

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

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Tuesday, February 27, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:01 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### INVOCATION

Rabbi Tzvi Dechter of Chabad of North Broward Beaches offered the invocation and Mayor Fisher asked him to pray for Marjory Stoneman Douglas High School.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### SPECIAL RECOGNITION

Mayor Fisher on behalf of the City Commission recognized City Manager Gregory Harrison's Birthday on March 2, 2018, and wished him Happy Birthday.

#### APPROVAL OF MINUTES

[18-208](#) Regular City Commission Meeting Minutes of February 13, 2018

**A motion was made by Commissioner Hardin, seconded by Vice**

**Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.**

**APPROVAL OF AGENDA**

Mayor Fisher announced that item 13 would be tabled until March 27, 2018 City Commission Meeting.

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

**CONSENT AGENDA DISCUSSION**

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

Mayor Fisher announced that items 3, 4, and 8 will be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION**

**[18-224](#) Recognition of Pompano Eagles Football Team & Cheerleading Squads**

The Parks, Recreation and Cultural Arts Department recognized the following Gold Coast Pop Warner Super Bowl football team and Regional cheerleading squads from the Pompano Eagles Program:

**Pompano Eagles Football Super Bowl Champions**

- Tiny Mites - Coach Bill Clancy
- Mity Mites - Coach Robert Pierre

**Pompano Eagles Cheerleading Teams at Regionals**

- Jr. Pee Wees - Coach Ashely McCall
- Pee Wee - Coach Sharnique McDonald
- Jr. Varsity - Coach Amber Williams
- Varsity - Coach Shandranique Rawls

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. AUDIENCE TO BE HEARD**

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

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

The following persons were called to speak.

**G.O. Bond Issue** - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that he is not in favor of the G.O. Bond because he has some questions and provided his reasons why he did not support the bonds. These included the list of projects, and the lack of input from residents from the City. He pointed out that 2.2% of the City’s budget is being spent on Capital Improvement Plan (CIP) of which some projects are included on the list. He believes that the proposed \$176 million for the projects will cost \$330 million over the 33 years’ repayment time, which equates to \$260 per household on an average.

Additionally, Mr. Drum indicated that Mayor Fisher had responded to a question from Comr. Sobel, stating that they could not spend more on the Capital Improvement Projects without cutting Fire and Police spending. Mr. Drum believes it is a scare tactic and that the money is available. In addition, he said in 2017, the City built two fire stations and currently one is on the way, the Pier parking garage, restrooms at McNair Park, and Golf Course repairs. Finally, he said he could not find any backup information on the website for the proposed projects on the list.

Mayor Fisher clarified his statement in reference to his response to Comr. Sobel’s question regarding cutting police and fire services. He said in Comr. Sobel’s comments about the \$260 million budget, he had indicated that in order to pay for the projects the money would have to be taken from that budget. However, Mayor Fisher pointed out that approximately fifty percent of that budget is for public safety, which is police and fire. This was the intent of his statement and not meant to convey cutting police and fire services.

**G.O. Bond Issue** - Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that Comr. Moss had indicated at the previous meeting that he did not believe the figures mentioned as to how many residents there are in the City. However, she pointed out that the City’s Comprehensive Annual Financial Report (CAFR) stated the population was 101,000 in 2007 and in 2016 it grew to 107,000, which is an increase of 6%. She pointed out that City staff grew by 22% and she believes this is where the City is spending its tax dollars, which

does not include infrastructure amounting to 2.2%.

Additionally, Ms. Hill spoke about the case study on the Burrie Community Center, which she complained was diverted to the G.O. Bond list of projects, even though it was approved in the capital improvement project budget. She concluded that this action could also happen to the Bond funds, which residents ought to be aware. In addition, Ms. Hill spoke about the case study on the parking garage, which initially was estimated to cost \$11 million, was revised to \$19 million and the final price was \$24 million, but with interest will be \$45 million, which equates to a 48% interest. Therefore, she said she does not desire to approve another \$300 million to be spent by the City. She provided comments on the Miami Gardens Case study of overspending that she believes is similar to the City's parking garage.

In sum, Ms. Hill indicated that she cannot trust the City with the bond issue for the projects and believes that the idea to pay as we go is the best solution for the proposed projects.

Mayor Fisher mentioned that Ms. Hill talked about 48% interest being paid on the parking garage, which is her futuristic projection, but all the City's projections were based upon professionals and the City is fairly confident that these will be met.

**G.O. Bond Issue** - Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, pointed out that the Sun Sentinel newspaper had reported that the City would be approximately \$1 million behind in its parking revenue projections. He indicated that he has questions and comments on the actual projects listed for the G.O. Bond issue. He said the Pier Street project was in the CIP and it was also part of the G.O. Bond, which was completely funded by the Bond and yet it was listed under the CIP Unfunded projects for the Bond section, subsequently, it was removed from the G.O. Bond list. Therefore, he wanted to know whether the project is being funded or not. He mentioned that it was paid for through the Certificates of Participation for the Parking Garage.

Greg Harrison, City Manager responded that the pier street project was included in the Parking Garage Bond sale at the beginning. Since that time it has been reevaluated with everything in connection with the Community Redevelopment Agency (CRA). Consequently, staff is checking out the possibility of paying for the project in the 2019 CRA plan. In addition, he provided an update on the East CRA investment of \$12 million, which has brought in \$50 million committed developments, as well as 586 jobs. He said over time this will convert to significant revenues being returned to the City from this investment.

Mr. Hill indicated that people want to see progress and there has been decades of very little progress. Therefore, people are looking at the bonds to get the city to where it needed to be, however, over the years it remained non-progressive as it relates to capital improvement projects.

In sum, Mr. Hill complained that not enough backup is provided on the City's website. Moreover, he indicated that in the CIP budget there is mention that Florida Department of Transportation (FDOT) will do improvements on Dixie Highway if the City does not, and asked why the information was removed.

Mr. Harrison mentioned that perhaps Mr. Hill is looking at information prior to the City owning Dixie Highway. He said currently, the City owns Dixie Highway and it is now the City's responsibility for any improvements



made.

Mr. Hill indicated that justification information is missing from the backup material posted on the City's website. He asked how the prior two fire stations got built and now it is necessary to build other fire stations with the bond money.

Mr. Harrison explained the City is at a crossroads where all the great projects have been done over the last few years from reserve funds saved since the recession in 2008-2010. Therefore, the reserves have been used to accomplish all the great projects Mr. Hill has spoken about. The residents have not been asked to go into debt over a long term for over twenty-nine years. At this time the staff is presenting an affordable, low cost proposal to the public on raising \$175 million in construction costs for approximately \$60 per year on every \$100,000 taxable value which works out to be \$5 per month.

Comr. Sobel stated that he has been paying attention to the Pier Street project and the focal point is that in 2015, Mr. Danovich told the City Commission that it was fully funded \$1.2 million by the Certificates of Participation, which was part of the initial \$24 million. He mentioned that last year the same project was listed on the G.O. Bond projects, which was concerning, because it went from a fully funded project to an unfunded project included on the list of the proposed G.O. Bond. Consequently, when the new list came out in 2018 for the current G.O. Bond ballots the Pier Street Project was not included on the list and returned to the City's CIP unfunded projects. Therefore, he has concluded that moneys do get moved around without discussion, disclosure and without vote, even after the City Commission is assured that it is fully funded and things were not going to change. Subsequently, he is concerned about moneys and where it will go once the Bond passes. In fact, he stated that listed in the backup on the website it indicates that if it is later determined by the staff that a project listed is not feasible to be built, another project would be built in its place within the same "bucket of categories."

Mr. Harrison stated that this is perhaps the eighth major project he has done in his career and never has any of those projects that was fully designed by an architect or an engineer and the request for proposal disclosed prior to the vote. In this particular case it would cost at a minimum, \$17.5 million. These projects will have to be described as succinctly as possible from the professionals that are available. Mr. Harrison indicated that staff has been working on this since 2015, and the projects were put together when the Broward County and the Metropolitan Planning Organization (MPO) decided to do the penny sales tax. The City elected to forego its G.O. Bond issue and went for the penny sales tax along with the other thirty cities in Broward County but it did not work out. Based on the input from the community leaders, some of the projects have been on the shelf, and have been sincerely requested from members of the public for years and have been noted in the CIP budgets but as unfunded projects. Consequently, staff is bringing to the public in a most frugal way, to identify a method of funding, the G.O. Bond, to finally get some of these projects funded.

**G.O. Bond Issue** - Melissa Paton, 601 SE 8th Avenue, Pompano Beach, FL, spoke in favor of the Bond and said she will vote yes on all three categories. The one word that stood out to her was "unfunded" therefore, she would like the City to fund the unfunded. She said she wants to spend the extra money to continue with the improvements within the City. Moreover, she pointed out that the beach looks great and would like to see the improvements continued. Ms. Paton noted she has three children to include one teenager, and she has been soliciting the City Commission, management, and staff to make improvements to all of the parks.

In sum, Ms. Paton mentioned that she will trust the current people in place recommending the Bond issue and will support the “yes” for the Bond and to do her best to try to get what the kids deserve, the firefighters deserve, and especially the people on their bikes, who need the bike paths. She said the City is old and needs to be improved.

**G.O. Bond Issue** - Rhonda Eaton, 3400 NE 13th Terrace, Pompano Beach, FL, spoke in favor of the Bond and is looking forward to a beautification project on Dixie Highway. She remember the days when Atlantic Boulevard was dark and no one wanted to come to Pompano Beach. However, the City staff and the CRA management have done an incredible job. The audits have been passed every year, the money is being accounted for, and they stuck with the vision. The rest of the City sacrificed because all of the tax revenues stayed within the CRA. She said the progress is needed and it will cost something, it would not be for free. The streets in areas such as the Highlands need to be improved and she is trusting that the City will continue to do great with the improvements. She recommends that everyone vote for all three questions on the ballot.

**Child Abuse in Pompano Beach** - Patrick Jovanov, 411 NE 18 Avenue, Pompano Beach, FL, made several comments regarding child abuse. He provided statistics regarding the amount of children who have failed in schools and questioned how those children will pay for the G.O. Bond. He alleged that the joint meeting between the City and the School Board, held some time ago, addressing the failed school’s situation have been scrubbed from the record. He continued to ask the same questions regarding children being utilized for private profit and political gain, why mass violence is being promoted in Pompano Beach Elementary schools, and why the introduction of the word “bombing” to six year olds. In addition, he noted that approximately one year ago, Mr. Shulmister had written in the Sentry newspaper that children are being killed at Broward Schools. Mr. Jovanov noted that at Parkland they have been killed.

Additionally, he said in 1996, there was a “prescient” demonstration of the events at Parkland in a psychology class, which he spoke about in detail. He indicated that some years ago former School Board member, Dr. Robert Parks made comments regarding the School Resource Officers (SRO) and he had alluded to the Columbine event. Mr. Jovanov said at the time, he understood the comments as a promise that an event like Columbine would happen “here.” Therefore, he believes Dr. Parks was “prescient” in his promise, which has happened.

Mayor Fisher asked about the alleged scrubbed minutes of the Joint School Board meeting from the records.

Ascelela Hammond, City Clerk confirmed that the minutes have not been scrubbed.

Mr. Jovanov stated that he received a copy of the minutes, but that is not the issue, the issue is child abuse.

Comr. Hardin stated that his children attend school in Pompano Beach contrary to what Mr. Jovanov mentioned earlier that they did not.

**Women’s History Month** - Joanne Sterner, Broward County Women’s History Coalition, 2215 Cypress Island Drive, #602, Pompano Beach, FL, reminded everybody that they are approaching March, which is the beginning of Women’s History Month. She mentioned that in celebration, the Broward County Women’s

History Coalition in conjunction with the Broward County Pompano Beach Library and the Archives Department of the Broward County Main Library has set up an exhibition in the new Library across from City Hall. She hopes the residents will get a chance to attend the exhibition. She then provided a brief history of the Women's Coalition, which was founded in 1986, and that seven of the Pompano residents were inductees. Consequently, she requested that the City Commission issue a proclamation for Women's History Month, which they plan to display in the Library with their exhibition.

Mayor Fisher stated that the City will provide a proclamation as requested and ask Ms. Sterner to return to the City Commission meeting of March 13, 2018 to accept it. Mayor Fisher also announced that there will be a rally on Saturday, March 3, 2018, from 11:00 a.m. to 3:00 p.m. at the Amphitheater and invited everybody to join in the activities, which will be free.

**G.O. Bond Issue** - Tom DiGiorgio, Chair of the Economic Development Council, Inc, Pompano Beach, FL, 24 NE 24th Avenue, Pompano Beach, stated this is his business address, however, he currently resides in Lighthouse Point. He stated that he had approximately 37 pages of responses to Comr. Sobel's newsletter in which he had circulated information as "facts." However, he will not go through what he had, rather he will speak from his heart. Mr. DiGiorgio stated the information that was mentioned earlier as "Facts" are not factual. He said the Bond issuance is about quality of life. Also, it is about everything they have striven for over the last 30 years. Mr. DiGiorgio stated that what he has seen done and accomplished over the last 10 years of the 35 years that he has been in the City is phenomenal.

Mr. DiGiorgio continued that there is a reason why the G.O. Bonds are on the ballot, because the reserve funding has been utilized. He reiterated that the projects listed are unfunded and has been listed in the unfunded column of the CIP, which people in the community have been waiting for a long time. Furthermore, he said the City Commission approved the projects in the Bond by Resolution. Therefore, he argued that those projects cannot be changed unless the City Commission decides to change them at some time in the future. Moreover, no one has actually priced out what the bonds will cost. In fact, in the real world, a person would normally never price out anything three, four, two, or one year in advance. For example, a construction cost is only good for ninety days. He explained what is normally done is to use "engineers cost estimates" and then huge contingencies are added, which this was done in this case utilizing staff, five auditors, and the CIP department. Mr. DiGiorgio indicated that the reason the City is going out now is because the cost of money is almost free, the percentage for this is four percent, which will go up in the future.

Mr. DiGiorgio indicated that if the G.O. Bond does not pass and the bonds are not issued, with the "Pay as you Go" method being considered, taxes will have to be increased to get the projects accomplished. Therefore, he encouraged everyone to think about the \$100,000 value, which is an average value in the City, and the areas that need the development and the cost are even less than that amount. He said \$65 million will go to the Northwest section. He indicated that the TIF funds are being depleted, therefore the City needs the private sector moneys and the only way to do that is to put public money at it of 2.5 times the amount, therefore the area needs it.

**Vote of No Confidence in Sheriff Scott Israel** - Lelia Toevs, 420 SE 3rd Terrace, Pompano Beach, FL, requested a vote of no confidence for Sheriff Scott Israel and spoke about what happened in Parkland, which she argued was not the first time. She said the citizens depend on the police to act whether there is a belief in

guns or not. She also said the police who risk their lives deserves better. She believes that Sheriff Israel is putting the blame on everybody else instead of on his management. She referred to the shooting incident at the Fort Lauderdale airport approximately one year ago, as lack of provision. In sum, Ms. Toevs wanted a vote of No Confidence for Sheriff Scott Israel.

Mayor Fisher requested Major Hale address some of the Florida Department of Law Enforcement (FDLE) investigation and so forth.

John Hale, Police Chief, Broward Sheriff's Office (BSO), mentioned that it has been a horrific incident in Parkland and there are multiple investigations going on at this time. The most important investigation is the investigation to prosecute the person who pulled the trigger, which is the number one priority of BSO. However, there has been a call for an FDLE investigation by the Governor's Office, as well as the Broward County Commission will be hiring a professional in Homeland Security to conduct an investigation. Therefore, he cautioned the public prior to coming to a conclusion from media reports at this point, to allow all the investigations to take place.

Chief Hale indicated as the Police Chief for the City of Pompano Beach, he is a home grown from Pompano Beach and he cares immensely about the Community. He knows the School Resource Officers (SRO) who are assigned to the schools, who are very experienced and they truly care for the children and residents of the City of Pompano Beach.

Ms. Toevs indicated that she is not doubting the City's police but rather the head of the institution.

**G.O. Bond Issue** - Rafal Dradrach, 3225 NE 13th Street, Pompano Beach, FL, thanked the City Commission and staff for the work over the years to address the unfunded projects. He also thanked Mark Beaudreau, Recreation Programs Director for working with him for over five years regarding the skate park portion, a small part. He said they have an active community of children and adults in the City and he believes it is important to vote yes to support the G.O. Bond for the projects to finally bring the City of Pompano Beach to the forefront to become one of the best cities in South Florida. He urged everyone to vote yes for the Bond issue.

Mayor Fisher thanked Mr. Dradrach for working with staff over the years and for his confidence to get a skate park established in the City for the youths.

**Pompano Beach Women's Club** - Leila Moavero, 3600 Oaks Clubhouse Drive, #101, Pompano Beach, FL, wished everyone in Chinese traditional New Year, a healthy and prosperous new year. She announced the Pompano Beach Women's Club is celebrating their one hundred and eighth year, which is one of the oldest club in the City. In celebration, next month they will be holding a fashion show luncheon on Saturday, March 24, 2018 at 11:30 a.m. to raise some funds for their scholarship program. Therefore, she invited everyone to join in with this event. On Saturday, March 3, 2018, at Pompano Beach High School where the Interact Club sponsored by the Rotary Club of Pompano Beach will be holding their third annual car show. They need more judges for this event so she appealed to anyone who wants to assist. The donations are for charitable causes.

Finally, Ms. Moavero commented on the G.O. Bond as simply as she could and referred to it as the same principle of a man who owns a house and with the money he had in the bank, redid his front and back yard along with the bathroom but ran out of money. So now he needs to do the kitchen, redo the roof and to fix the fence that is falling down. Therefore, he decides to take out a mortgage and to get the stuff fixed, because if he has to keep saving to pay for the job to be done, it will be another ten years, before he could have enough to do it, but he would like to enjoy his kitchen now. Therefore, she associated the G.O. Bond the same way, that is to pay a little bit every month it will allow the people to enjoy the benefits now.

**G.O. Bond Issue** - Elaine Fitzgerald, 740 S. Federal Highway, Pompano Beach, FL, thanked everyone for their services and especially those who have been on the City Commission for the last several years who have been the driving force in turning around the look and quality of life in the City. She indicated that the City was held back for 50-60 years with nothing being done. The City Commission pulled it out and worked hard and she trust them to continue. She said they have done wonderful projects on time, in full, and as promised. These projects were done in the east and west CRA, now it is time to do things for the entire city. She believes the G.O. Bonds are the way to accomplish it. She said the City was lucky to have reserves to do what it has done so far. Currently, there are critical projects that need to be done. This is the best time to get a low interest rate and get the money they need to do the critical projects and some of the wish list projects. In sum, she will vote yes for the G.O. Bond and encouraged everyone to do the same.

**G.O. Bond Issue** - Willie L Lawson, III - 510 E. McNab Road, Pompano Beach, FL, stated that he is against the bond issue and provided his reasons. He stated that there was a bond passed in 1993, which was paid off in 2010. Mr. Lawson asked if there were any funds left over from that bond, which the Finance Director indicated there were no funds left over from that Bond.

Mr. Lawson asked where did the reserve funds come from to build the garage.

Mayor Fisher indicated that the funds for the garage came from a different finance mechanism called the Certificates of Participation.

Mr. Lawson indicated that there are several issues why he does not agree with the reasoning for the Bond, which includes, replacing the fire stations that are not yet 50 years old, plus there is no time table provided to issue the bonds.

Mr. Harrison, clarified that it was in 1989 that the last G.O. Bond was issued not 1993 as Mr. Lawson indicated earlier in his comments. Nonetheless, the dates can be verified later. Also, he indicated that upon the approval of the proposed bonds, those will be issued in either November or December of 2018.

Mayor Fisher explained that the City has the option to issue a series of bonds and a second series later on.

**G.O. Bond Issue** - Jocelyn Jackson, Pompano Beach, FL, stated that she has a few questions and wanted to know what is the procedure to vote for the bond. Ms. Jackson indicated she wanted to be sure because she is a registered voter of the City of Pompano Beach.

Mayor Fisher explained that a person must be a registered voter within the City of Pompano Beach.

**City Employees Evaluations** - Ms. Jackson indicated that she is unsure how often the City employees were evaluated and to elevate them into a higher position. She has been researching how the evaluations are done and has also been speaking with some employees who have been working for fifteen and twenty years but have not been elevated, for example in the case of levels from a level 1 to a level 2 position, which is concerning to her.

Mayor Fisher explained that the City Charter prohibits the City Commission to get involved with the hiring and firing of any type of employees. Therefore, the City Manager's office would have to respond to Ms. Jackson's concerns.

**G.O. Bond Issue** - Ms. Jackson indicated that residents from the northwest community are seeking clarity for the projects that are proposed to be done first according to the list of the G.O. Bond. Ms. Jackson indicated that the residents desire to support the bonds, however, over the period of years promises have been made to them to get certain things done in the area and after certain "Shade meetings" somehow the projects are no longer listed to be completed. Therefore, the community need clarity on how will the projects get done in the northwest section. Also, does the City Commission have the authority to remove the money if a decision is made not to do a project on the proposed list.

Mayor Fisher provided clarification on several of the comments made by Ms. Jackson. First, he said the "Shade meetings" are conducted only for lawsuits and when an agreement is reached the information becomes public record. Second, he said as it relates to priority of projects - of the 25 projects listed on the G.O. Bond, the City Commission will decide how to prioritize them. The commitment, through staff, is that all projects will be done within seven years. Third, he said projects cannot be moved from the list. Finally, Mayor Fisher stated that his vote for first priority will be the senior citizens in the northwest community.

**Planned Cultural Arts Activities for Schools** - Sharonda Richardson, 700 NW 17th Street, Pompano Beach, FL, spoke on prior discussion regarding the incorporation of cultural arts and more things to be integrated into the City's schools. She said her company sent to the City, displays in the Cultural Arts Center (CAC) under the unction of the community outreach director, Sharon Stone-Walker, where they created a program called "Arts Unplugged," where they go into schools and facilitate a three lesson/plan series in different schools. She then provided details on how the process works. Ms. Richardson stated that they are scheduled to start this program in March 2018 and they hope to continue to make it a year round program. She said they are working hard to incorporate as much art into the children within the community. The many new cultural art buildings are actually being used to encourage the youth. Finally, she said they are planning an extravaganza when the kids can perform and showcase what they are learning at the CAC. Some of the schools that will participate are Charles Drew Elementary, Sanders Park Elementary, Pompano Elementary, Markham Elementary, Crystal Lake Middle, and others.

Mayor Fisher suggested that Ms. Richardson provide the City Commission with the dates of when the openings and extravaganza will take place, so they can plan to attend.

Comr. Sobel indicated he did not want to interrupt the flow, but he had a comment on previous speakers' comments made about the Sheriff. He said over the years, he has learnt that following these catastrophes there

is a rush by the media on a lot of information and it takes a long time for the actual facts to unwind as they prioritize things. So, he is not judging what was said earlier about Sheriff Israel, however, he is proud of the Pompano Beach Broward Sheriff's Office (BSO) and provided a positive response he experienced from two BSO officers at a meeting he attended at one of the condominium high-rise building in District 1 last week.

**Correcting the Records** - M. Ross Shulmister, 560 SE 12 Street, Pompano Beach, FL, stated that Patrick Jovanov, who spoke under audience to be heard, had quoted him as an authority for some article in the Sentry that said schools were killing the kids - something of that nature. He clarified that the Sentry was the newsletter of the South Pompano Civic Association up through December 2001, which was distributed to members and he was not a member. In addition, Mr. Shulmister said in December the name of the Sentry was sold to Amendment One news and they began publishing the Sentry in January 2002. Therefore, he stated that he did not and has never owned any part of Amendment One news. One of the conditions of the sale was that they would permit articles about South Pompano Civic Association be published in and he would generally write those as the president. There was no such statement in the Sentry as to what Mr. Jovanov commented on about the kids.

The second item Mr. Shulmister wanted to correct was that at last night's meeting a couple of people were speaking about automatic weapons and the need to ban those. He said there are no automatic weapons authorized in the United States except for very rare exceptions, which include approval by the Attorney General. So perhaps, what those persons were really meant to say was semi-automatic weapons.

### **C. CONSENT AGENDA**

1. [18-142](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ROCK ROAD RESTORATION HISTORICAL GROUP, INC.; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$5,000)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2018-86**

2. [18-181](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF POMPANO BEACH, AND VARIOUS OTHER MUNICIPALITIES REGARDING THE DISTRIBUTION OF A SIX-CENT LOCAL

OPTION GAS TAX ON EVERY GALLON OF MOTOR FUEL AND SPECIAL FUEL SOLD IN BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2018-87**

3. [18-212](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING AN ASSISTANT CITY ATTORNEY AND ESTABLISHING A SALARY TO BE PAID; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$108,000.00)

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney pulled the item to introduce the new Assistant City Attorney, James Saunders, who is a graduate from the University of Miami School of Law, a former Assistant Attorney in North Miami and a former Assistant Attorney for Broward County, as well as adjunct professor at Nova Law School. He has a very impressive resume and he is an impressive gentleman, which the City is happy to have him on board.

The City Commission and audience extended warm welcome to Mr. Saunders.

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

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

**Enactment No: RES. No. 2018-88**

4. [18-235](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE SHOOTINGS BY REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE; SUPPORTING THE PASSAGE OF A RED FLAG LAW; SUPPORTING RAISING THE AGE FOR LEGAL PURCHASE OF FIREARMS, MAGAZINES AND AMMUNITION



TO 21; SUPPORTING THE PASSAGE OF LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES AWAY FROM OUR SCHOOLS; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Mark E. Berman)

Mayor Fisher thanked City Attorney Berman for preparing the item for the City Commission's consideration and approval.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, expressed her viewpoint in reference to the guns. She mentioned that no one needs a gun and said as a former police officer she did not have any reason to use a gun during her career as an officer. Moreover, she did not blame the Sheriff for the incident that recently happened in Parkland and provided her reasons as to who should be held accountable. In sum, she supports the push to get rid of the guns, because guns were designed to kill. Therefore, if the guns are taken away from both adults and children it will preserve the safety of the children.

Janet Ward, 817 N. Dixie Highway, Pompano Beach, FL, President and CEO of the Parent's Information and Resource Center in Pompano Beach. Ms. Ward indicated that she has a psychiatric center, which is a community mental health facility under the Medicaid program. Ms. Ward asked about establishing a centralized reporting system to be included in the plan, policies and procedures. She mentioned that most parents of a mentally ill child is afraid of the child, but they do not have a centralized location to call for assistance. For example, a child abuse number is one number to call and so forth. She said the hospitals have information on inpatient mental health and behavioral patients. However, the outpatients' community do not have a centralized system to report incidents so that information is accessible to law enforcement. Therefore, Ms. Ward recommended that in the resolution and plan for "the passage of a red flag law" that community mental centers and people in private practices where there are outpatients involved, should have an opportunity to report to a centralized system. This information can be provided to the federal government database so that when background checks are done everything is already in place. Moreover, she believes that Pompano community mental health center should be represented in writing for the plan, policies and procedures for the "red flag law."

Mayor Fisher thanked Ms. Ward for her great suggestions, as well as for what she does for the community with her center in making a difference in changing those lives with mental issues. He said she is making a statement in what she does.

Patrick Jovanov, 411 NE 18 Avenue, Pompano Beach, FL, stated he does not understand the resolution and explained why he does not comprehend it. He provided a brief history of when he attended high school and his experiences with guns. He complained that the City policy is to promote military style weapons because the City gave money to open a gun factory on Sample Road.

Mayor Fisher stated that the City does not promote any type of weaponry. Rather, the incentive was given to the company for creation of jobs. He clarified that the company met the zoning and the criteria under prohibitive state law, so the city had no choice but to provide it.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, commended the City for the gesture. He also commended Blanche Ely High and Pompano Beach High School in their recent visible efforts to support the other high schools, as they move towards a common cause to get governments to become more aware of gun resolutions and solutions for the cities, state and nation.

Mr. Phillips indicated that the City of Parkland is in the process of suing the state in an effort to attempt to change the age limits and how guns are handled in their City.

Mayor Fisher corrected to say it was the City of Weston that is involved in this lawsuit effort.

Mr. Phillips commended the City of Weston for doing it and he hopes the City of Pompano Beach could both send a resolution and add support in joining in the lawsuit. He then provided his reasons why he is against the idea that a teenager can so easily get permission to purchase an automatic rifle that can mutilate hundreds of people. He indicated that not everyone who is killing people are mentally ill, so something must be done to reduce ease of gun sales to teenagers in high schools, as well as to regulate the gun sales.

Mr. Phillips expressed concern that he would not want the resolution to end up being a paper way, but that something needs to be done, and if financially feasible, for the City to join in the lawsuit.

Mayor Fisher assured Mr. Phillips that the resolution at this time will not sit on somebody's desk because the movement by the youth are not allowing it, but this is a first step for things to be done in the future.

Michael Bell, 110 NE 27th Street, Pompano Beach, FL, stated that he is a strong advocate for the youth and has served as the executive director of community based connection, where they have poured approximately \$2.3 million in early childhood education, and annually keep approximately 100 kids out of prison. Also, they provide services that help strengthen families, therefore, he strongly supports the resolution, and the City really must push the item. It is great to have the kids out, but adults are needed to back up the kids. He said while the resolution is a good first start it is not enough for the kids, therefore, ways should be explored of how the City can add to it.

Mr. Bell indicated that he will open his grant team to work collaboratively with the City in providing some support for those going through some challenges. Therefore, he will be happy to write some grants together because he has a great relationship with Kids in Distress and some other participating organizations who have already signed Memorandum of Understanding (MOU) with his organization.

Lelia Toevs, 420 SE 3rd Terrace, Pompano Beach, FL, provided comments on the incident relating to the kid who purchased the gun at the age of 18. She mentioned that the parents did call the police several times, which has been documented by BSO. Ms. Toevs indicated that owning a gun is protected by our Constitution. In fact, she concluded that it is not so much the guns but the parents should be accountable to teach the kids on what they need to do. Ms. Toevs agreed that something more needs to be done than just enacting a law for the guns, and that something must be done about the mental problems.

Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that he is a member of the NRA and that guns

have been around his family for a long time. Therefore, he commended the City Commission on their efforts for the resolution but he does not think it goes far enough and explained his reasons. He said the City of Pompano Beach is known as the capital of the AK-47 and he wondered how serious the City is regarding this matter in our city.

Mr. Hill said he does not think it is proper to have a gun show at the community center. He mentioned that there is a gun show loophole and no background check is involved. He is unsure if it is right for the city to have this type of event in its community centers

Mayor Fisher referred to Mr. Hill's comments about the gun show at the Emma Lou Olson Center and stated that he had personally called the promotor who had a gun show coming up on March 2-3, 2018 at the Center and asked them to cancel the show, which they did. Now the City is looking closely how it can stop the gun shows in Pompano Beach. While he does not want to get into the legality issues, he personally hopes that the City Commission will approve stopping these shows forever in the City of Pompano Beach at its public facilities.

Mark Berman, City Attorney, referred to Section 790.33, Florida Statutes, "Exempts any regulation of firearms, preempts it completely, the entire field to the State of Florida. The municipality is prohibited from enactment of any ordinances or regulations relating to firearms, ammunition or components unless specifically authorized." He said nothing is authorized. It includes, "Multiple penalties including removal from office by the governor, etc." Mr. Berman explained that was the reason the gun company could not be kept out of the city and one of the reasons to stop any gun shows. However, the City is doing more than this. He mentioned that at the City Commission's urging, this week the City Attorneys are meeting with elected officials around the county to discuss possible attacks to the statute or repeal of certain provisions that prevent cities from doing what they need to do to protect their residents. Also, the City is looking at potentially joining the City of Weston or any other measures that may assist in the gun law issues.

Mayor Fisher noted that they must be cautious, as an elected body, how to set records (public meetings). It is crucial that discussions not be limited, but certain things just cannot be relayed at this time. Nevertheless, he assured everybody that the Commission is doing all it can to ensure the residents are protected including gun shows, etcetera.

Jocelyn Jackson, Pompano Beach, FL, thanked Mayor Fisher for the information regarding the gun shows not allowed at the City's facilities. Ms. Jackson stated that some areas in the Northwest section of the City is rough as it relates to guns. While she is not against the guns, efforts should be made to clean up those rough areas. In sum, she is pleased to hear that the gun show will not happen at the public facilities, because she understood that they were going to take the show to the E. Pat Larkins Center, which is the last thing the neighborhood needs to happen at this time.

Alison Fournier, Pompano Beach, indicated that she appreciated the comments about the gun shows as she does not support this event. Also, she appreciated City Attorney's report on the things being done to join other cities to challenge the ridiculous laws in the state, where the cities are not able to enact their own policies on guns. Ms. Fournier stated as a Mom, this issue matters to her. She said the people using the guns are sick and she actually sympathizes with the police having to go into situations and being "out gunned."

Finally, Ms. Fournier stated that they owe it to the parents from the Sandy Hook School when nothing happened, and they owe it to the families in Parkland to do something and not forget about the incident. She then read a quote from Thomas Jefferson:

*"I'm not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind, as that becomes more developed, more enlightened, and new discoveries are made, new truths discovered and manners and opinions change. With the change of circumstances, institutions must advance, also to keep pace with times. We might as well require a man to wear still the coat which fit him when a boy, as civilized society to remain under the regiment of their ancestors."*

Ms. Fournier indicated these things were not envisioned when the constitution was written. There are some weapons that should not be in the hands of 18 year-olds or people with mental illness. Extraordinary measures should be in place for people to get these weapons.

M. Ross Shulmister, 590 SE 12th Street, Pompano Beach, FL, stated that he was disappointed with the language in the resolution. The City Commission is non-partisan, but the problem with the situation is that the solutions have become partisan. He then provided a few examples. He said the resolution cites the Gifford's website and every town which is a Bloomberg website both of which are radical gun ban websites. He said that no matter how the resolution is written half of the residents will not be happy about it. He provided examples, and in sum, indicated that it would allow for patch work regulations throughout the state. Therefore, one can travel from city to city and have different regulations to be complied with, as well as different counties, which will be difficult as it is currently with the states.

Mr. Shulmister stated that with regard to changing the age from 18 to 21, the House has already rejected it. In addition, he said the Senate passed a bill which authorizes teachers and staff with special training to carry weapons in schools. Otherwise, it is against the law to carry a weapon in schools, which is a federal law. Also, background checks and any sale of a weapon is already a federal law. There is no such thing as a gun show loophole. He stated that automatic weapons are illegal. Therefore, the mutually agreeable point is the "red flag law," which most people would support it.

Finally, Mr. Shulmister stated that with regard to the armed resource officer, it is their job to go after the shooter. Therefore, he concluded that he would not support the resolution as it is, even though he understands the intent.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that the solution is not partisan. Having dead children nationwide in schools is not partisan, therefore, something needs to be done.

Mr. Berman mentioned that the cities are not looking for patchwork but rather for consistent regulation throughout the state and one that makes sense. He said the federal and supreme courts have allowed reasonable time, place, and manner restrictions on first amendment rights and the cities are looking for the same reasonable time, place and manner restrictions on second amendment rights.

Comr. Hardin stated that once again the heart of the nation has been broken, however, this is an opportunity to have this spark catch on and to really do something. This has happened too many times with not much being done to ensure it does not happen again. Therefore, what is being done now, is a small step but it is meaningful to try and find some way to prevent this from happening in the future. The people who do these types of acts are sick and need help. Also, it would be nice to have a system that works to identify those people and get them the needed help, so we would not end up with the most recent situation in Parkland. Therefore, he supports this effort.

Vice Mayor Burrie stated that she doubts that this item will be one of those that will go away after a week of being talked about, because the children from the affected school and those throughout the United States are going to get done what the grownups have not been able to get done. She said she is against an 18 year old owning a gun, because they are not allowed to drink a beer in Florida until they are 21 years of age. Also, automatic weapons should not be sold to anybody. Personally, she would like to see automatic weapons banned and be left for the military or the police department. She agrees with a citizen going in to buy a gun for their protection, but to have children to go to gun shows to purchase weapons, is just wrong. She concluded the resolution is something they can move forward; however, the situation will not go away until something is done.

Comr. Sobel commented on assault rifles, high capacity magazines and bump stocks. He said all politics is local, but the current resolutions, as noteworthy as they are, they are like prayers and wishes. They are nice sentiments but they are not enough. He questioned the type of leadership role to be taken in Pompano Beach and what would be said, and what would be done as well as how would they feel if one of the children from the City is shot by a military style rifle purchased at a gun show that was held at the Community Civic Center, which is a government building.

Comr. Sobel indicated that he is a strong advocate of the second amendment. While he is a gun owner who was raised utilizing guns for hunting, the facts are that bump stocks, high capacity magazines and assault rifles like the AR-15 and AK-47 are not constitutionally protected by the US Supreme Court. In fact, other states have banned these military style weapons. He said the City Commission care enough about the gun threats to make sure that the dais is bullet proof and that there is police presence during the meetings, but in actuality, he asked what is being done for the residents and for the school children.

Comr. Sobel commended Mayor Fisher for contacting the gun show organizers to have them cancel their next event that was scheduled to take place at the Emma Lou Olson Center. However, this does not do much good in the long run. In sum, he suggested that action be taken to prevent the military assault rifles, high capacity ammunition, and bump stocks from being legally sold at government public buildings during the gun shows. He said this could be the loophole to challenge the State of Florida. He said Section 790.33, Florida Statutes is overly broad and unconstitutional, and it is time to take on the challenge to do something to change it.

Comr. Sobel made a motion, seconded by Comr. Perkins, that pending receipt of a proposed ordinance from Mr. Berman, to immediately ban the sale of all military style assault weapons, high capacity magazines, and bump stocks at all Pompano Beach's public buildings. Also, there should be no sale in government buildings of these three limited items.

**On roll call the motion carried by the following vote:**

Yes: Perkins

Sobel

No: Hardin

Moss

Burrie

Fisher

Mr. Berman stated that pursuant to Section 790.33, "... Any such ordinance would be declared void by the court." Therefore, this is the reason for the meeting of the city attorneys to determine how to challenge this ordinance.

Mayor Fisher mentioned that the purpose of the resolution is to begin the process. So, the City must be sure to do everything legally correct. This has been under discussion for almost a week as to how to be able to get the AR-15 guns out of the City. Therefore, while he respects Comr. Sobel's point and he agrees with it, he does not want to create a legal compounded issues of lawsuits to the City and to individuals. Consequently, he would like to exercise some caution in this regard.

Mr. Berman respectfully appreciated Comr. Sobel's suggestion and said that maybe it would be the ultimate way the City Commission goes. However, he suggested that the Commission allow him the time to meet with other attorneys countywide to see what actions they think are most prudent and he would report back to the Commission. So, if more is needed to be done at that time the appropriate action can be taken. Mr. Berman cautioned everybody about taking a "knee jerk reaction." In fact, he is not saying to delay it much longer, but the attorneys are working on this together, and there is more power as a group in Broward County to determine the common sense approach and what will come out of the meeting. In sum, they will be pushing for a common sense uniformed regulation.

Mayor Fisher indicated that the meeting being referenced by City Attorney Berman will take place on March 1, 2018 at 10:00 a.m. Also, the mayors across Broward County has been working very closely together and this is one of the resolutions that came out of those dialogues to begin the process. He said it is very possible a consensus will be built in throughout Broward County and there will be strength in numbers. So, if a lawsuit is filed against the State of Florida for these laws it will protect the cities from lawsuits, as well as personal lawsuits. In sum, Mayor Fisher indicated that more time is needed to make it happen as Mr. Berman stated previously.

Comr. Sobel thanked Mayor Fisher and City Attorney Berman for their efforts, and while he does not mind a little time, he would caution in this instance, as the facts are thought through as he laid out, which is narrow, and having spoken with Attorney Cole about legal briefs that have been filed, sometimes there is a danger in pursuing something. He said there is not always power in numbers. Sometimes, there are so many different facts scenarios that we could get caught up with factual issues that would not benefit the residents of the City of Pompano Beach. Therefore, his proposal is a very narrow carving, which is well worth to challenge it in court. Nevertheless, he will defer to Mayor Fisher and City Attorney Berman to wait a short period of time to see the outcome of this joint effort. However, he requested that his proposal be kept relevant, because an ordinance

like this could prevail before the courts and help to protect the residents. Also, he suggested that Broward County should take the leadership role in the State of Florida.

Comr. Moss stated that he supports the item and noted that he lived in Europe for several years and this type of thing almost never happens. In fact, they are at a loss at how the Americans go around massacring each other. He said what concerns him most is the infringement on the freedom of residents being able to send their child/children to school knowing that they will be safe while in school. Therefore, this resolution is a start of getting something done.

Mayor Fisher reiterated his reasons why he voted no to Comr. Sobel's motion because he believes more time is needed to get consensus among other cities as well as not to put the City in a position for lawsuits.

In conclusion, Mayor Fisher reported that students from the Pompano Beach High School marched yesterday 17 miles to Stoneman Douglas High School, which was an amazing feat they did. He said, today, a few hundred students marched to City Hall and spent approximately 45 minutes together just chanting and listening to various speakers. Mayor Fisher said that it has affected him personally and as a community leader, he saw a 16 year old crying to him, because she knew two of the individuals that were killed from her church, and she wanted to know what he can do for them. She said they were relying on him to make the difference, and asked him to promise that he would do everything he can to not let this happen again. He said it was moving and his response was that he would do everything physically, professionally, politically and humanly that he can to disallow this from happening again. He concluded that the young people are confused but determined to make the difference.

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

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

**Enactment No: RES. No. 2018-89**

5. [18-213](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC. TO PROVIDE LIFE SKILLS AND READING SERVICES FOR YOUTH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2018-90**

6. [18-217](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LETTERS OF UNDERSTANDING FOR COMMISSIONED ARTWORK FROM VARIOUS ARTISTS AND APPROVING THE DESIGN AND INSTALLATION LOCATIONS REFERENCED THEREIN, FOR PARTICIPATION IN ROUND TWO OF THE UTILITY BOX WRAP PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$7,600.00)

(Staff Contact: Laura Atria/David Recor)

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

**Enactment No: RES. No. 2018-91**

7. [18-222](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN IRREVOCABLE LICENSE AGREEMENT BETWEEN DENNIS HUEL ART STUDIOS, LLC, DENNIS FRIEL, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2018-92**

8. [18-233](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2018-46, AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DR. BRENDA C. SNIPES, SUPERVISOR OF ELECTIONS OF BROWARD COUNTY, FOR A MUNICIPAL SPECIAL ELECTION TO BE HELD ON MARCH 13, 2018, RELATING



TO THE BOND REFERENDUM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Comr. Moss indicated that he inadvertently asked to pull this item, but he meant to have item 9 pulled instead.

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

**Enactment No: RES. No. 2018-93**

9. [18-194](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOCELYN JACKSON** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF M. DWIGHT EVANS AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Comr. Moss pulled the item for City Commission discussion. Comr. Moss stated that he has a few questions regarding Jocelyn Jackson's place of residency. He said Ms. Jackson has listed that she lives in Pompano Beach, but he recalled some time ago that there was an issue about a football team from Deerfield Beach wanting to use a Pompano Beach athletic field for their game, and at that time Ms. Jackson identified herself to the City Commission as a resident of Deerfield Beach.

Additionally, sometime in December 2017 someone sent him a copy of a Facebook page by Jocelyn Harris that has Ms. Jackson's picture being displayed throughout the Facebook. Therefore, he wanted to know if Jocelyn Harris and Jocelyn Jackson are one and the same. Further, on the Facebook page it states that Ms. Harris lives in Deerfield Beach. Comr. Moss said he thought this could be easily taken care of if Ms. Jackson would be agreeable to show the City Clerk a copy of her driver's license or a voter's registration card to confirm her legal citizenship in the City of Pompano Beach. In addition, he said Ms. Jackson is listed on the Facebook page as a realtor, therefore, should the appointment be approved, would she have to recuse herself from voting on any item that comes before the Planning and Zoning Board that may present a conflict due to her professional association as a realtor.

Mayor Fisher indicated that Ms. Jackson had indicated earlier that she is a registered voter in the City of Pompano Beach. Also, her application did state an address in the City of Pompano Beach.

Ms. Jackson wanted to know why Comr. Moss has a continual concern as to where she resides, because the last time he had the same question. She also argued that some trust was exercised when the people elected him into office, which is similar to when a person is requested to serve as an appointee of the City Commission. Nevertheless, Ms. Jackson confirmed that she is a registered voter of Pompano Beach and that her driver's

license states her address as the City of Pompano Beach, which she produced for confirmation.

Comr. Moss accepted the proofs presented by Ms. Jackson confirming she is a legal resident of the City of Pompano Beach.

**A motion was made by Commissioner Moss, seconded by Commissioner Hardin, that the Resolution be reconsidered since it was Adopted prior under Consent agenda. The motion carried by the following vote:**

**Yes: Hardin**

**Moss**

**Perkins**

**Burrie**

**Fishser**

**No: Sobel**

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

**Enactment No: RES. No. 2018-94**

#### **D. REGULAR AGENDA**

10. [18-170](#) Approval to award Bid E-02-18 Asphaltic Concrete Pavement Surfacing Annual Contract to the second lowest responsive responsible bidder, Hardrives Inc., at an estimated annual cost of \$769,560.  
(Fiscal Impact: \$769,560.00)

#### **TABLED FROM JANUARY 23, 2018**

**(Staff Contact: Robert McCaughan)**

Robert McCaughan, Public Works Director, presented the item and indicated that at the January 23rd meeting the City Commission tabled the item and asked staff to review it prior to making the recommendation for paying contract of the lowest responsive bidder, Weekley Asphalt. At the time this item was presented, there were some questions regarding a project that is now underway in the City, which involves the enhancement of Dr. Martin Luther King Jr., Boulevard. The project has been delayed due to some issues. He said there were comments about the roller coaster type surface of the asphalt and overall concerns of the workmanship of the contractor. After looking into those issues, the problem with the road involved some drainage structures underneath that the contractor installed. The City had directed him to remove and replace them, which was done and the road has been repaired adequately. The second lowest responsive bidder, Hard Drives Inc. has worked with the city and both companies have performed well. Currently, both companies are working with the City on other projects. Therefore, with consequences measured by the City for not completing a job

properly, staff is recommending the second lowest responsive bid be considered from Hard Drives Inc.

Mayor Fisher thanked Comr. Sobel for bringing this matter to the City Commission's attention.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if staff has a list of showing the areas that have been worked on throughout the years. He asked if there is a way to ensure that the areas worked on would be redone.

Mr. McCaughan responded yes. He explained there is a ten year paving plan, however, in March 2016, all the roadways were assessed throughout the City and they are making some modifications to that. Also, they are considering where the future utility lines will be placed, to avoid having to rip up the road to put down sewer lines and so forth. There is a ten year plan that will be tweaked and made available for the public.

Mr. Skversky asked if this would include the streets, which Mr. McCaughan confirmed they would be doing all neighborhood streets.

Comr. Hardin asked if staff is not accepting the lowest bid as nonresponsive.

Mr. McCaughan responded that the City is not obligated to take the lowest bid and explained why.

Otis Thomas, General Services Director, stated that in this case, the lowest bidder would be deemed non-responsible, which means they were not able to perform.

Comr. Sobel thanked staff for taking a second look at this issue.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss to remove the item from the table.**

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

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**Absent:** Perkins

11. [18-184](#) **P.H. 2018-42: (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 SECOND EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE UNITED STATES COAST GUARD AUXILIARY FLOTILLA 34, FOR A PORTION OF THE PARCEL CURRENTLY LEASED BY THE CITY FROM THE FLORIDA INLAND NAVIGATION DISTRICT, COMMONLY KNOWN AS ALSDORF PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 13, 2018**

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and indicated that there was no additional information to be presented at this time.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-36**

12. [18-205](#) **P.H. 2018-46: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$752,821.00, which was previously approved in FY 2018 departmental budgets)

**FIRST READING: FEBRUARY 13, 2018**

(Staff Contact: Ed Beecher)

Eddie Beecher, Human Resources Director, presented the item and indicated it is the second reading of the proposed ordinance and that there were no changes since the first reading.

Comr. Sobel asked if this item was to approve approximately three quarters of a million dollars in raises for

nineteen employees.

Mr. Beecher responded that these were funds the City Commission allocated during the budget process and through the approval of the General Employees Union contract where there were seven classification positions reclassified, totaling approximately 52 positions. This included the Building Department's inspectors and permit expeditors, as well as lifeguards being upgraded pursuant to the union contract involving approximately sixteen positions. Therefore, with benefits and reclassifications the new positions added to the budget equates to approximately \$750,000. Mr. Beecher explained that of the 25 additional positions accounted for in the budget process, there were seven contractual positions from the union contract, which one position accounts for several upgraded positions.

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

**Yes:** Hardin

Moss

Perkins

Burrie

Fisher

**No:** Sobel

**Enactment No: ORD. No. 2018-37**

13. [18-220](#) **P.H. 2018-49: (PUBLIC HEARING 1ST READING)**

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

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED to the March 27, 2018 City Commission meeting. The motion carried unanimously.**

14. [18-221](#) **P.H. 2018-50: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING A NEW SECTION 32.40, "LOCAL BUSINESS PROGRAM," TO PROVIDE FOR AMENDMENT TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chris Clemens/Otis J. Thomas)

Meeting went into Recess

### Meeting Reconvened

Christopher Clemens, Economic Development Manager, presented the item and indicated that the local business program ordinance was developed through joint efforts between the Pompano Beach Economic Development Council (EDC) and city staff. He said this has been in the works for some time, which started several years ago with a committee that included the Mayor, the EDC members, the City Manager's office, department heads, Chamber of Commerce, CRA and residents. This was a part of an effort to enhance competitive opportunities for local Pompano Beach and Broward County businesses to ensure participation of local businesses and residents as contractors and subcontractors for procurement of city goods and services.

Tom DiGiorgio, Chair of the Pompano Beach Economic Development Council, 24 NE 24th Avenue, Pompano Beach, FL, stated this is a big step forward and provided background history regarding the developments of the program. Finally, Mr. DiGiorgio indicated that this is one of the seven initiatives that was formulated from the Mayor's Stimulus Task Force. He then thanked Mr. Thomas and his team, Dodie Keith and her team, as well as Mr. Berman's leadership for putting this item together. He said this is something that everybody can be proud of that makes the local businesses a little bit more competitive.

Vicente Thrower, Pompano Beach, FL, stated that they have worked a long time to arrive at this stage of the program and it is beautiful. Therefore, he supports the ordinance, because it would enhance the desires of the residential and business communities to be able to create real economics in the City of Pompano Beach along with what they have already been working on.

Finally, Mr. Thrower indicated that he supports the G.O. Bond initiative. He also asked the City Commission to recommit that when the Bond passes they would look at the phases of the Bond starting with the projects in the northwest community that are currently needed.

Mayor Fisher indicated this is off the issue under discussion, however, as he indicated earlier he is committed to ensure that the senior citizen items are addressed first.

Pastor George Rich, 2180 NW 18th Avenue, Pompano Beach, FL, stated that he is excited to see this item on the agenda as this has been one of his request to have local business participation. However, he asked about Section F that states, "The City Manager shall charge at least one employee with the responsibility of monitoring applicable..." and asked if this will be a current staff member or will the city hire someone who would manage and administer the program.

Otis Thomas, General Services Director, responded that current staff would be utilized.

Pastor Rich indicated he had met with Mr. Thomas and his team and he explained to them what his company was doing as it relates to local business participation. In turn, he and his team learned about the provisions of insuring that whoever the prime contractors are, whether they are in tier 1 local vendor, or they are in tier 2, where a substantial part of their project has local subcontractors. He wanted to know if the prime contractor proposed to use certain local subcontractors but at the end of the contract they did not meet that goal, then perhaps some provision should be put into the ordinance allowing for some level of penalty or claw back from their retainage monies for not making their goals.

Mr. Thomas indicated that aspect will be worked into the current process in place, as needed.

Mayor Fisher indicated this is one of the items he has tried to bring forward and with time working on the City's side, it will allow staff to make some adjustments to ensure this ordinance would work.

Jocelyn Jackson, Pompano Beach, FL, indicated that she is excited as well and wanted to get some clarity, which was provided to her.

Mayor Fisher explained that there are several combinations of RFP's and RFQ's that will go out and there will be a tier 1, and 2 program that extra points can be earned as they go into the bidding process.

Ms. Jackson asked if a computer could be provided with the services that the city requires to complete the information on line. In sum, to provide a computer with a tutorial to assist some of the local contractors who would be interested but not computer savvy.

Mayor Fisher indicated that Mr. Thomas recently conducted a seminar for local participants to learn how to become a vendor. However, if they go to Mr. Thomas' office he will teach them how to get registered.

Mr. Thomas indicated that they plan to do a series of workshops on how to complete RFP's and RFQ's to submit a bid, therefore, information will be provided on this as well.

Comr. Hardin asked Mr. Thomas to explain how the process would work.

Mr. Thomas stated that the program is separated into two tiers. Tier 1 would involve a Pompano Beach

company with its residents. Tier 2 would involve Broward County agencies with Pompano Beach residents. Therefore, a company qualifies for either one of the tiers, when the RFP's, RLI's or bids become available; if you are in tier 1 you can receive 5% on a bid that has pricing only. Therefore, if you are 5% within a low bid you can turn in your best and final offer. On the proposal side of the bid, if you are a tier 1 or 2 you can earn points for being a local business. In tier 1 it is 5 points and in tier 2 it would be 2.50 points. In a nut shell how the program works if a company is deemed tier 1 or 2 you can be allowed points of either 5 or 2.50.

Comr. Hardin inquired, if a bidder presented his/her best price and a local company bidding for the same job submit at 5% higher than the outside company, once the bids are opened would the Pompano Beach company be allowed to match the lowest bidder's price.

Mr. Thomas responded that they would have to come in at 1% lower than the outside company. They cannot just match the lower price.

An extensive discussion followed between Comr. Hardin and Mr. Thomas regarding the process of qualifying for a bid under the proposed process. Comr. Hardin concluded that this will limit the responses of bids the City will receive.

Mayor Fisher indicated that the process is used by Broward County and a number of municipalities. It is a preference for the local people to be able to do business in their city. Also, in tier 1 at least 10% of the business has to be residents of Pompano Beach and 15% of the business for tier 2.

The discussion continued between Comr. Hardin and Mayor Fisher in creating an even leveling playing field for the bidders.

Comr. Sobel indicated that he agrees with Comr. Hardin's rationale regarding making the process fair to everyone submitting a bid, because under the proposed process there is room for manipulation in the procurement procedures, which he has some concerns with. In addition, Comr. Sobel complained that there was no backup to indicate how the program has worked over the last nine to ten years.

Mr. Thomas indicated that they have done some research to find other cities with similar programs and unfortunately not much records were kept. But in commencing this process the City will ensure records are kept and the program properly monitored.

Mr. DiGiorgio clarified that this program is new, and there were no previous program. He said it is the last incentive recommendation that came out of the stimulus task force. The task force was not a program, but rather a list of recommendations that the EDC approved in December 2009, which was adopted by the City Commission in January of 2010. Therefore, the backup material provided is accurate. Mr. DiGiorgio clarified that he was not providing any backup information for this newly formed program but rather he was explaining the incentives that were formed from the task force and had been put in place to include the new slogan for marketing, which "Florida's Warmest Welcome" came out of the recommendations. Also, the building department completely revamped itself because of the incentives that were instituted. Permit expeditors have been hired allowing the City to have state of the art electronic permitting process because of the economic stimulus task force recommendations and he indicated that there are documents that support all of these efforts.



Additionally, Mr. DiGiorgio stated a number of CIP projects were accomplished because of the EDC recommendations to get them completed. The number one incentive was to get the old projects that were backlogged to the forefront. Mr. DiGiorgio indicated that in 2014 there was a follow-up on everything that was completed from the initial incentive ideas that were adopted by the City Commission, which is included in the Lambert Study. So, this item was the last remaining one to be completed. He indicated that because they decided to use some of the reserves to put people back in business, it is one of the reasons for the need to get a G.O. Bond issue. In fact, he said the City of Pompano Beach came out of the country's recession much quicker than most cities. Currently, the City of Pompano Beach has lower unemployment because of the things put in place back then. The progress can be seen around the city from what came out of the stimulus task force initiatives.

Finally, Mr. DiGiorgio explained the concept of rebidding on a lower bid.

Comr. Perkins asked for clarity on who will determine the evaluation of the bids that are received.

Mr. Thomas responded that the Purchasing Department will evaluate the bids, tabulate them and review all the information in the process.

Comr. Perkins asked what was meant by "local" business program. In essence local could be South Florida, and so forth.

Mayor Fisher explained that there are two tiers. The first tier is giving preference to a Pompano Beach business. The second tier is giving it to a Broward County business with certain advantages.

Comr. Perkins asked to get further clarification on how the process works not necessarily with the tiers that were presented, which she understands.

Mr. Clemens explained that the program will allow local preference to Pompano Beach based business companies or Broward County that has a certain percentage of Pompano Beach residents working for them.

Mayor Fisher added in other words it would be the Pompano Beach business living here, working here, and paying taxes here. So the City is trying to give them an advantage to get them more work.

Mr. Thomas explained that if a company in Pompano Beach bids on a job and it comes down to granting the job to either the company from outside the area, versus inside the area, then based on where you live, in Pompano Beach/Broward County, you will be awarded the bid. Also, the bidders have to come in as the lowest bidders, and if the local bidder is under 5% of the lowest bidder out of the area, then the local bidder is allowed to put in a best and final offer at 1% lower than the lowest bidder.

Mayor Fisher concluded that this is a new ordinance for the City Commission to decide on, which has been in the works for the past nine years and is being presented to make it a local preference ordinance.

**A motion was made by Commissioner Hardin, seconded by Vice**

**Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion failed by the following vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

15. [18-226](#) **P.H. 2018-51: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE EAST TRANSIT ORIENTED CORRIDOR (ETOC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 28, 2016**

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

Jean Dolan, Development Services Department, presented the item stating that it is a Comprehensive Plan Amendment for the East Transit Oriented Corridor (ETOC). She also provided a quick review of the next four agenda items before the City Commission.

Items 15 and 16 are both on the Comprehensive Plan (Comp Plan), the first is the text amendment and the second is the map amendment. Ms. Dolan mentioned that only one presentation will be given for both items. Thereafter, the City Commission will make separate motions to vote on each one.

Additionally, Ms. Dolan noted the next two items 17 and 18 are zoning for the ETOC, which is the Transit Oriented (TO)/East Overlay District (EOD). The first one is for the text to create the district and the second one is under the Quasi-Judicial agenda to do the zoning map amendment. Thereafter, the City Commission will vote on the text amendment separately, close the hearing, then open the quasi-judicial and vote on the map.

Ms. Dolan provided a brief overview of the Land Use Plan since it has been a long time since first reading. The City was waiting for all the items to come together for one last hearing at the end. Please refer to Exhibit I attached herewith for the detailed presentation done for both items 15 and 16.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, complained that the City is changing the zoning for

mass development and wanted to know for what reason, as well as whose vision was it.

Mr. Dolan responded that the project started in 2001 when the Community Redevelopment Agency (CRA) was created. The actual vision in terms of the master plan was created by RMA, the CRA consultant.

In sum, Mr. Drum spoke in opposition of this item and vehemently opposed the proposed changes.

Michael Skversky, Pompano Beach, FL, asked for the exact location of the 37,099 new properties/units.

Ms. Dolan noted that the entire ETOC has the extra entitlements. So, the map will show them going along the frontage of Atlantic Boulevard and Federal Highway. Furthermore, since this is a redevelopment plan in order to get residential developments, they will need to knock down what is existing. In other words, anyone from the existing properties who wants to sell their property for redevelopment can do so and the property redeveloped using the proposed regulations.

Mayor Fisher confirmed that the City is not looking to buy up any property in the targeted areas.

Mr. Skversky asked in the event the area does get redeveloped how would the increased traffic be handled.

John McWilliams, Kimley Horn & Associates, stated that the key take away on traffic for this item is the significant reduction in commercial properties. In other words, they will be reducing the allowable commercial development by 37,000,000 square feet to allow additional residential. In essence, the potential development allowed in the area would actually generate less traffic than the potential development that is proposed in the area.

Mr. McWilliams explained that the item is a framework to allow for future development not the development itself. In addition, he said they ran the studies and looked at the travel times with the additional development and it is nominal in terms of the increase, compared to the organic growth that would be seen on Atlantic Boulevard.

Jocelyn Jackson, Pompano Beach, FL, asked whose idea it was for development of the area.

Ms. Dolan stated that items 15 and 16 are both on the Land Use Plan Amendment and items 17 and 18 are on the zoning. Therefore, all four items are related. The CRA boundary is part of the ETOC, which is approximately half of the district that falls within the CRA.

Ms. Jackson indicated that she thought the City was going through a transitioning process and suggested whatever was put in place when RMA was engaged as the consultant for the CRA, those should be set aside prior to voting on them to see what will happen with RMA.

Mayor Fisher explained that the visioning and the planning for the item started in 2001, which was pre-RMA. So, the plan is to protect the development of properties for any future redevelopments.

Tom Terwilliger, Pompano Beach, FL, provided comments on the City trying to put dense housing into a

residential area. He said the problem is it is being called an ETOC, however, in the corridor there is no train or bus stations, which would indicate that it would be transit oriented. He suggested in trying to change the master plan it should not be referred to as an ETOC because there is no transportation there. Mr. Terwilliger concluded that if there are no transportation hubs then it should not be called a transit oriented corridor. Moreover, if this is going to allow for dense housing and there will be parking issues.

Mayor Fisher explained that the TOC is actually the land use name designation. So, the ETOC will actually connect to the Downtown Pompano Transit Oriented Corridor (DPTOC), so it will be one corridor together, which has the TO part of it. As it relates to parking, any development that will take place in this area will have to build in their own parking and have their own parking requirements.

Ms. Dolan stated that the parking is detailed in the City's Code of Ordinances, which is included in the next two agenda items 17 and 18. She confirmed that the City does not have an eight tenths of a unit parking standard, as Mr. Terwilliger mentioned earlier. She said in the edge of the parking standards, they are exactly the same as in the general code, and within the denser areas it is at least one per thousand square feet or one per unit if it is a small unit.

Dennis Parks, SE 2nd Street, Pompano Beach, FL, complained about the traffic already being impacted in his neighborhood. He said he knows the McNab property and the single apartment, which has been sold. However, according to the ETOC, there is a R-20 there and he lives right around the corner. He said 11th Avenue goes all the way from 27th Avenue out to 11th Avenue. So if there is going to be 40-60 units on those two pieces of property, people will use that street again. He said several years ago it used to be a cul-de-sac but the City Commission voted to put it through to alleviate traffic on Atlantic Boulevard, and since then it has been a nightmare. Therefore, he is concerned about all the increased traffic.

Mayor Fisher stated they have already discussed the traffic issue. He is familiar with the property, Mr. Parks commented about. He then inquired if the height restrictions issue would come into play as traffic filters back to SE 2nd Street, as well as would the traffic have to be diverted on the development back to Atlantic Boulevard and not through a cut through area back to SE 2nd Street.

Ms. Dolan responded that they have not received a development proposal on that yet. However, when they come in for development, they will have to do a site plan that meets the code, so all the restrictions within the code in terms of heights as they transition would have to be met. In addition, they will also have to do a traffic study, which will look at their traffic pattern to ensure they are not creating cut through traffic pattern just by the way they design the site.

Mr. Parks hopes they will correct the one they made over thirty years ago.

Mayor Fisher stated that they would have to do a traffic study, and site plans so they do not divert traffic back into the neighborhoods.

Mr. Parks suggested that they could cut the street off to avoid cut through traffic. He said he spoke with several of his neighbors and there are a lot of objections to it. Therefore, he would want the traffic diverted somewhere else, but not in his neighborhood.

Mayor Fisher noted that it will be part of the rezone for the developer to do that.

Douglas Matthes, Pompano Beach, FL, stated that he is upset about the whole thing and provided the following comments.

- 1) There are two structures under construction in the area to be rezoned as the ETOC and the other area, which is already zoned TO. In one case there is a single floor residential across the street. The other building is on Flagler Avenue, between 4th Street and 6th Street. The building looks like it is a foot off the pavement on the Flagler side, and on the east side of the building there is a two story residential, which looks like it will be a tall building.
- 2) The height limitations mentioned for stepping up and stepping down did not apply to either of the two buildings.
- 3) Since the meeting two weeks ago, last week he observed total gridlock in both directions on Atlantic Boulevard at 1:30 in the afternoon, between Dixie Highway and Federal Highway. He said one more car added will be far worse than it is already.
- 4) The City owns Atlantic Boulevard and should be addressing these problems.
- 5) If a zoning change is implemented based on the discussion two weeks ago, traffic planning will be "piece meal," that is one project at a time, which will be disjointed. Therefore, the traffic plan should be in place before rezoning takes place.
- 6) There will be negative impacts in the Old Pompano neighborhood where he resides.
- 7) An area traffic plan should address the existing problems and the future.
- 8) Something is needed in the plan to indicate the current status and the future of the area when built out. The plan should be in place before rezone takes place.
- 9) He heard about residential units and asked how many cars will be allowed per residential unit. In other words how many off street spaces are going to be available.

Ms. Dolan stated that the parking is approximately 1,000 square feet per unit within the core and along the edges the same as the general code. So it would be one space per bedroom/unit.

- 10) How will street parking be prevented in the neighborhood? Will they ban street parking overnight. He thinks the City should do it. It is not a good idea in a residential area even though it is there.
- 11) Between the Publix on Cypress and the one on East Atlantic Boulevard about two miles, the people who lives in the middle of the district will need a car. There is no bike trails in that space.
- 12) In one of the backup documents it refers to railroad issues in the neighborhood. It has a date of 2017, however, it may have been written in 2013. It shows a connection between the SFRTA (Tri-Rail) and the FEC in Pompano Beach, but that connection does not exist. It is not suitable for a commuter train.
- 13) Pompano Beach has a multimillion dollar train station with a parking garage, located at 33rd Street and Military Trail. Furthermore, from downtown Pompano Beach to the train station it takes nine minutes in driving time.
- 14) There is concern about more people being allowed into Old Pompano.
- 15) There is no traffic plan, 5th avenue is cut through and now there are 9,000 vehicles per day next to his house. Prior it was a dead-end street when he moved in. Moreover, the properties in the area are dropping in value. Therefore, a traffic plan is needed to figure out how to cut the traffic down to less than 100 vehicles per day on each street in the neighborhood.

16) Finally, nothing has been done to the neighborhood for a long time.

Michael Brookshire, 128 South Cypress, Pompano Beach, FL, asked about maintaining Atlantic Boulevard after the developers come in and asked if required funds could be set aside for the maintenance.

Mayor Fisher explained as each developer builds on Atlantic Boulevard they have to meet certain requirements, to include landscaping, buffers, and so forth. They will have to meet code requirements as well, and they do pay certain fees to include impact fees. However, the City does maintain the parks, as it relates to getting the lights fixed and the trash cleaned up.

Comr. Perkins thanked Ms. Dolan for answering all her questions.

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

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

**Enactment No: ORD. No. 2018-38**

16. [18-227](#) **P.H. 2018-52: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE EAST TRANSIT ORIENTED CORRIDOR (ETOC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 28, 2016**

(Staff Contact: David Recor/Jean Dolan)

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

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

**Enactment No: ORD. No. 2018-39**

17. [18-199](#) **P.H. 2018-40: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING CHAPTER 100, "STREETS," TO REFERENCE MODIFICATIONS TO STREET STANDARDS INCLUDED IN THE TRANSIT-ORIENTED (TO)/EAST OVERLAY DISTRICT (EOD) DISTRICT AND OTHER OVERLAY DISTRICTS THAT INCLUDE STREET REGULATING PLANS AND DIAGRAM; PROVIDING FOR THE AMENDMENT OF CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3501., "TRANSIT-ORIENTED (TO) SPECIAL BASE ZONING DISTRICT," TO MODIFY THE PURPOSE OF THE DISTRICT AND TO ADD AND DELETE TYPICAL LOT DIAGRAMS; TO PROVIDE A REVISED PROCESS FOR CREATING A TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; CLARIFYING THAT SAID ZONING DISTRICT MUST ALSO BE CONCURRENTLY ZONED WITH AN OVERLAY DISTRICT WITH DISTRICT-SPECIFIC REGULATING PLANS; DEFINING TRANSIT-ORIENTED (TO) DISTRICT STREET STANDARDS; BY INCLUDING ADDITIONAL PARKING STANDARDS INCLUDING VALET AND TANDEM PARKING, SHARED USE PARKING, OFF-SITE PARKING AND LOADING STANDARDS; BY ADDING STANDARDS FOR SURFACE PARKING LOTS AND PARKING GARAGES; BY ADDING ADDITIONAL STREET TREE REQUIREMENTS; BY INCLUDING ADDITIONAL TYPES OF OPEN SPACES; BY CLARIFYING SCREENING, FENCES AND WALL REQUIREMENTS; BY INCLUDING MAXIMUM HEIGHT ENCROACHMENTS; BY MODIFYING BUILDING LENGTH, SEPARATION AND BUILDING BREAK REQUIREMENTS FOR PROPERTIES SUBJECT TO FAA HEIGHT LIMITATIONS; BY INCLUDING ACTIVE USE STANDARDS AND FAÇADE ARTICULATION, ARCHITECTURAL TREATMENT AND COLONNADE STANDARDS; BY CLARIFYING STANDARDS RELATED TO LIVE-WORK UNITS; BY RELOCATING AND MODIFYING THE BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS AND RELATED SETBACKS AND LOT STANDARDS PREVIOUSLY INCLUDED IN SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," INTO THE TRANSIT-ORIENTED (TO) DISTRICT REGULATIONS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO MODIFY REFERENCES TO THE DPOD REGULATING PLANS; BY ADDING MINIMUM COMMERCIAL GROUND FLOOR HEIGHT

STANDARDS AND REQUIRING ALL BUILDINGS OVER SIX STORIES TO BE DEVELOPED UNDER THE TOWER BUILDING TYPE STANDARDS; DELETING ACCESSORY STRUCTURE AND COLONNADE DESIGN STANDARDS; REMOVING TABLE 155.3708.F.1, WHICH REPEATED THE DENSITIES SHOWN ON THE DENSITY REGULATING PLAN AND RENUMBERING SUBSEQUENT TABLES ACCORDINGLY; ELIMINATING REGULATIONS RELATED TO THE TOWER AND OTHER BUILDING TYPES, WHICH ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; ADDING TABLE 155.3708.G.2.a MINIMUM AND MAXIMUM FRONT AND STREET-SIDE SETBACKS; MODIFYING LOT STANDARDS TO REFER TO THE BUILDING TYPOLOGIES IN THE TRANSIT ORIENTED (TO) BASE ZONING DISTRICT; REMOVING REGULATIONS FOR FENCES, WALLS AND HEDGES THAT ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT REGULATIONS; REMOVING PUBLIC OPEN SPACE CLASSIFICATIONS THAT ARE NOW INCLUDED IN THE TRANSIT ORIENTED (TO) BASE ZONING DISTRICT REGULATIONS; REMOVING STREET DESIGN STANDARDS THAT ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; TO CLARIFY THE AFFORDABLE HOUSING REQUIREMENTS; TO DELETE THE BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS, AND TO DELETE THE PREVIOUS VERSIONS OF TABLES 155.3709.G.2.a AND 155.3708.G.3.; BY CREATING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)" TO ESTABLISH THE OVERLAY ZONING DISTRICT REGULATIONS, REGULATING PLANS, EAST OVERLAY DISTRICT (EOD) USE TABLE AND EAST OVERLAY DISTRICT (EOD) STREET DEVELOPMENT REGULATING DIAGRAMS AND ALL PROVISIONS RELATING THERETO TO GOVERN DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES WITHIN THE EAST TRANSIT ORIENTED CORRIDOR (ETOC) LAND USE CATEGORY; BY AMENDING CHAPTER 155, ARTICLE 9, PART 4, "MEASUREMENT, EXCEPTIONS AND VARIATIONS," TO INCLUDE PARKING GARAGE SHADE STRUCTURES IN THE MAXIMUM HEIGHT EXCEPTION REQUIREMENTS FOR THE EAST OVERLAY DISTRICT (EOD) AND CITYWIDE; BY AMENDING CHAPTER 155, ARTICLE 9, PART 5, "TERMS AND USES DEFINED," TO CREATE OR REVISE VARIOUS DEFINITIONS RELATED TO THE TRANSIT-ORIENTED (TO) BASE DISTRICT AND EAST OVERLAY DISTRICT (EOD) OVERLAY DISTRICT REGULATIONS; BY AMENDING CHAPTER 155, ARTICLE 4, SECTION 155.4222., "RETAIL SALES AND SERVICES USES - RETAIL SALES," TO SEPARATE GROCERY AND CONVENIENCE STORE DEFINITIONS AND USE STANDARDS TO REGULATE PERMITTED USES IN THE EAST OVERLAY DISTRICT (EOD) AND RENUMBERING THE LIST OF USES ACCORDINGLY; BY AMENDING CHAPTER 155, ARTICLE 4, SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO INCLUDE THE EAST OVERLAY DISTRICT (EOD) IN THE EXCEPTIONS FOR OUTDOOR SEATING DISTANCE REQUIREMENTS FROM SINGLE-FAMILY HOMES OR SINGLE-FAMILY (RS) ZONING DISTRICTS; AND TO ADD THE EAST



OVERLAY DISTRICT (EOD) TO TABLE 155.4501.B EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES; BY AMENDING CHAPTER 155, ARTICLE 2, TABLE 155.2421.B.1, TO ALLOW ADMINISTRATIVE ADJUSTMENTS TO CERTAIN REGULATIONS IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT AND THE EAST OVERLAY DISTRICT (EOD); BY CREATING CHAPTER 155, ARTICLE 5, SECTION 155.5605., "PARKING DECK OR GARAGE DESIGN STANDARDS," TO CREATE DESIGN STANDARDS FOR PARKING DECKS AND GARAGES APPLICABLE TO PARKING FACILITIES IN THE EAST OVERLAY DISTRICT (EOD) AND CITY-WIDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 13, 2018**

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

Jean Dolan, Development Services Department, presented the item and stated it is the second reading on the zoning for the East Transit Oriented Corridor (ETOC). She mentioned that the item 17 is for the text amendment to create the regulations for the Transit Oriented Corridor (TOC) and the East Overlay District (EOD). Item 18 is the zoning map amendment to rezone the properties to be in the TOC/EOD.

Ms. Dolan indicated that the only change since first reading, staff added the beer and wine store specialty use to the permitted use table and fixed some numbering problems that were found in the outline on page 12 and 13 of the EOD. Otherwise, there has not been any further changes since first reading. She said they would forego redoing the presentation unless the City Commission prefers otherwise.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-40**

**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 18-23 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

18. [18-198](#) **P.H. 2018-39: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH FLORIDA, REZONING PROPERTIES DESIGNATED AS THE EAST TRANSIT ORIENTED CORRIDOR IN THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE FROM SINGLE-FAMILY RESIDENCE (RS-1), SINGLE-FAMILY RESIDENCE 2 (RS-2), SINGLE-FAMILY RESIDENCE 3 (RS-3), TWO-FAMILY RESIDENCE (RD-1), MULTIPLE-FAMILY RESIDENCE 12 (RM-12), MULTIPLE-FAMILY RESIDENCE 20 (RM-20), MULTIPLE-FAMILY RESIDENCE 45 (RM 45); LIMITED BUSINESS (B-1); COMMUNITY BUSINESS (B-2), GENERAL BUSINESS (B-3), GENERAL BUSINESS PLANNED COMMERCIAL DEVELOPMENT (B-3/PCD), MARINE BUSINESS (M-1), PARKS AND RECREATION (PR), TO TRANSIT ORIENTED (TO) WITH THE EAST OVERLAY DISTRICT (EOD); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 13, 2018**

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated as previously mentioned this is the second reading of the map amendment and there has been no changes since first reading.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-41**

19. [18-124](#) **P.H. 2018-18: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 31ST AVENUE AND APPROXIMATELY 500 FEET SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD. FROM B-3 (GENERAL COMMERCIAL) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: DECEMBER 12, 2017****TABLED FROM FEBRUARY 13, 2018**

**(Staff Contact: Maggie Barszewski/David Recor)**

David Recor, Director Development Services, presented the item and stated that the item was first read in December 2017 and the City Commission tabled it from the February 13, 2018 meeting. He said staff has no additional comments, however, there is a resolution for the Plat Note Amendment that follows after this item, should this rezoning be approved by the City Commission.

Keith Poliakoff, Esq, 299 E. Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL, stated that on behalf of the applicant they have a complete presentation and will forego repeating it unless the City Commission desires otherwise. This item has been presented eight times at public meetings throughout the city. The last time they appeared before the City Commission they were asked to make a presentation before the Collier City Civic Association, which was done at their January meeting and at the end Ms. Hunter voiced her support of the project.

Mr. Poliakoff stated that they have committed to several community benefits as follows:

- 1) Once they start construction they will remove the bill board on NW 31st Avenue. It has been grandfathered in. It will not be there as part of the development.
- 2) The developer has agreed to work with Charles Drew Elementary School and will be assisting them financially with their literacy, math, and etiquette programs.
- 3) The developer has committed to achieving the county's standard of 25% minority participation within the city. They have been working with Dahlia Baker who have provided them with the forms to be submitted as part of the construction process that goes directly to the city, which is how it regulates and determines the county forms.
- 4) They have confirmed that once construction has begun they will be participating in the city's new apprenticeship program and will take in at least one intern 18 years or over to educate them on the fields of construction.
- 5) The developer has agreed to place art work at the entrance along NW 31st Avenue.
- 6) They will be adding additional lighting on the rear of their facility and remove the buffer wall in order to ensure lighting and security for the schools directly behind them.

Finally, Mr. Poliakoff stated that they are excited to come to the city and staff has done a great job working with them and he expressed appreciation of the support received from the City Commission and community.

Comr. Moss thanked Mr. Poliakoff for meeting with the Collier City Civic Association. He believes and the people of the community believes it is a good project and he will support the development. He commend them for their involvement with the community and support of the school.

Comr. Hardin, Mayor Fisher and Comr. Sobel all declared that they had ex-parte communications regarding the project with Mr. Poliakoff.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-42**

20. [18-218](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE LANIER PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Director of Development Services, presented the item and stated that this is a companion item to the rezoning that the City Commission just approved for item 19. The property owners requested to amend the plat note on the Lanier Plat to change the use limitation and amend the non-vehicular access line known as the NBAL on Parcel C. The amendment would change the use limitation on Parcel C from what is currently provided as 75,000 square feet of commercial use to 75,000 square feet of industrial/office use which permits up to 50% office use within a single tenant building or bay. Mr. Recor displayed a copy of the Exhibit that depicts the 40-foot emergency access point for the fire department, which was omitted in the backup. Staff recommends approval as presented.

Keith Poliakoff stated that the Plat Note modification enables them to build what was just approved as part of the rezoning. In addition, the Plat Note provides the residents the assurances that they were looking for that it would not only be for an industrial use and that it is required to have an office use component, which is included in the plat note.

Additionally, Mr. Poliakoff stated that they disagreed with the County and have called them on the matter, that the NBAL line needs to be modified for emergency vehicles. He was of the notion that if it is an emergency they could cross wherever they want, but the County wanted the modified line, which they have added.

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

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

**Enactment No: RES. No. 2018-95**

21. [18-191](#) **P.H. 2018-45: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF NINETY-NINE (99) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED IN PALM AIRE, WEST OF POWERLINE ROAD AND SOUTH OF PALM AIRE DRIVE NORTH ON PROPERTY COMMONLY KNOWN AS 2606 PALM AIRE DRIVE NORTH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM FEBRUARY 13, 2018**

(Staff Contact: Jean Dolan/David Recor)

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

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

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

22. [18-215](#) **P.H. 2018-47: (PUBLIC HEARING 1ST READING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.7 ACRES OF NONRESIDENTIAL FLEXIBILITY TO CHANGE A RESIDENTIAL LAND USE CATEGORY TO A COMMERCIAL LAND USE CATEGORY ON PROPERTY LYING SOUTH OF NE 28TH COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT; PROVIDING CONDITIONS AND FOR

REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**SECOND READING: FEBRUARY 13, 2018**

(Staff Contact: Jean Dolan/David Recor)

Meeting went into Recess

Meeting Reconvened

Jean Dolan, Development Services Department, presented the item and stated this is the second reading of the two companion items, item 22 is for the flex to do commercial and residential land use district for the six single family homes. The next agenda item 23, is for rezoning from RS-4 (Single-family residential) to B3 (General Business). There have been no changes since first reading. The applicant is available to do their full presentation if the City Commission so desires.

Dennis Mele, Esq., 200 E. Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant, stated that two weeks ago they made a detailed presentation and if the City Commission so desires, he will do so.

Tom Terwilliger, Pompano Beach, FL, stated that the notice requirement relative to the item is flawed and explained in details the reason for making his statement. Therefore, he requested that the City Attorney direct the City Commission that the proposed ordinance initially based on wrong and incorrect mapping, then reworded as a new agenda item on the February 13 agenda and the wrong and incorrect February 13 Sun Sentinel public notice followed by the revised notice on February 16, which was three days after the Commission voted. This raises to the level of public confusion and material questions proper legal notice potentially depriving citizens of due process and proper notice. To quote the Attorney General "Should begun again with full compliance."

Finally, Mr. Terwilliger requested the Commission to strike the item for material errors and questionable public notice.

Mark Berman, City Attorney, stated that publication with ten days' notice is required. Also, per the City's ordinance 155.2305(c), notices were mailed to all real property owners within a 500' radius of the subject parcel for the first City Commission public hearing. The law requires an advertised first reading and that there are two readings with one to be an advertised first reading. Normally, first reading is advertised and the second reading occurring two weeks later, which is not advertised. Therefore, in this circumstance, Mr. Berman understood that there was a scrivener's error in the initial mailings that went out as well as in the initial notice stating east instead of west. Therefore, in wanting to ensure due diligence, a corrected notice was mailed out for this meeting and the advertised notice with the correct description was redone for this meeting. Subsequently, the second reading was heard first, and the advertised first reading is heard the second time, which meets all requirements of notice.

Mr. Berman indicated that he agreed with the Attorney General that it is all about notice. In sum, the citizens got two different mailings, east then west, but at least they got the corrected version and they were notified twice that this was being corrected. So, the corrected one, to avoid any confusion, was sent again and it was properly advertised ten days prior to City Commission hearing. In other words there was a reverse order of the required readings. So, there were two readings, the current one is used as the first reading, which has been done from time to time. Finally, he said this was done in order to avoid delay for another month for the developer. Therefore, it is legal and it met the notice requirements.

Mr. Terwilliger said if the Commission wants transparency and want the citizens to know what is going on without confusion and full disclosure, they should redo it and do it correctly.

Mayor Fisher noted that at the last meeting when this item was heard there were many more residents expressing their views.

Alison Fournier, Pompano Beach, FL, indicated that her comments are unrelated to the notification. She mentioned that even though she had received several other notifications, she had received notification last Thursday for the current meeting. Notwithstanding, she owns a property that will be affected by the proposed development at 1673 NE 29th Street, which is the exit path for the parking garage for all the tractor trailers. Moreover, she said it is already at an intersection that she considers dangerous and explained why in details. In addition, Ms. Fournier stated that her property is a rental, which is her business. So the decision to put a parking garage 200 feet from her rental property will impact her business and she does not think she will be able to rent the property during the year of construction. In addition, she said it will impact a small number of owners, but it is an example of the "big guy versus the little guy." The neighborhood and especially that location is considered a problem area in the City with the bars, convenience stores, loitering, homelessness and things of that nature. She said a parking garage is another structure to encourage loitering and all types of negative activities at night, since it is not operational during the night.

Ms. Fournier said the homes that were purchased for this development is unkempt with garbage. In fact, this was not what the residents of the area had envisioned as an ideal solution to the problems within the area. So more opportunities of negative activities will be encouraged, traffic of tractor trailers will be going by her property and as a business owner this is not helpful to the neighborhood. Therefore, she urged the City to rethink the opportunity to help the area by putting the right thing there. While she is not opposed to a parking garage, to add one to an area with shopping centers and with everything that is already there is a terrible combination, which will encourage loitering.

Annette Campion, 1915 SE 4th Court, Deerfield Beach, FL, stated that the citizens with the backing of their government representation cannot allow residential zoning, which has been in existence for approximately 40 years to be rezoned, and six houses destroyed to put up a four story parking. She said this is a moral issue and the right thing needs to be done for the residents of the Cresthaven community by Pompano Ford. She stated that Pompano Ford needs to be a good neighbor, to build and park their cars on their own side of the street in their business zoned area. They need to be a corporate example of doing the moral and right thing for their community and customers.

In closing, Ms. Campion said earlier today she visited with the residents of 28th Court, 16th Avenue and 29th

Street, and they expressed that they do not want the parking lot encroachment on 28th and to destroy six single family homes. She then provided the signatures of those residents to the City Clerk.

Jeanine Hurt, Pompano Beach, FL, stated for the past five months her life has been in turmoil over this and she has asked questions along the way and never received an answer. She wanted to know how does one business sets the precedents for a neighborhood that has been in existence since 1955 and gets to change the zoning of the area.

Mayor Fisher indicated that every property owner has the right to go through an application process of trying to get built, rezoned, or land use amendments, whether approved or not.

An extensive discussion followed with Ms. Hurt and the City Commission regarding the consideration of allowing Pompano Ford to encroach in the neighborhood and the pros and cons of the impact of building a four story garage. Finally, Ms. Hurt urged the City Commission to vote against this item.

Pajariya Jones, 1479 NE 28th Court, Pompano Beach, FL, expressed concern of the transporters that come in front of her house. She said her neighbor across the street had their mail box knock down three times because of these transporters. Therefore, she is concerned of the impact when more of these will be allowed in the neighborhood. She stated that she has lived in the neighborhood for many years and now her property value will decrease because of this garage.

Mayor Fisher asked Mr. Mele to talk about the transportation and how the flow will impact the homes in the area.

Jeff Hurt, Pompano Beach, FL, stated that this item will be going against the development plans for residents that was discussed earlier. Mr. Hurt said he has spoken with a number of people in his neighborhood and they are against the proposed development of the garage. He mentioned that the influx of homeless people has increased in the area. Therefore, he urged the City Commission to vote against it.

Sharon Henley, 2900 NE 17th Avenue, Pompano Beach, FL, President of L&H Land Corporation, founded in 1966, stated that recently the company purchased a 46 unit apartment building located at 2900 NE 17th Avenue in the Cresthaven area. She said they are investing in the building by remodeling and improving the building, pools, and surrounding grounds to improve the quality of life for the tenants and future residents. She said they are familiar with the rezoning request, and believe the application has a good merit progressing and improving the city. Therefore, they hope to see it improved and they look forward to the improvements in the Cresthaven area. She concluded that L&H Land Corporation supports Pompano Ford Lincoln proposal.

Mr. Mele presented a number of slides outlining the southern area that is already owned by Pompano Ford and zoned B-3, and he said on the northern piece there are six lots outlined, two on the right hand side colored red and yellow are already owned, but they are part of the subject of the application under discussion. The other four yellow rectangles are properties under contract that they will be closing purchase on next month, which are also part of the rezoning request.

Mr. Mele indicated that at the last meeting there was a complaint about some of the properties they acquired



being unkempt and an eye sore; however, the next day after the meeting his client met with the dealership and had the properties cleaned up.

Additionally, Mr. Mele noted that the B-3 property as outlined in red on the lower portion of the displayed slide does have a 100-foot height limitation currently. He then addressed the routes of the traffic in details and explained about the ingress and egress of the trucks delivering cars to the site. He said they will enter in the garage at the southern end and exit at the northern end, so delivery and unloading will be done inside the property not on the street, which will eliminate the car carrier traffic on the street that one of the speakers expressed concern about. In addition, Mr. Mele said the traffic will be controlled and the proposed garage will operate as inventory for the dealership, so no one goes into the garage unaccompanied, therefore, there will be no loitering or homelessness, as there will be millions of dollars of cars that must be secured as part of their business. This was displayed at the last meeting, which has not changed.

Lastly, Mr. Mele explained that if the City had not redone the notice in the manner that the City Attorney described, then it would have been defective, and the Attorney General's opinion would have kicked in and they would have had to start over. Mr. Mele confirmed that the first notice had the correct addresses of the properties, however, when it was describing the location it said east of Federal Highway instead of west of Federal Highway. Subsequently, another notice was sent out in enough time for the meeting and another advertisement that still had the correct address and the correct description to be west of Federal Highway. So, there was no defect in the notice that the City Attorney described to the City Commission.

Vice Mayor Burrie asked if the trucks going out of the northern side would impact the house that one of the speakers mentioned where she had a rental house located.

Ms. Fournier, the rental property owner, stated that at the intersection they would come north out of the parking garage and go one block north and then make a right on 29th where there is a traffic light at Federal Highway. She said her house is at the corner where there is a confusing two way stop. Currently, they go by the corner and park on the street south of the dealership. She does not see many trucks exit there. So, she believes when they exit they go back to the neighborhood a different way because they are south of the parking lot and currently they cannot get there. Ms. Fournier indicated that the current two way stop needs to change to a four way stop, should this item be approved.

Vice Mayor Burrie indicated that several points were made regarding the homeless hanging out in the parking garage. However, she understands that there will be new cars housed in the garage and that it would be locked up with no accessibility of people going in and out at night or for homeless people to hang out there.

Mr. Mele responded that is correct.

Vice Mayor Burrie asked about the response of the schedule to clean up the properties that were acquired.

Robert DeMonte, 11537 SW34 Lane, Miami, FL, representing Holman Automotive, stated that on the morning of February 14, he went to the dealership and met with the General Manager and Service Manager and walked them through the two houses they own and were referenced as the red and yellow around it. The ones on the upper right hand corner of the overall lot, the grass has been cut and all the debris has been picked

up, and anything that could be removed were removed. There is plywood over the windows and this is done so that the homeless does not break in, but they will continue to police that. The other house on the lower left hand side which was the former daycare center the same cleaning up was done. It has been painted one color because prior it was multi colored.

Mr. Mele indicated that moving forward upon approval of rezoning, they will file their site plan for the parking lot and upon approval they will remove everything that is there, put in the parking lot, the trees, and the landscaping. The plan is to move quickly which nothing can be done until this step is passed. The first phase is the parking lot itself with the landscaping. He said the setback of the garage from the northern property line is 73 feet in excess of what the code requires, and the western setback is 32 feet also in excess of code requirements.

Finally, Mr. Mele stated that the depth of the single family lots is 84 feet. Therefore, of the 84 feet 70 feet will remain greenery.

Comr. Sobel stated that Holman Automotive are good people and a great Pompano Beach business. However, he feels the system is rigged against the working class residents, who live in the Cresthaven neighborhood. He said the four story garage however beautiful it is decorated is a monstrosity. So for those people who spoke to say their houses and those in the nearby area will be affected he agrees with them. This will dramatically and grossly alter the Cresthaven neighborhood for blocks and blocks around the area. Also, within the reasonably foreseeable future, the rear dog lot of the home and property is going to be the exit for the Charlotte Burrie Civic Center and that will change everything.

Mr. Harrison stated that some time ago, the City had a discussion with Holman about being able to access the Cresthaven area, but when they decided to come to the City with regard to this particular project, he and the City Attorney mutually agreed that the City should stay away from any discussions regarding the project with the Holman group, to keep above reproach with regard to their dealings with the process in terms of their parking garage. So everything was silenced at that point. There is a possibility the city may go back to them at the right time for an egress/ingress for the Cresthaven community. But currently, the city is not in any negotiation at this time.

Vice Mayor Burrie stated that at the time City Manager Harrison was not involved in the negotiations. It was when City Manager Dennis Beach was in office and at the time when the property was bought. The property has been owned for approximately four years and negotiations actually stopped when he left. Therefore, this rezoning has nothing to do with the Community Center which is well deserving by the residents.

Mayor Fisher asked for clarification regarding Comr. Sobel's comments about the "system being rigged."

Comr. Sobel stated it is a common place saying, where he feels like people who have a lot of money has the advantage of being able to hire lawyers to contest things, and to purchase properties and solve problems in the neighborhood. Whereas, some of the others in the neighborhood, who are the long term residents, do not have the manpower and the backing to be able to contest things in court or in the system. They do not always have the ability to come to the City Commission meetings, because they are working every day and taking care of their kids. So they do not have a chance to voice their opinion like others may.

Additionally, Comr. Sobel said he respectfully disputes the fact that Dennis Beach was the only one negotiating for the property. He knows that Mr. Harrison was part of the discussions at that time. He also knows that counsel for Holman Ford had advised him that there were discussions between Mr. Harrison and the owner of Holman Ford.

Mayor Fisher asked about what can be put on the property today on the B-3 parcel and if it is a 100' structure, which Mr. Mele responded that is correct.

Mr. Mele explained that the 84 feet that they are adding, there is a 70-foot setback on the north side, so they are only using 14 feet of the 84 feet for this building.

Mayor Fisher understands that for being 14 feet narrower, they could only build out four stories that would not create shadowing. He is concerned of what the structure will look like to the residents. So they are bringing the height down to four versus ten with only 14 feet to do that.

Mr. Mele responded that is correct. In addition, he said at the last meeting they had shown a drawing of the four story parking garage, which was rudimentary in design and was told they will have to meet the design standards for parking garages, so they will have to make it look much better than the last display to meet the new design standards.

Mayor Fisher asked how do they intend to secure the facility 24 hours a day.

Mr. DeMonte stated that first the drawing shows an 8' high wall and it gets put up in Phase I. There will be a locked gate on the north and south sides. When the parking garage is built there are openings that are screened and louvered so people cannot climb in them. Therefore, the first floor there will be an unsecured opening, which is about 16 feet above the ground. There is a rollup door to lock both entrance and exit to the garage. Moreover, as he stated at one of the meetings with the Cresthaven residents, they typically bring their lights down to a low level at 10:30 p.m. or whatever time staff requires. So, they come down from a fairly intense lighting to just ambient lighting for security. However, there is a motion sensor, if someone gets on the property the lights will go on, which is a deterrent. In this case, they agreed to activate the sprinkler systems by the same device, so if the homeless gets on the property they will get both lights and water.

Mayor Fisher asked how do they police the 70 feet left for the buffer area.

Mr. DeMonte responded that is where the sensors will be.

Mr. Mele confirmed both the surface and garage lots will be secured. He said that currently in the City most of the zoning districts are separated by a road. For some reason in this location the difference between the B-3 and the residential is in the middle of the block, which does not make sense. However, the way they are changing it there will be a street separating the residential from the commercial.

Mayor Fisher indicated that the area was under the County prior to the City acquiring it a few years ago.

Comr. Hardin indicated that under advisement of counsel he will need to recuse himself based upon the fact that he had a prior business arrangement with Holman Automotive and will file the appropriate forms as required.

Mayor Fisher announced the time to be 11:15 p.m. and indicated that there were 5 more items to be discussed. He asked for a vote to either extend the time to 12:00 midnight or recess the meeting and reconvene at 10:00 a.m. on Wednesday, February 28.

The result of the Motion was that the City Commission will return to continue the agenda at 10:00 a.m. on Wednesday, February 28, 2018.

Mr. Mele asked if the City Commission could hear item 23, the companion item to item 22, which was recently adopted. However, the City Commission ruled that item 23 would be heard the next day, February 28, 2018 at 10:00 a.m.

**A motion was made by Commissioner Sobel, seconded by Commissioner Perkins to continue the meeting until midnight.**

**No: Hardin**

**Moss**

**Burrie**

**Yes: Fisher**

**Perkins**

**Sobel**

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

**Yes: Moss**

**Burrie**

**Fisher**

**No: Perkins**

**Sobel**

**Recused: Hardin**

**Enactment No: RES. No. 2018-82**

**23. [18-214](#) P.H. 2018-48: (PUBLIC HEARING 1ST READING)**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF NE 28TH COURT**

AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**SECOND READING: FEBRUARY 13, 2018**

(Staff Contact: Jean Dolan/David Recor)

**Meeting Reconvened at 10:00 a.m. on February 28, 2018**

Jean Dolan, Development Services Department, presented the item and stated that this is the companion item to the previous item 22, which was approved at the end of the evening on February 27, 2018. She said it is for a flex to change the land use from residential to commercial and the zoning to change it from RS-4 to B-3.

Dennis Mele, Esq., 200 E. Broward Boulevard, Fort Lauderdale, FL, stated that on behalf of the applicant, he is requesting that the discussion from last night to be made part of the record for this item.

Rhonda Eaton, 3400 NE 13th Terrace, Pompano Beach, FL, stated that she was watching the meeting last night and heard something said about her and for the records she would like to take the time to clear it up.

First, she noted that one of the speakers, Ms. Jeanine Hurt, said, “Rhonda Eaton speaks for Vice Mayor Burrie on social media.” Ms. Eaton stated she does not have any agreement, formal or informal with Vice Mayor Burrie to speak on her behalf on social media or anywhere else. She believes Vice Mayor Burrie is capable of speaking for herself. Also, it was said that she does not live in Cresthaven. However, she stated she owns a number of properties two are in Pompano Beach, one in district 1 and one in district 2, which property she bought in 2014. Further, she said she has been a participant in the community, she resides there, she volunteers as a member of the board of the Cresthaven Civic Association, and served two years in 2016 and 2017 as president.

In addition, Ms. Eaton stated that she was not against the project before she was appointed to the Planning and Zoning Board (P&Z). Also, at the Association meeting in January, it was the first time she had met Ms. Hurt, but she did see her at the P&Z meeting. She has never seen Ms. Hurt at any of the social events planned, or seen her working on any of the community projects done over the years.

Ms. Eaton continued that at the last meeting, Comr. Sobel stated that he was at the January Association meeting in the context of the Ford project issue, and that most of the people were vehemently opposed to the project, which is not true. Ms. Eaton stated that with her years of experience with zoning issues as well as understanding the difficulties when they bump up against neighborhoods, the fact is a B-3 zone allows ten stories. The argument that they could have built it without the properties acquired, is true. However, they wanted to do something that would be conducive and fit into the community. She had looked at the plans, discuss the plans at the P&Z Board and others and saw the presentation at the Cresthaven Civic Association. She opined the group has bent over backwards to accommodate the residents. She concluded that they did their best to be as amenable and to have the least amount of impact as they possibly could in a residential

neighborhood. She said the 70-foot buffer zone on the backside - the north side of the property is incredible. Finally, she stated that she has her driver's license and voter's card to prove her residency.

Comr. Hardin declared that on advice by counsel and in the abundance of caution he will recuse himself as he has had prior business printing relationship with Holman Automotive and will file the proper forms accordingly.

Comr. Sobel asked if Comr. Hardin's vote would affect the last vote two weeks ago.

Mark Berman, City Attorney, responded that the last vote from two weeks ago is not the vote that would approve the item. If information came to light after that vote, which in good faith has been disclosed now, does not affect the last vote. The last vote stand as is. In fact, the vote was a 4-2 so the additional vote would not have had any effect on the outcome.

Comr. Sobel asked if a super majority would have been required for the vote on this item two weeks ago.

Mr. Berman responded that a super majority was not required so there would not be an effect. Therefore, to go through the process of redoing the vote would be unnecessary.

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

**Yes:** Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Recused:** Hardin

**Enactment No: ORD. No. 2018-34**

**END OF QUASI-JUDICIAL PROCEEDING**

**24. [18-180](#) P.H. 2018-37: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.3205, "SINGLE-FAMILY RESIDENCE 4 (RS-4)," SECTION 155.3207, "TWO-FAMILY RESIDENCE (RD-1)," SECTION 155.3302, "LIMITED BUSINESS (B-1)," SECTION 155.3307, "COMMERCIAL RECREATION (CR)," SECTION 155.3502, "PARKS AND RECREATION (PR)," AND SECTION 155.3505, "TRANSPORTATION (T)," TO REVISE MINIMUM AND MAXIMUM REQUIREMENTS IN ZONING CODE DIAGRAMS TO CONFORM WITH CORRESPONDING TABLES, AND BY DELETING CERTAIN UNNECESSARY

DIAGRAMS; BY AMENDING SECTION 155.4210, "INSTITUTIONAL: OPEN SPACE USES," TO AMEND THE DEFINITION OF "PARK OR PLAZA" AND MODIFY STANDARDS FOR SAME; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM FEBRUARY 13, 2018**

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

David Recor, Director of Development Services, presented the item and indicated that the proposed ordinance includes two minor text amendments. The first affects two articles of Chapter 155, Article 3 and there are six districts that are affected. There are no changes to the district requirements. However, in 2012 the city undertook a comprehensive rewrite to Chapter 155, the City's Zoning Code, and it was the first time that tables, graphics, and illustrations were included in the zoning code. The table identifies the purpose of each district, the use standards and specifically the intensity and dimensional standard. Staff observed that the intensity and dimensional standards included in the table were not accurately reflected in the typical development illustration that was provided for the six specific districts. In sum, Mr. Recor stated that the item is housekeeping in nature, and there are no changes in the intensity or density standards.

Additionally, Mr. Recor stated the second provision is actually as a result of an initiative that the Parks and Recreation department would like to pursue regarding installation of an automated ice machine at Alsdorf Park. Therefore, there needs to be a text amendment to the park and plaza use table to provide for automated vending machines and standards for their locations.

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

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

25. [18-189](#) **P.H. 2018-38: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," TO REVISE FLOODPLAIN MANAGEMENT REGULATIONS, BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY AND PROVIDE ADDITIONAL DEFINITIONS; BY AMENDING SECTION 152.22, "APPLICABILITY," SECTION 152.24, "PERMITS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," AND SECTION 155.32, "MANUFACTURED HOMES," TO REVISE PROCEDURES, CRITERIA AND REQUIREMENTS FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 13, 2018**

(Staff Contact: Jean Dolan/Paola West/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that it is the second reading of the updates to Chapter 152 to support the City's CRS (Community Rating System) program and there has been no changes since the first reading.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-43**

26. [18-196](#) **P.H. 2018-41: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4203., "RESIDENTIAL: GROUP LIVING USES," AND SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO CREATE NEW STANDARDS REQUIRING BOTH ASSISTING LIVING FACILITIES AND NURSING HOMES TO BE EQUIPPED WITH A PERMANENT EMERGENCY GENERATOR; TO ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE SITE PLAN MODIFICATIONS FOR THE PLACEMENT OF SUCH GENERATORS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 13, 2018**

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

Jean Dolan, Development Services Department, presented the item and stated this is the second reading of the proposed ordinance that supports the state law to require generators at all Assisted Living Facilities (ALF) and nursing homes. She indicated that staff made one minor change since first reading where the eighty degrees' temperature maximum was specified but was inadvertently left out of the ordinance.

Mayor Fisher thanked staff for putting this item together for the City Commission's approval.



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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-44**

27. [18-223](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ROBERT HOLMES** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE #1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 22, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

***Robert Holmes, Alternate 1, Incumbent - District 4***

Lisa Ferreri - District 1

Diana V. Lurie - District 1

John F. Neff - District 1

Raymond H. Nies - District 1

George E. Longobardi - District 1

Daniel Horak - District 3

Louis Riva - District 3

Emma Ellington - District 4

Carmen Jones - District 4

Marcus A. McDougale - District 4

Andy Cherenfant - District 5

Daniel P. Diaz - District 5

Linda Houston Jones - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Commissioner Hardin, to insert the name ROBERT HOLMES, and that the Resolution be ADOPTED. The motion carried by the following vote:**

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

**Enactment No: RES. No. 2018-96**

**E. REPORTS**

**Gregory Harrison, City Manager - Dr. Mack's Proposal** - Mr. Harrison stated that there has been some discussion at about three City Commission meetings ago with regard to utilizing a professional services contract with Dr. Wilhelmina Mack and now she is ready to talk to each commission one on one with regard to her proposed services. This was at Dr. Mack's request as she wanted to get to know each individual prior to commencing work. Therefore, this will be scheduled after the March 13, 2018, City Commission meeting.

Comr. Perkins confirmed that she had requested that after speaking individually with each commissioner that the item be placed on the March 13, 2018 Agenda.

Mr. Harrison stated that the contract is in the City Attorney's office so they will be ready for the discussions with the commission within a week.

Mark Berman, City Attorney indicated that they looked at her scope of work and it has been amended and is ready for the commission's review. Therefore, at the time the commission would instruct his office to proceed, they will prepare the service agreement and attach that as a scope of work. So, what will be provided is not the actual contract with the city's standard service language but the proposed scope of work which is really the "meat" of the contract.

**Customer Service Training** - Mr. Harrison indicated that the Executive Staff has been talking about customer service training for all key employees that come into contact with the general public. A professional trainer will come in on four different days in March to provide this training, titled "Skills and Strategies to do Good."

**Mark Berman, City Attorney - No Report**

**Ascleeta Hammond, City Clerk - Supervisor of Elections Outreach** - Ms. Hammond announced that the Broward Supervisor of Elections Outreach Team will be coming back to City Hall to do an outreach to the public for re-registration and to assist with any voter questions on Tuesday, April 10, 2018 from 10:00 a.m. to 3:00 p.m.

**Commissioner Rex Hardin - Former Fire Chief Harry Small Demise** - Comr. Hardin mentioned that

former Fire Chief Harry Small passed away recently. The funeral services will be held a week from today. He said this has hit the entire Pompano Beach community hard, and he will be sorely missed.

**Commissioner Barry Moss - Community Meetings** - Comr. Moss announced that tonight, Wednesday, February 28, 2018 at 7:00 p.m. the Collier City Civic Association meets at the Jan Moran Library.

On Wednesday, March 7, 2018 at 7:00 p.m. at the Herb Skolnick Community Center, there will be a Community meeting in Palm Aire regarding the proposed 99 flex units allocated for a new condominium building. He invited anyone that is concerned to attend the meeting.

**Commissioner Beverly Perkins - Advisory Board Members Proof of Residency** - Comr. Perkins asked the City Clerk about the procedure for residents being placed on a board and providing proof that they reside in the City of Pompano Beach.

Ascleeta Hammond, City Clerk stated that the City tried to come up with a policy to do background check as far as producing a driver's license or some kind of ID but it was not approved by the Commission. Historically, a person would be required to complete an application and submit it to the City Clerk's Office.

Comr. Perkins indicated that she was concerned with proof of residency and that all the people being appointed to the boards has been cleared through the Clerk's Office prior to going before the City Commission.

Mark Berman, City Attorney indicated that not all boards require city residency. Those that do, are checked to ensure they are residents.

Ms. Hammond indicated that there is a trust factor involved with a commissioner appointing someone to the board and she would ask certain questions to verify they are registered to vote in the City and that they live within the City's boundaries. If they respond yes, the application is placed before the Commission.

**School Security** - Comr. Perkins indicated that she has three schools in District 4, which she has contacted the principals to ask what they need to make their schools safer and secure. She said it is a good idea to have the City Manager to call all the schools in the City of Pompano Beach and find out their needs to upgrade security so there is not another disaster similar to what happened in Parkland.

Comr. Perkins said after speaking with the principals, she learned that at a number of the schools the cameras are not working or some of the gates are unsecured so someone can just walk into the schools. Therefore, she made a motion to have the City Manager contact the principals and find out how the schools can be better secured for safety. Also, if this could be done within the next six months prior to the beginning of the new school year. If not, then to get a letter sent to the School Board to inform them what we are requiring for our schools to be better secured in Pompano Beach. If this does not work within the six months, perhaps a Plan B could be considered.

**MOTION:** A motion was made by Comr. Perkins, seconded by Vice Mayor Burrie to direct the City Manager to contact the principals of the schools in the City of Pompano Beach to find out how the schools can be better secured for safety. The motion carried unanimously.

**Martin Luther King Boulevard Unveiling and Rededication** - Comr. Perkins announced that the Martin Luther King Boulevard Unveiling and Rededication will take place on Saturday, March 10, 2018 at 11:00 a.m. at the Annie Gillis Park. This is to celebrate the removing of Hammondville's name on Martin Luther King Boulevard and that Dr. King's name will stand alone.

**Commissioner Michael Sobel - Housekeeping Matters** - Comr. Sobel explained his protocol. He said recently he has had residents, businesses and people just showing up at his private law office with no appointment desiring to talk about city business and he tries to explain that he does not allow any pop in appointments or any city business to take place at his private law office. However, he is readily available at City Hall and it is part of the reason why phone calls are not returned if it goes through his private office. He apologized for any inconvenience, and hopes the residents understand when his staff politely ask to schedule an appointment at City Hall. Also, he said he does not do lunches with lobbyists and consultants. He explained that there was a problem a few weeks ago when staff, without his knowledge, changed the access to his telephone at City Hall, but it has been corrected and he was able to pull the phone messages off voice mail. He announced that if someone wanted to get in contact with him, he encouraged them to send an email to the City email address at [Michael.Sobel@copbfl.com](mailto:Michael.Sobel@copbfl.com) <<mailto:Michael.Sobel@copbfl.com>> and he will set an appointment to meet on Friday afternoons. There is no staff for the Commission so there is no appointment secretary for any member of the commission.

**G.O. Bond** - Comr. Sobel stated that with regard to the G.O. Bond in the City, the most important thing that he would urge is that everyone educate themselves so they can make their own independent decision and to be sure to vote. He said meeting with the residents is one of the joys working as a commissioner. He urged those voting by mail to make sure the absentee ballot/vote by mail is received in the Supervisor of Elections office on or before March 13, 2018. It is not when it is postmarked, therefore, it has to be received on or before March 13, 2018. He said the Bond will affect the City of Pompano Beach for decades to come, in whichever way a person votes, especially as it relates to the financial burden to the residents and businesses. There are some wonderful concepts being presented but there are others that are not so much, and are tied together in three with all or nothing financial burdens. He said he will be voting against the Bond ballots and provided details as to his concerns.

Comr. Sobel indicated that if anyone wants to receive his newsletter about his views on the G.O. Bond just send him an email request to [Michael.Sobel@copbfl.com](mailto:Michael.Sobel@copbfl.com) <<mailto:Michael.Sobel@copbfl.com>>

**US Securities and Exchange Commission** - Comr. Sobel reported that yesterday some of the news reports brought up about the US Securities and Exchange Commission investigation of the 2014 \$60 million G.O. Bond in the City of Miami Gardens. He said that the Bond was presented to the voters similar to the proposed Bond issue in Pompano Beach. The facts, according to the report were fairly non-existent. He then provided a detailed reporting on the investigation conducted.

**Vice Mayor Charlotte Burrie - No Report.**

**Mayor Lamar Fisher - Broward League of Cities Gala** - Mayor Fisher announced that the Broward League of Cities 61st Annual Gala will take place on May 19, 2018. In the past, the City has participated as a minimum sponsor for \$2,500 and requested that the Commission move this forward.

**MOTION:** A motion was made by Comr. Hardin, seconded by Comr. Moss to move it forward. The motion carried unanimously by voice vote except for Comr. Sobel who opposed.

**G.O. Bond** - Mayor Fisher thanked the Pelican for their endorsement of the G.O. Bond and those who have been talking about it. Mayor Fisher stated that it is interesting when one can pick one city like a Miami Gardens out of multiple cities that have G.O. Bonds and try to paint a picture that this is Pompano Beach. With all due respect to Comr. Sobel's comments made earlier, those are his opinions and whatever happened in Miami Gardens it does not happen in Pompano Beach. He said it disturbs him at times to hear people continue to cast doubts on the City. It gets wearing down on the Community and staff that we do not have confidence in our city. The City has always had incredible and impeccable track record of success. The audits every year are extremely clean and transparent. Rewards have been awarded for the City's accolades for its audits. Every year information is posted on the website and is therefore very transparent. So to cast doubts is disingenuous to the City. He said whether the Bond is voted for or against, it is not fair to be comparing the City of Pompano Beach with Miami Gardens.

Mayor Fisher said he is proud of his City and what has been accomplished over the years, since he has been an elected official for over seventeen years working with many commissioners, mayors, vice mayors and staff members former, and current, which has been a pleasure. So, those who try to denigrate the city must stop. This is his opinion and everybody has his/her opinion. However, he encouraged the residents to do their research, check out the information and talk to staff and their elected officials on what they would like to do with the G.O. Bond, which is an opportunity for the City. He encouraged everyone to go out and vote. He said it is a fact that there are absentee ballots and people are voting via absentee/mail ballot.

Mr. Harrison apologized that he did not think of this earlier, and stated that the City of Pompano Beach has a very unique feature in its Charter in that there is an internal auditor to keep everything audited in house and protect exactly the things Comr. Sobel is bringing up. In fact, recently, there was a unanimous vote to appoint Deusdedit Kiyemba (DC) as the internal auditor, who works directly for the City Commission. Therefore, he proposed that the City Commission set up a special audit project for DC when the bonds pass, and the City Commission could decide on a monthly, or quarterly report, which could provide the comfort level of someone outside of management or staff is working on it.

Mayor Fisher thanked Mr. Harrison for his suggestion. However, he urged everyone to stick to the facts.

**F. ADJOURNMENT**

The meeting recessed at 11:26 p.m. and reconvened at 10:00 a.m. on Wednesday, February 28, 2018 and adjourned at 11:15 a.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk



# East Transit-Oriented Corridor

Comprehensive Plan Text and Map Amendment  
City Commission Adoption Hearing (Second Reading)

February 27, 2018





# Introduction

## Agenda Items:

### Regular Agenda

- Item #15: ETOC Land Use Plan Text Amendment
- Item #16: ETOC Land Use Plan Map Amendment
- Item #17: TO/EOD Zoning Text Amendment

### Quasi-Judicial

- Item #18: TO/EOD Zoning Map Amendment



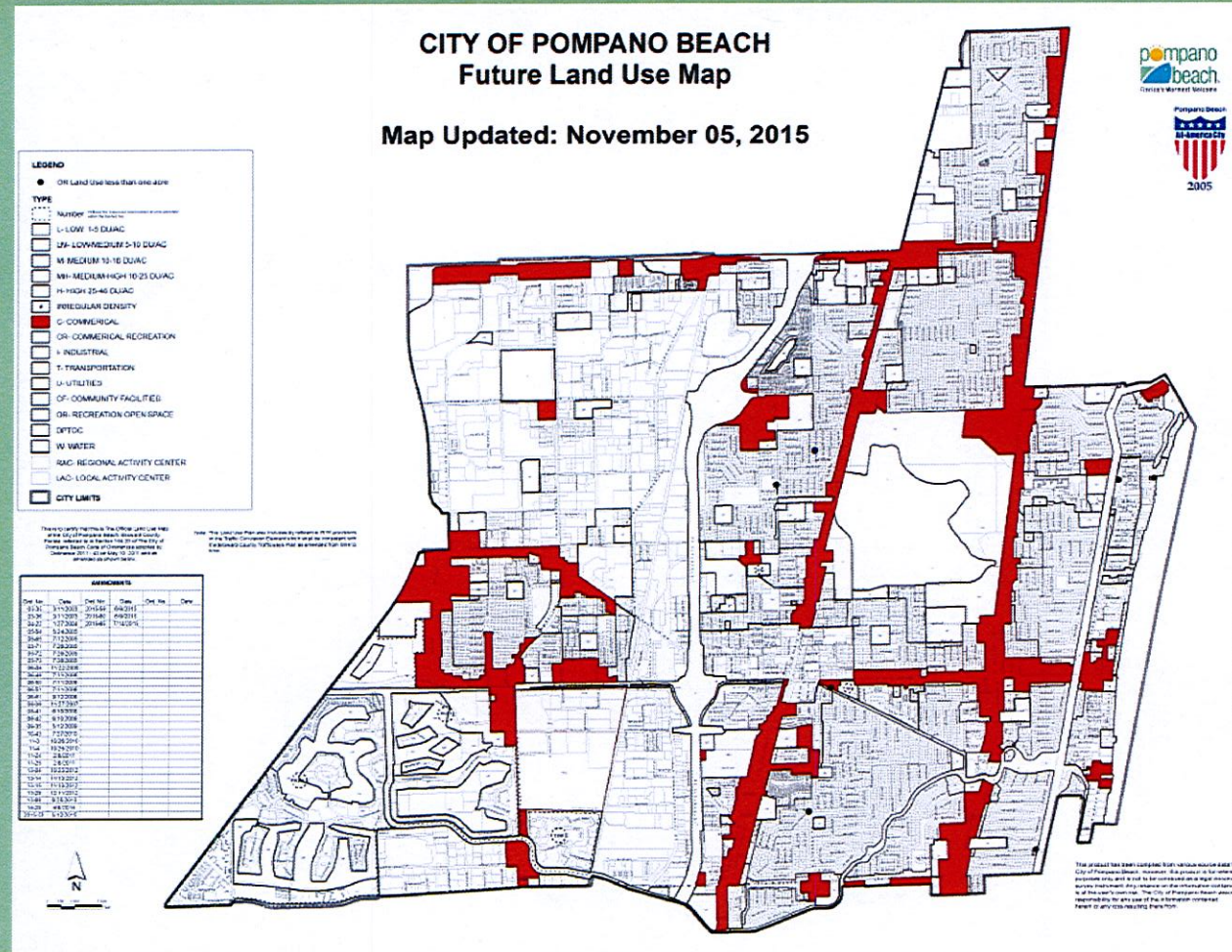
# Commercial Land Use

**Corridors lined almost entirely with Commercial Land Use.**

**No By-Right Residential (Mixed Use Development or Stand-alone) permitted on the Commercial Land Use.**

**Mixed uses can be created with two tools:**

- 1. Flex Units**
- 2. Land Use Plan Amendments**





# Transit Oriented Corridor

Comprehensive Plan: Principles of a Transit Oriented Corridor  
Objective 1.19.1 and associated policies

- Facilitate Mixed Use Development
- Generally ¼ mile from priority transit routes
- Residential principal component in “basket of rights” to be allocated in accordance with zoning
- Nonresidential use included in “basket of rights” to be allocated in accordance with zoning
- Design principles to address transitions to adjacent uses and transit facilities; Integrated public open spaces; pedestrian mobility and amenities; building placement and street connectivity.

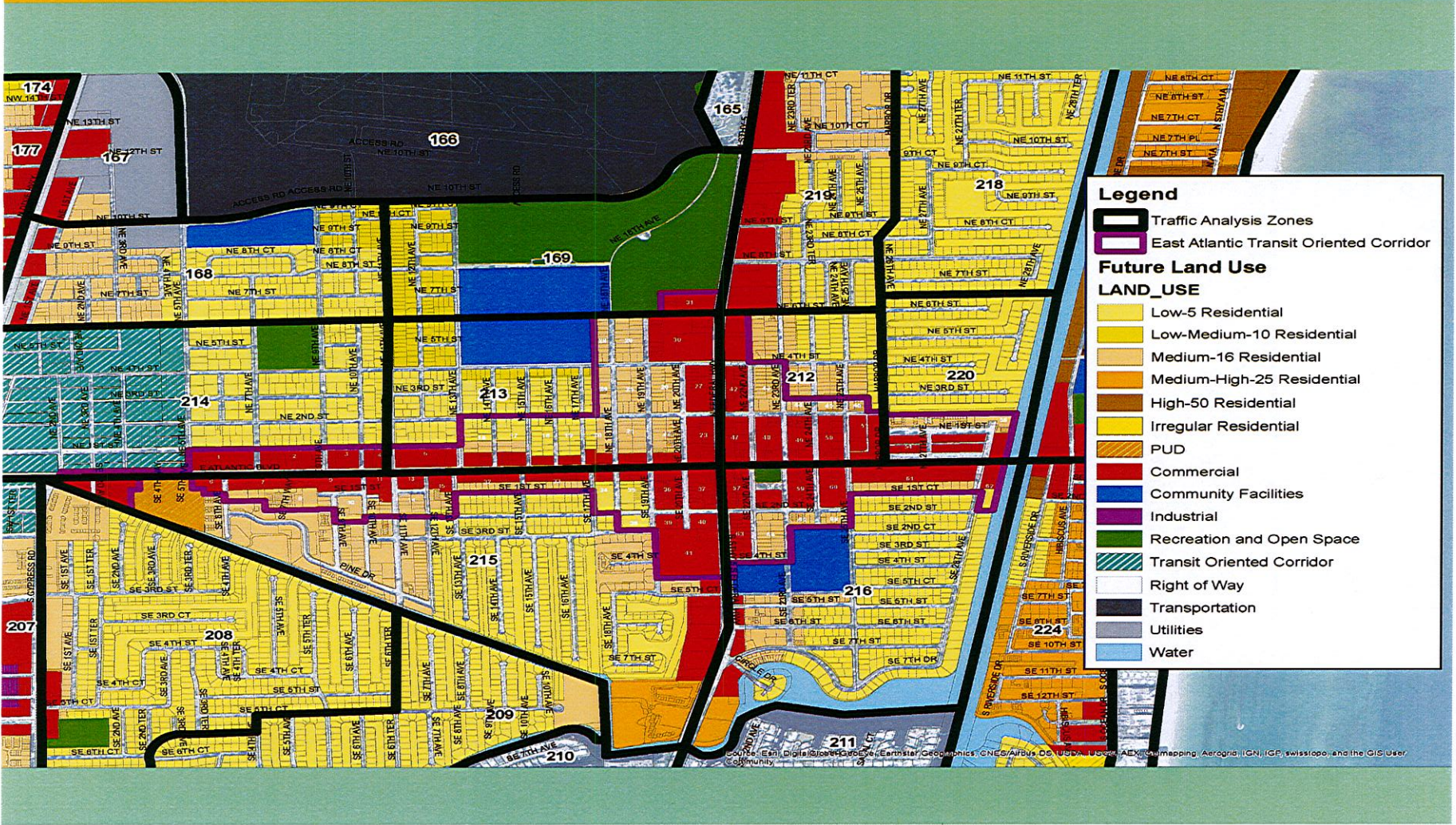


# Proposed Future Land Use Map





# Adopted Future Land Use Map





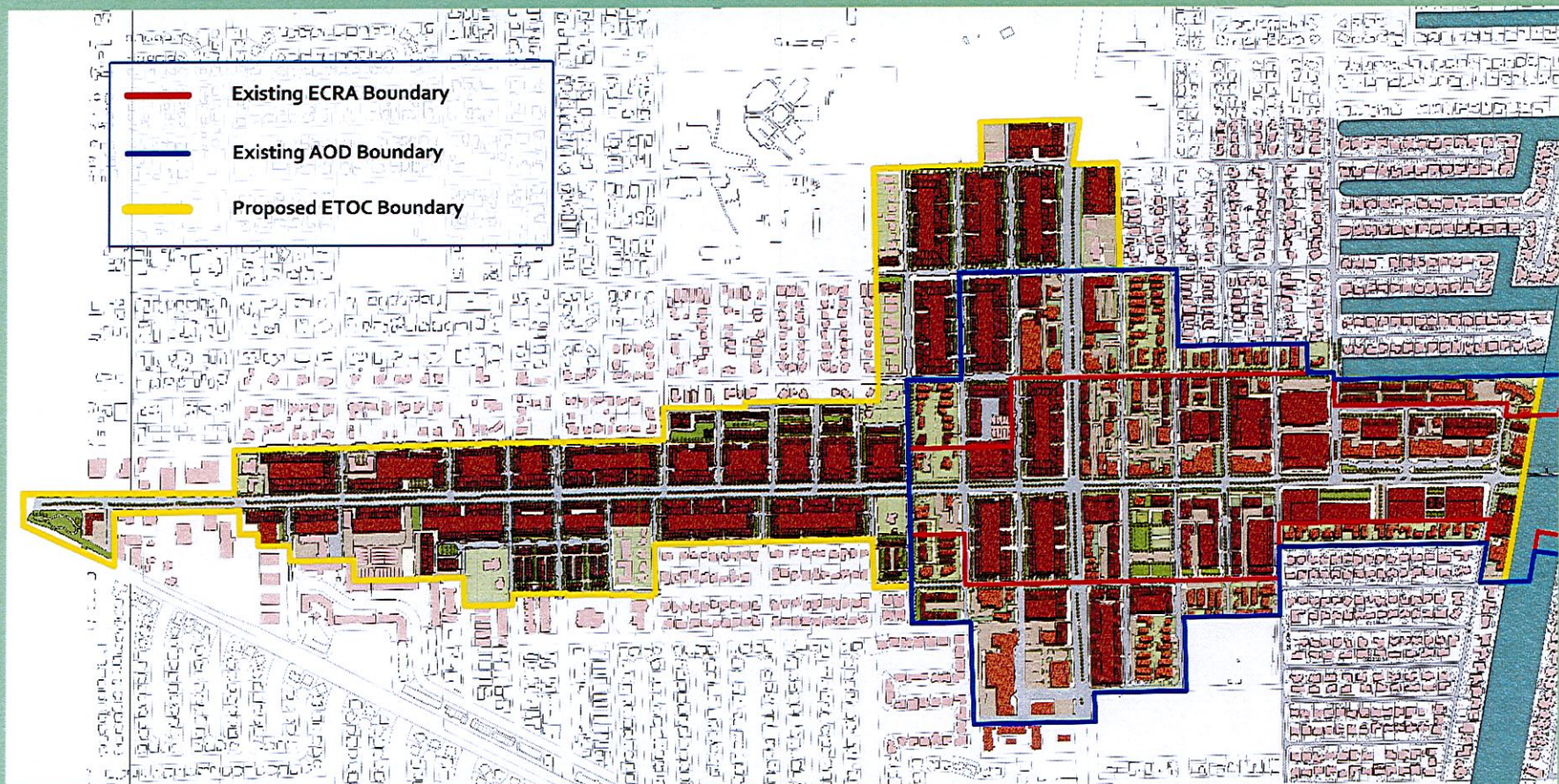
# Current Entitlements and Existing Development

Land Use Category	Square Footage (SF)/Units	Built Square Footage (SF)/Units
Commercial (General Business)	44,739,280 SF	1,759,384 SF
Residential Units	1,319 Units	1,046 Units (273 unbuilt)
Recreation and Open Space (Park)	5.5 Acres	5.5 Acres
Community Facility	5.0 Acres	5.0 Acres



# ETOC Master Plan

(Estimated 50 Year Buildout)





# Net Change in Entitlements

Land Use Category	Square Footage (SF)/Units
Commercial (General Business)	-37,739,280 SF
Residential Units	2,399 Units
Recreation and Open Space (Park)	No change below minimum
Community Facility	No change below minimum



# Proposed Entitlements for ETOC Basket-of-Rights:

(15-Year Planning Horizon to 2030)

Land Use Category	Square Footage (SF)/Units	Built Square Footage (SF)/Units
Commercial (General Business)	7,000,000 SF (-37,739,280 SF)	1,759,384 SF
Residential Units	3,718 Units (+2,399 units)	1,046 Units (273 unbuilt)
Recreation and Open Space (Park)	5.5 Acres	5.5 Acres
Community Facility	5.0 Acres	5.0 Acres



# Design Principles and Procedures

## Land Use Compatibility:

- Compatibility of adjacent uses by incorporating appropriate edge treatments along with building design elements that respect existing development but do not impede safe and efficient pedestrian access.
- Building setbacks and heights that address compatibility between proposed and existing development and FAA height limits, if applicable.
- Service areas that do not impact adjacent residential development.
- All land uses, including institutional and utility uses, must be designed to be compatible with adjacent properties.



# Design Principles and Procedures

## Connectivity:

- Pedestrian connectivity which results in sidewalks that connect to an adjacent sidewalk or street crosswalk and do not dead-end at property lines.
- Incorporation of the principles of Complete Streets, subject to the limitations of right-of-way.
- Historic Resources:
  - Protection of designated historic resources.



# Affordable Housing

## **Affordable Housing:**

- The ETOC land use plan amendment created 2,399 new residential units and a minimum of 15% of those units (360 units) are required to be affordable or to contribute to the implementation of the city's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the City.
- The City may apply to new housing projects one or a combination of the following affordable housing strategies, without limitation:
- A. Each residential development may be required to set aside a minimum of 15% of their proposed units as affordable housing to provide all or a portion of the required 360 affordable housing units as vertically integrated affordable housing; or
- B. Until such time as all 360 affordable housing units have been provided, each residential development shall contribute in-lieu-of fees per City Ordinance 2014-19, as may be amended from time-to-time.



# Affordable Housing

These funds will be used to promote one or more of the following:

- programs that facilitate the purchase or renting of the existing affordable housing stock;
- programs which facilitate the maintenance of the existing supply of affordable housing;
- programs which facilitate the use of existing public lands, or public land-banking, to facilitate an affordable housing supply;
- other programs or initiatives designed and implemented by the city to address specific affordable housing market needs and challenges in the City that may arise, including but not limited to, strategies that reduce the cost of housing production; promote affordable housing development; prevent displacement; prevent homelessness; promote economic development; and promote transit amongst low- income populations.



# RECOMMENDATION

Staff recommends approval of:

Item #15: East Transit Oriented Corridor  
Comprehensive Plan Text Amendment

Item #16: East Transit Oriented Corridor  
Comprehensive Plan Map Amendment

## DISCUSSION AND QUESTIONS



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

LAST NAME—FIRST NAME—MIDDLE NAME Hardin, Rex		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 131 Southeast 7th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach FL 33060		COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED February 27, 2018		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

### ELECTED OFFICERS:

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

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

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

\* \* \* \* \*

### APPOINTED OFFICERS:

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

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

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

## APPOINTED OFFICERS (continued)

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

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

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

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Rex Hardin, hereby disclose that on February 27, 20 18:

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

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

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

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on February 27, 2018, I abstained from voting on the following items:

22. 18-215 P.H. 2018-47: (PUBLIC HEARING 1ST READING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.7 ACRES OF NONRESIDENTIAL FLEXIBILITY TO CHANGE A RESIDENTIAL LAND USE CATEGORY TO A COMMERCIAL LAND USE CATEGORY ON PROPERTY LYING SOUTH OF NE 28TH COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

23. 18-214 P.H. 2018-48: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF NE 28TH COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The nature of the conflict, which I orally disclosed prior to the vote, on these items, is that I have a voting conflict due to a prior business relationship with Holman Auto which involved my company printing material on their behalf.

3/8/18  
Date Filed

[Signature]  
Signature

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