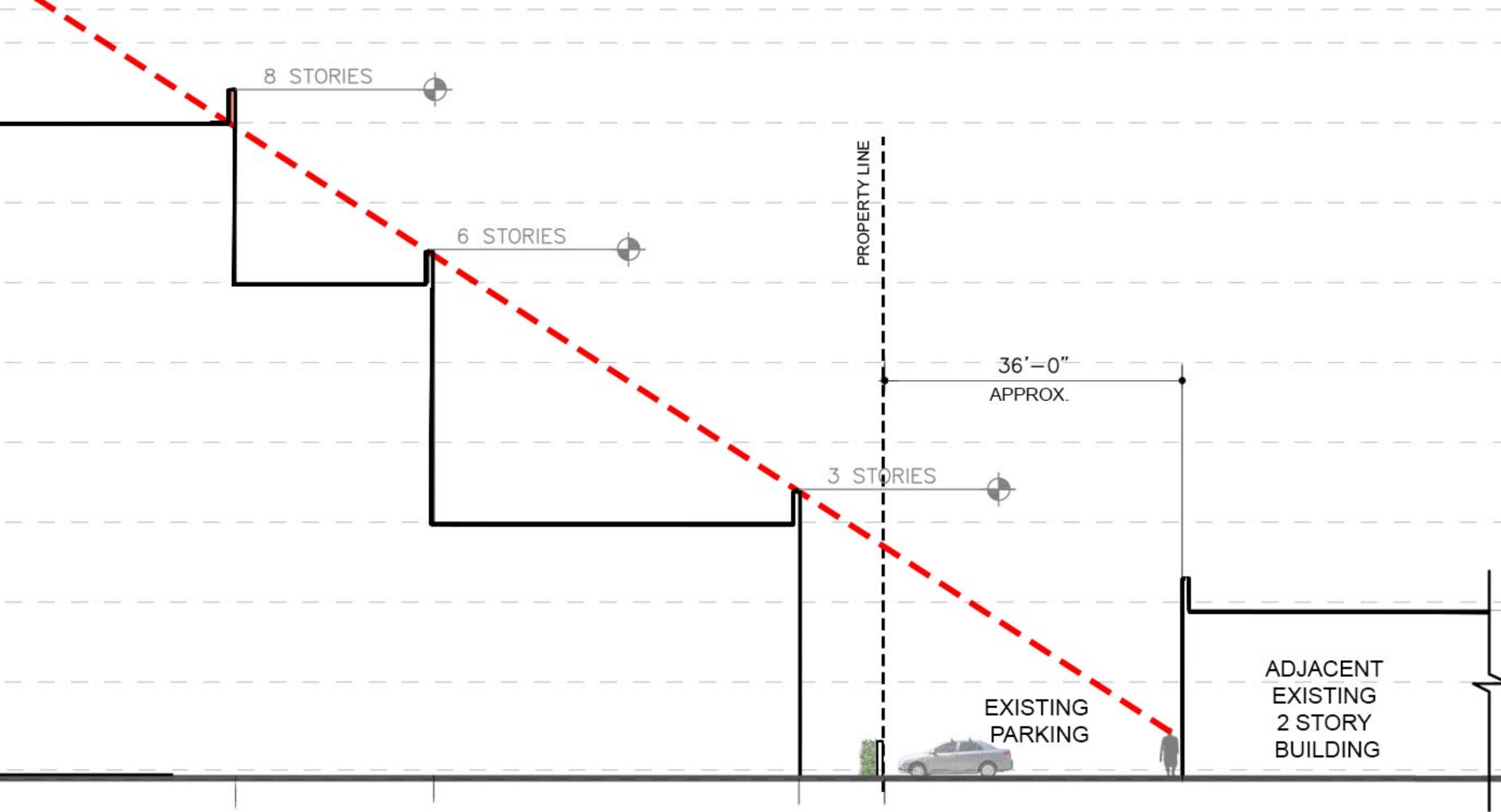
Six Stories

90 Feet to 195 Feet

Eight Stories

Beyond 195 Feet

Nine Stories



Proposed PD Plan

An aerial photograph showing a waterfront development. In the upper left, a large, light-colored building with a flat roof is labeled 'Mixed-Use Building'. To its right is a parking lot with several cars. Below the building, a road runs horizontally. To the right of the road is a grassy area with trees. In the lower right, a boat ramp is visible with several boats docked. A blue rectangular overlay with white text is positioned in the lower left quadrant.

Mixed-Use Building

**Start of 9 Story
Element**

ECONOMIC ANALYSIS

Miami Economic
Associates, Inc.

January 9, 2020

Mr. Greg Harrison
City Manager
City of Pompano Beach
100 W. Atlantic Boulevard
Pompano Beach, FL 33060

**Re: Economic and Fiscal Benefits Analysis
Hidden Harbour Planned Development**

Dear Mr. Bird

Miami Economic Associates, Inc. (MEAI) has performed an analysis to estimate the economic and fiscal benefits that will accrue to the City of Pompano Beach from the development of the proposed Hidden Harbour Planned Development. The Subject Project will be developed on a 6.9 net acre site that is predominantly located south of NE 16th Street and east of Federal Highway. The analysis we performed also estimated the benefits that would accrue to other jurisdictions that affect the lives of City of Pompano Beach residents including Broward County, the Broward County Public School District, the North Broward Hospital District and the Children's Services Council of Broward County. The purpose of this letter report is to summarize the results of MEAI's analysis.

The Subject Project will consist of the following elements: 1) marine uses including boat storage, boat repair and slips which already exist and which are located east of NE 23rd Avenue; and 2) 300 rental apartment units together with 10,000 square feet of new commercial space on the ground floor of the residential buildings that front on Federal Highway. The project will also provide a privately-owned park which will be accessible to the public on a lot on the north side of NE 16th Street.

With respect to the proposed rental apartments, it is anticipated that approximately 43 percent will be one-bedroom units averaging 694 square feet in size, 50 percent will be two-bedroom units averaging 1,109 square feet and 7 percent will be three-bedroom units averaging 1,220 square feet. The units are expected to rent at an average rate

6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meaink@bellsouth.net

An aerial photograph of a coastal urban area. On the left is a multi-lane highway with several cars. To the right of the highway is a large blue rectangular overlay. Further right is a marina filled with numerous white boats docked at piers. To the right of the marina is a large white building with a flat roof, a swimming pool, and a parking lot. Another blue rectangular overlay is positioned above the marina. At the bottom right, a third blue rectangular overlay contains white text.

**ANALYSIS FOCUSED ON
REDEVELOPMENT AREA**

**EXCLUDES VALUE OF
RETAINED MARINA**

ECONOMIC BENEFITS

\$2,225,000

**City Permit / Impact / Affordable
Housing Fees**

JOB CREATION

726 Temporary Jobs

50-75 New Permanent Jobs

Local Workforce Hiring

The Owner shall use all commercially reasonable efforts to (i) utilize the local business community as well as the local workforce in the development of the Property; (ii) recruit and retain qualified community based small businesses; (iii) hire and ensure the retention of qualified employees regardless of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation, and (iv) **achieve an aspirational goal of awarding at least 10% of the construction contracts (based on the total construction costs of the project) to minority businesses to the extent permitted by law.** The Owner agrees to hire a consulting firm with expertise in this area to manage and assist with the development and administration of the ongoing programming, as a good faith effort to guarantee its overall success.

ECONOMIC BENEFITS

\$378,213

City Annual Ad Valorem

City's Ad Valorem Increased 20X

**\$4.28 Million Spent Annually by
Residents on Retail and Food/
Beverage**

IMPLEMENTATION

Major Site Plan Approval

Airpark Obstruction Review

IMPLEMENTATION

2 Traffic Studies:

Maneuverability within Project

**Intersections of 14 Street at 23
Avenue and Federal Highway**

Must Address Any Deficiencies



HIDDEN HARBOUR

APPLICATION FOR PLANNED DEVELOPMENT (PD-I)

MAY 22ND, 2019

Valet System 16 Street Building

Cars in PM Peak

**78 trips
(46 in, 29 out)**

Valet Queue Required

4 spaces

Valet Queue Provided

**5 stacking spaces + 9
parking spaces**