

## Detailed Minutes - Final

### City Commission

*Rex Hardin, Mayor*

*Barry Moss, Vice Mayor*

*Rhonda Eaton, Commissioner*

*Andrea McGee, Commissioner*

*Tom McMahon, Commissioner*

*Beverly Perkins, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Ascelela Hammond, City Clerk*

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Tuesday, July 23, 2019

6:00 PM

Commission Chamber

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### City Commission Meeting

#### **CALL TO ORDER**

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

#### **ROLL CALL**

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

#### **INVOCATION**

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

Mayor Hardin asked everyone to keep the entire Broward Sheriff's Office (BSO) family in their thoughts and prayers on the death of the deputy in Deerfield Beach.

#### **PLEDGE OF ALLEGIANCE**

Led by Ascelela Hammond, City Clerk

#### **APPROVAL OF MINUTES**

[19-568](#) Regular City Commission Meeting Minutes of July 9, 2019

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

#### **APPROVAL OF AGENDA**

Mayor Hardin announced that item 14 will be postponed until September 24, 2019 City Commission meeting.

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

#### **CONSENT AGENDA DISCUSSION**

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

**Mayor Hardin announced that items 5, 6 and 7 would be pulled for City Commission discussion.**

#### **A. AUDIENCE TO BE HEARD**

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

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

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

**McNab Memorial Park** - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked if there are any attorneys or law firms in the audience, or in TV land, as well as members of the VFW DAV or American Legion or any veteran who would want to protect the City’s only memorial park dedicated to the “Cease World War II Hero Veterans.”

He noted that in 1992, W.H. McNab and Ari McNab donated McNab Memorial Park in “Lasting Memory to those who gave their lives in service to their country.” The park was not given to the City, it was given to the

men and women heroes who lost their lives so “We, as well as the Commission might enjoy our freedoms.”

Continuing, Mr. Terwilliger stated that the City was the instrument, the trustee, the caretaker of those sacred memorial plats of ground. He contends that the City does not own it and that it is the World War II deceased hero veterans who own the park. He opined that the City in two prior Commission meetings voted to violate the sacred trust, by approving the placement of an old house on their Cease World War II veterans hallowed memorial land. This violates the essence of a World War II memorial and stealing the land that was given to the veterans, not to the City. The City should only be the caretaker, and should be stopped by a higher authority, than allowing a commercial business restaurant to be placed on the land of “Our hero, World War II veterans who they fought and died for it.” He opined that the restaurant will not be able to honor the World War II veterans and instead will dishonor their memory. It appears the only way to stop the City’s land grab from the deceased veterans, is for citizens to stand up and try to go through a higher authority than the City. He asked for support to stand up and support them, and stop the unholy taking of the only memorial in the City of Pompano Beach. The Community Redevelopment Agency (CRA) must be stopped before it is too late. He provided his contact email as Veteransattaxpayersvote.com. He concluded that the veterans deserve better.

**Assistance for Roof Repairs** - Patricia Hicks, 672 NW 20th Street, Pompano Beach, FL, stated that she is a first-time homebuyer who closed on her house on January 8, 2019. She said her bedroom roof collapsed and when she filed a claim, they denied it stating it was due to wear and tear. She has made several attempts to contact someone in the City to assist her and to date she has not been able to get help to fix her roof that has a big hole in it.

Mayor Hardin instructed the City Manager to contact Ms. Hicks to determine the problem and see what can be done to assist her with her situation as quickly as possible.

Comr. Perkins indicated that she had requested that Miriam Carrillo, Director, Office of Housing and Urban Improvement, to assist her, which she has taken Ms. Hicks information to contact her as well.

**Development Projects** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, asked for a population count, which Mayor Hardin responded that it was approximately 100,000. Mr. Drum indicated that it was 11,473 (111,473) in 2017 and is currently approximately 112,000 with the new apartments. Mr. Drum indicated that to date, the Commission has approved 1,899 units. In sum, he said there will be 1,899 cars on three main roads, which are A1A, Federal Highway and Atlantic Boulevard. Mr. Drum complained that too many projects are being approved and eventually there will be a major problem. He said people wants things to change and does not want it to become a “Hallandale” a “Miami Beach” “they want something new, but they don’t want what we’ve got now.” He then provided a list of projects with the number of units being built. He asked the Commission to consider what he is saying and respect it.

**Inquiry regarding Projects in the City** - Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that 11 NE 1st Street near Flagler Avenue, the City is purchasing the property for \$1.2 million, which is an empty building. He then quoted an article from the local paper, which states that the City has been paying the owner of the building \$82,360 per year for nothing, which is an empty building.

He asked how many buildings are sitting empty that the City is paying people for them.

Gregory Harrison, City Manager, suggested that Mr. Skversky come to his office and ask these questions, where the information is available, and staff can provide the facts. Rather than to blindside the Commission with questions who have no idea of the facts.

Mr. Skversky mentioned that there was one bid to move the McNab building. Originally, it was stated that it would cost approximately \$200,000 and asked what would be the cost to move the building.

Mr. Harrison responded that this is being rebid.

Mr. Skversky asked if the holdup on the bathrooms being built at the Pompano Community Park was due to the flood zone not being determined.

Mayor Hardin responded that the information Mr. Skversky is looking for can be provided by staff.

**Anonymous letters in the Pompano Pelican** - Lauren McGee, 560 SE 23rd Avenue, Pompano Beach, FL, stated that she is the younger sister to Comr. Andrea McGee, daughter of Ed & Moka McGee, and noted that she has no relation to Billy, Joe or Bobby McGee. She complained that she finds it disturbing and deceptive that the new owners of the Pompano Pelican newspaper, two of whom lost on their anti-development stance in the last election, and are now allowing and encouraging anonymous letters to the editor, all of which are one sided.

Continuing, Ms. McGee indicated that not one of the anonymous letters submitted or published was in favor of the project, although there are numerous supporters of the project. Therefore, she opined that the City should be disappointed in the bias of the once fairly reported and reputable and local news publication. She then challenged the current writers of these articles to identify themselves. She then indicated that she resided in District 1 for thirty-two years prior to her sister campaigned and victory for her well deserved seat as a Commissioner.

Ms. McGee indicated that she is in the industry of Commercial Real Estate and Development, so undoubtedly, she will have her opinions, which is her own and not one dictated by her spouse, which she does not have one, and not by her sister. In sum, Ms. McGee indicated that she fully supports not only the project but various other projects and she will not be silenced because this is her City as well.

**Budgetary Considerations** - Anca Vague, 1505 North Riverside Drive, Pompano Beach, FL, stated she resides close to the proposed twin towers project. She also indicated that she had signed up to speak.

Mayor Hardin explained that the item is on the agenda and so when it comes up for discussion, she will be allowed to speak at that time, but not under audience to be heard.

Ms. Vague indicated that she understands the Mayor's explanation, however, her point is that the City is making important budget decisions and a prior speaker spoke of a high number of new projects that the City must manage with the existing resources. She complained that there appears to be limited resources for the building of fire stations all over, as well as the fire department is forcing fire sprinklers on her and everybody

that was made homeless for six months in her building. In addition, she complained that the area is no longer beautiful because there are high-rises that have no balconies so the property values in the area are “plummeting.”

Mayor Hardin explained that currently, the budget process is being worked on and input and comments were provided by the public. He confirmed that the City Commission does look at the needs of the City based upon the City Manager presenting a budget for personnel and everything that the City needs.

Asceletha Hammond, City Clerk stated that for the records, Ms. Vague did sign a form to speak on Item 19 on the Agenda, consequently, her form was placed in the pile of speakers for that item.

## **B. CONSENT AGENDA**

Mayor Hardin announced that items 1-4 and 8-10 were Approved/Adopted without discussion.

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

1. [19-556](#) Approve ranking order for RFP E-22-19, HVAC Maintenance and Repair Services, and authorize staff to negotiate a contract with the highest ranked firm, A-Excellent Service, Inc. (No cost at this time).  
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

2. [19-570](#) Approval to award RFP P-27-19, Emergency and On-Call Utility Repair Services to the highest ranked firms, Reynolds Construction, a local Pompano Beach firm, and Man Con, Inc.  
(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

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

3. [19-593](#) Request to approve the increase to the existing limit by \$300,000.00 for the purchase of Neptune Water Meters, Parts, and Accessories, based on section 32.45 (Standardization) of the City Code of Ordinances.

(Fiscal Impact: \$300,000.00)

(Staff Contact: A. Randolph Brown)

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

4. [19-602](#) Approval to piggyback Broward County contract #PNC116408B1 for as-needed purchases of Subsurface Facility and Utility Locating Services, from High Tech Engineering, Inc., at an estimated annual cost of \$190,000.00.

(Fiscal Impact: \$190,000.00)

(Staff Contact: A. Randolph Brown)

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

5. [19-592](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: One-time payment to the City of \$45,000 plus \$0.50 monthly per account, aggregated and paid annually)

(Staff Contact: A. Randolph Brown)

Mayor Hardin pulled the item for City Commission discussion and stated this is not the right path for the City to go down. He understands it is a revenue source of \$45,000 plus \$0.50 per month per account. The City should not partner or lend its name to a private insurance company to ensure utilities on private property. This is a philosophical point and provided his reasons. Therefore, he would not vote in favor of the matter.

A. Randolph Brown, Utilities Director, stated that utilities is bringing the item forward to provide another service to the City's customers and residents. The other two cities involved are Lauderdale-By-The-Sea and Lighthouse Point. He explained that there are numerous issues working with some customers with line problems. Therefore, this is a way to assist the customers by providing a service available for replacement of those lines. Staff researched Utility Service Partners, which is from the National League of Cities (the League) and they are exemplary in their performance in other cities, they provide excellent customer service, and several departments have reviewed this resource.

Vice Mayor Moss asked how many other cities are engaged with this company.

Lee Zell, Regional Director for the National League of Cities Service Line program, representative for Utility

Service Partners, responded that there are over 700 municipalities in the United States that have partnered with the program. In the State of Florida there are over 22 cities that are currently partnered with the program. This represents 5.8 million households in Florida that are using or aware of the program with the Utility Service Partners Company. He explained that it is the National League of Cities' program and provided a brief background history on the League and its operation. Therefore, this is one of three enterprise programs the League made available to cities. They are helping with public policy issues. This program is designed to assist cities to get ahead with aging infrastructure issues, which is a problem across the nation. In addition, it is an education program for the residents and it costs the City nothing and it is a voluntary program for all residents with no requirement for any residents to participate. They communicate the issue and each resident gets the chance to see the national issue and they make an individual choice if they need additional information or help on their own, if this program will help them.

Vice Mayor Moss asked if there are any other companies beside Utility Service Partners Private Label, Inc.

Mr. Zell responded that there is one other entity. Recently the City of Miramar had that other entity along with the National League of Cities Service Line program provider and the League was awarded the RFP. He explained that each five year period, the League receives \$100,000 each year to help support the staff that they have communicating this topic around the country.

Comr. McGee asked how the League distinguishes its connection to the City.

Mr. Zell explained the purpose of the City's logo, which is to have the residents of the City to read and understand the information being disseminated. Their first task in educating the residents, is to communicate it is a national issue and not just limited to the City of Pompano Beach. Second they will communicate that the City is doing a great job working on the infrastructure within the right-of-way. Third to help educate residents that most cities throughout the country receive calls from their residents requesting help with utility problems. However, a higher percentage of those calls result in the City worker being unable to assist with the problem as it is outside of the right-of-way. In sum, the League is partnering with the City to communicate this issue through sending a letter to each resident, so that they are made aware of the issue at hand and they can elect to either participate or not.

Comr. McGee expressed concern in the way in which the Company is marketing this service and that it is clear that they are a company working with the City and not actually the City itself.

Mr. Zell confirmed that in their letter they are clear to say, "This is a private entity." So, the letter is stating that and the only thing the City is doing is to ensure the residents understand they are working with the City and not a "out of the blue entity coming forward." In addition, any time the City wants them to hold off on the program they can be contacted by a simple email for approximately three times out of the year, stating the desire to pause the program or restart it. In this program at any time they will cease communicating upon request by the City.

Comr. Perkins asked if the current water main being replaced in the Sanders Park area is part of this program. She indicated that those homes were built in 1952 and asked if there was a way to do a study to find out about the water main in the area, due to health concerns.

Mr. Brown responded that it was the last water main in the area that needed to be replaced. Also, Mr. Zell will be hiring Pompano Beach plumbers and their records are reviewed extensively and their abilities to respond. If there are more than two complaints on a plumber they will be out of the program.

Gregory Harrison, City Manager, stated that staff thought about this venture for some time. At first when they looked at the program they had the same reaction as the Mayor expressed earlier. However, as they looked into it further and the partnership with the National League of Cities and the main reason is that on a daily basis the City has those problems with residents that cannot afford to replace their service line on their property. So with a nominal fee charged for this, it would be a service that they could take advantage of and have a warranty on their utility lines coming into their home.

Mr. Brown explained that the bill is not added on to the City's billing but rather it is an independent billing sent to the residents.

In response to Vice Mayor Moss questions as to the extent of the service to residents, Mr. Brown indicated that it is only available to single-family homes. Also, residents cannot engage this service independently should the City Commission disapprove the program. The fee for the external waterline is \$5.75 per month and the wastewater line externally from the house is \$7.75 per month. The internal plumbing insured and drainage is \$9.99 per month.

Vice Mayor Moss expressed similar concerns as Mayor Hardin on how it looks, however, he trusts the utilities director and if he recommends it as a good thing then he would accept it.

Comr. Eaton asked if there were any pre-inspections. Also, she asked if Mr. Zell uses the League's logo in their correspondence in conjunction with the City of Pompano Beach's logo.

Mr. Zell indicated that the National League of Cities (NFC) is more understood from the Commission level and that perhaps less than one percent of the population is not aware of who they are, so less of their logo will be seen on the residents letter. Nevertheless, it is on the letter. He explained the concept of the pre-inspection process and indicated that no preexisting conditions are excluded. In addition, the program is a month by month, therefore, a resident can use it for one month, and two months later cancel it, have a repair and then call them two weeks later to say they have a new line.

Mr. Zell confirmed that he works for Utility Service Partners as an administrator and his job is to go before the various Commission/Council to explain the program.

Mayor Hardin expressed his reasons for not supporting the City's requiring to engage in this type of activity.

Comr. McGee asked if there is a buy-in period to sign up prior to a pipe break.

Mr. Brown responded it would be thirty (30) days.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss

**No:** Hardin

**Enactment No: RES. No. 2019-236**

6. [19-584](#) Approve ranking order for RFQ E-10-19, Construction Management at Risk (CMAR) for Various Bridge Improvement Projects, and authorize staff to negotiate a contract with the highest ranked firm, The Whiting Turner Contracting Company (No cost at this time).  
(Fiscal Impact: N/A)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director requested the item be pulled for City Commission discussion to make clarification regarding the rankings for this particular RFQ E-10-19, Construction Management at Risk (CMAR) for various bridge improvement projects. This RFQ (Request for Quote) is to secure two companies to help the City with bridges for the G.O. Bond project. The caption only stated Whiting Turner but the caption should also include company number two, Kiewit Infrastructure South Company, which was ranked No. 2 and is eligible to receive one of the projects as per the ranking and the panel's selection.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, enquired which will be the first bridge on the agenda to start work on.

Mr. Danovich responded that all bridges on the agenda will go simultaneously. They are the SE 5th Avenue bridge, the Terra Mar Drive bridge, and the other bridge is in Palm Aire.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

7. [19-597](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM KENNY DAVIS CONTRACTING, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Pamela Stanton/David Recor)

Comr. Perkins pulled the item for City Commission discussion and indicated that the backup stated that the applicant is proposing to build a single-family home and is requesting additional right-of-way. She asked for an explanation on this.

Jennifer Gomez, Assistant Director, Development Services Department, explained that at the time of building permit, staff reviewed to ensure that there is adequate right-of-way both for the existing and what is determined to be the future right-of-way. On this particular property the future right-of-way is fifty feet or 25 feet from the center line of the road. The applicant is dedicating the ten feet to meet the minimum requirement.

Comr. Perkins asked if the land was donated to the applicant, to which Ms. Gomez could not respond to that question and offered to look into how the lot was acquired.

Comr. Perkins expressed concern regarding the applicant building in the district because they are left empty. She suggested that this should be further looked into.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-237**

8. [19-600](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Vincent Wooten)

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

**Enactment No: RES. No. 2019-238**

9. [19-604](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF POMPANO BEACH, AND OTHER BROWARD COUNTY CITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

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

**Enactment No: RES. No. 2019-239**

10. [19-575](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY A. METEVIA TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

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

**Enactment No: RES. No. 2019-240**

### **C. REGULAR AGENDA**

11. [19-476](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR EXEMPTION; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$22,210,972.00)

(**Staff Contact:** Erjeta Diamanti)

Erjeta Diamanti, Budget Manager presented the item, and stated this is the resolution to adopt the preliminary fire rates for fiscal year 2020. During the July budget workshop, the City Commission unanimously voted for an increase in the residential rate. The current residential rate is \$210 and the new proposed rate will be \$220. There will be an increase across the board for other rates that is commercial, industrial, and institutional. These rates have been adjusted with three decimal places and it is not uncommon to adjust the rates up to three and four decimal places. Therefore, all the rates are estimated to assess approximately \$22.2 million in revenues for the City, and for eligible fire programs. The final decision on the fire resolution will be made on September 12, 2019, at 5:15 p.m. which will serve as the first public hearing.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, recalls that last year the rates went up from \$165 to \$210. This year it will increase from \$210 to \$220, and asked if the money is going to the fire department or will it go into the general fund.

Ms. Diamanti responded that the money will go into the general fund because this is where the assessment is collected. However, the funds being assessed will pay for the fire operations and eligible fire programs and can only be used for those purposes.

Mr. Drum does not understand the consistent increase in the fire assessment fees, when a G.O. Bond was passed to build new fire stations. In sum, Mr. Drum pointed out that the more buildings built, the more services needed, the more firemen, police and City employees needed and the taxes increase. He admitted that the ad valorem taxes did not go up this year.

Ms. Diamanti explained the increase costs, which include paying for annual adjustments for salaries and benefits related to the fire operations, as well as to pay for additional positions that will serve for the new fire stations that are currently being built. Also for the annual improvements to the capital improvement projects and the annual Capital Improvement Plan (CIP), which is an annual program that the City has to account for all the capital issues that might occur in the existing fire stations.

Anca Vague, 1505 North Riverside Drive, Pompano Beach, FL, stated that the building that was evacuated by

the fire department for six months where somebody had died and the fire department was unable to put the fire out for two hours. In fact, the City of Lighthouse Point sent a fire truck to take care of this incident. Therefore, when she hears that money is being collected for fire services provided by the City of Pompano Beach and placed in the general fund, which can be used for anything. She would like to see these funds isolated and be made clear for one more spending for firefighters. In the meanwhile, everybody is forced by the fire department to have sprinklers, which would appear to eliminate the need for the fire department to send employees to the building to take care of fires. In sum, Ms. Vague does not understand the reason for more employees and fire stations when all the buildings are required to put in sprinklers.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, understands that for the new fiscal year the new increase in the fire fees will generate the \$22 million, which Ms. Diamanti confirmed that is correct. He enquired about the budgeted amount for the fire department for the upcoming fiscal year.

Ms. Dimanti responded that fire administration is \$1.1 million, fire operations \$17.2 million, fire logistics \$572,000, fire prevention \$1.9 million, and fire training is \$736,000. The CIP project is \$500,000, capital replacement plan \$300,000, totaling approximately \$23 million. She said there are other fees that are used to pay for other fire services that are not eligible to covered by the fire assessment fee.

Gregory Harrison explained that the current increase does not generate \$22 million. The increase generates \$1 million.

In sum, Ms. Diamanti indicated that the total amount the City assessed by the fire assessment, proposed \$22 million in gross revenues.

Mr. Terwilliger asked for an email stating how many dollars are required to be taken from the general fund to fully fund the fire department expenses.

Mr. Harrison responded that staff will get that to him.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-241**

12. [19-532](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN ARSH OIL & GAS LLC AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 550 SOUTH CYPRESS ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$649,000.00)

**(Staff Contact:** Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item and stated the contract was negotiated with Arsh Oil and Gas LLC to purchase their property located at 550 South Cypress Road for \$649,000. The property is a former gas station with a 23,229 square foot lot and a 2,551 square foot building located at the northwest corner of the Sergeant Kip A. Jacoby Park, formerly known as Norwood Pines Park. The property is surrounded by the park and it is the City's intent to incorporate it into an expansion of the park as shown in the City's Master Plan included in the backup material of this item.

Continuing, Ms. LeMasurier indicated that to include this property as part of the park will double the parking by adding an additional twenty parking spaces and provide additional green space. District 3 is in need of additional parkland and there are no vacant sites within the district to locate new parks. Therefore, acquisition of the park will add an additional .55 acres to the existing 5.4 acres park. The gas tanks on the property have been removed and the property is proposed to be purchased at ten percent above its appraised value of \$590,000 dollars. Staff is requesting the City Commission's approval to enter into a purchase contract with Arsh Oil and Gas LLC to purchase the property.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked what will be built on the property.

Mayor Hardin replied that the Kip Jacoby Park will be expanded, which has been part of the Park's Master Plan for a number of years.

Ms. LeMasurier provided an overhead presentation displaying the conceptual plan of the Master Plan that was approved by the Commission in 2013, and the intended use of the property, which will include green space and additional parking spaces to the adjoining Kip Jacoby Park.

Mr. Skversky enquired about putting a basketball court that is needed in the area.

Anca Vague, 1505 North Riverside Drive, Pompano Beach, FL, asked about the cost paid to clean the property for use by children.

Ms. LeMasurier responded that the underground storage tanks were removed November 2018. The property is part of the Florida Department of Environmental Protection's low scored site initiative program, which is a voluntary program that oversees the monitoring and the remediation of any contamination that would be required to be cleaned up so that a "no further action status" will be obtained and the State provides funds for this activity. Currently, the agency is monitoring wells on the property and two have indicated levels that are not acceptable yet to be able to receive the "no further action status." Nevertheless, one is expected to naturally decrease within the next three to six months to require no type of remediation. However, the next

sampling will provide that information. Contingent on the results of the sampling, perhaps the City may have to remove some of the grounds soil at an estimated cost of \$35,000-\$45,000. If necessary, the City could apply for grant funds or pursue it through brownfield. The testing is paid for by the State.

Comr. McGee indicated that she is excited for this addition as she has been observing the subject property for sometime and wondered what would happen to it. This is a great move.

Comr. McMahon echoed Comr. McGee's comments and added that the property has been vacant for many years and it will be great to add more park space to the City. He is aware that the then Comr. Hardin had worked hard in acquiring the property.

Mayor Hardin is also excited to have this plan come to fruition, because the subject property has been an eye sore for many years. It will definitely open up the park for a much better usable facility for the entire community.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-242**

13. [19-603](#) Approval to award Bid E-35-19 Nanofiltration Membrane Element Replacement to the sole responsive responsible bidder, Hydranautics, at a cost of \$1,098,000.00.  
(Fiscal Impact: \$1,098,000.00)

**(Staff Contact:** Randolph Brown)

A. Randolph Brown, Utilities Director presented the item and stated that it is time to replace the membranes in the City's nano membrane filtration plant. Membrane manufacturers were solicited and two companies provided membranes to test. Each membrane manufacturer product was tested for 75 days under various conditions, for water quality, energy, consumption, and chemicals that are required to help them operate. Both manufacturers met the City's specifications, however, the Dow Hydronics did not want to be responsible for installing the membranes. Therefore, the only fully compliant bid was Hydranautics.

Comr. Perkins enquired how does staff determine when to replace a membrane.

Mr. Brown explained it depends on the times and cleanings to get it back to the original performance. Usually

these are replaced in five years, but the current models were kept for almost twelve years.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**14. 19-487 P.H. 2019-89: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO CLARIFY LIMITATIONS OF PRINCIPAL USES INVOLVING SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.4224., "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," TO INCLUDE CUSTOMARY ACCESSORY USES; BY AMENDING SECTION 155.4302., "GENERAL," TO CLARIFY GENERAL STANDARDS FOR ACCESSORY USES IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM JULY 9, 2019**

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until September 24, 2019, City Commission meeting. The motion carried unanimously.**

**15. [19-537](#) P.H. 2019-96: (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 CONSENT TO ASSIGNMENT OF THE AGREEMENT BETWEEN BIG SPAN STRUCTURES, LLC, AS ASSIGNOR, AND RECREATIONAL DESIGN & CONSTRUCTION, INC., AS ASSIGNEE, FOR THE DESIGN, CONSTRUCTION AND INSTALLATION OF THE AMPHITHEATER

RENOVATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 9, 2019**

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated he did not have an additional comment on the item since first reading.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated the Amphitheater has approximately 2,900 seats and asked if more seats will be added along with the roof.

Mr. Danovich responded that no more seats will be added.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-77**

16. [19-541](#) **P.H. 2019-97: (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 AMENDMENT AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Increase of \$12,260 for School Crossing Guard Service since the First Amendment.)

**FIRST READING: JULY 9, 2019**

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that there are no changes from the first reading.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL stated that the fiscal impact of this item shows \$12,260 and enquired about the total amount of the contract for the school crossing guards.

Mr. Beaudreau responded that the total, to include the second amendment of \$12,260, amounts to \$659,694.

Mr. Terwilliger opined that this amount should come from the Broward County School funds and not the City's tax dollars.

Comr. Eaton indicated that it is important that the City protects its children.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-78**

17. [19-563](#) **P.H. 2019-95: (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 THIRD AMENDMENT TO THE LEASE/CONCESSION AGREEMENT BETWEEN GLR GROUP, LLC AND THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 9, 2019**

**(Staff Contact:** Earl Bosworth)

Earl Bosworth, Assistant City Manager, presented the item and stated that staff is recommending a minor revision since the first reading. The amended language clarifies the City's right to use the emergency generator for the adjacent facilities on the premises, including the club house, pro shop, and the cart barn. This is located in area 3 of the proposed improvements to the premises in the agreement.

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

**motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Hardin

**No:** Moss

**Enactment No: ORD. No. 2019-79****18. [19-539](#) P.H. 2019-90: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE II, SECTION 6 TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, MODIFYING THE DATES FOR MUNICIPAL GENERAL ELECTIONS; EXPANDING THE TERMS OF OFFICE OF CITY COMMISSIONERS; STAGGERING TERMS OF CITY COMMISSIONERS; PROVIDING THAT IF ANY OF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE SPECIAL ELECTION OF MARCH 17, 2020, THEN EACH SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$55,000.00)

**FIRST READING: JULY 9, 2019**

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

Tracy Lyons, Acting City Attorney, presented the item and stated that this is the second reading and provided a brief background history. The item proposes an amendment by referendum of the City Charter to accomplish changes in the election date to extend the current terms, to expand the district Commissioners' terms of office, and to stagger such terms. The only change she is bringing for the record is for proposed amendment No. 1, which should reflect the second Tuesday of March instead of the first Tuesday of March.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, reiterated that to hold this referendum on the three Charter amendments on March 17, 2020, the same time as the Presidential Preference Primary (PPP) election is voter suppression, and explained his reasons. He opined the only voters who will not be disenfranchised would be those from the democratic party. Therefore, he urged the Commission to place these questions on the November ballot.

Anca Vague, 1505 North Riverside Drive, Pompano Beach, FL, indicated she was homeless last year, and

was unable to vote due to the temporary displacement. She agrees with voting for changing the date, however, everybody who wants to vote for the local elections whether they are independent or republican should be allowed to do so.

Tom Drum, Pompano Beach, FL, agrees with Mr. Terwilliger's comments. He recalled the election for the G.O. Bond and believes only five percent of the electorate turned out to vote for the \$180 million. He thinks the same thing will happen in March for the commissioners' terms of which they will not agree to term limits. Notwithstanding, he supports the idea to have these questions on the presidential election when everyone will come out to vote. In all fairness he said it should be in November.

Mike Skversky, Pompano Beach, FL, stated that if this is put for election in March the percentage of voters will be minimal. Therefore, he supports placing these questions on the November ballot. He also would support term limits.

Comr. Perkins asked why this item was not considered to be placed on the November ballot.

Tracy Lyons, Acting City Attorney, indicated that she believed that a cost was associated with putting it on the November election, however, she would defer to the City Clerk.

Asceleta Hammond, City Clerk mentioned that there were several issues regarding placing the item on the March election versus the November election. The costs was one of the main drivers and it will cost more if the election is done in March versus November.

Mayor Hardin recalled that they had decided to go to March because it is an important issue to get before the public as soon as possible. Part of the item is to stagger the terms of the Commissioners so that the City would not have a situation where all commissioners are up for election at the same time, to maintain some continuity of leadership at the Commission level.

Comr. Perkins indicated that Mr. Terwilliger brought up a good point because a number of democrats will be going out to vote on March 17, and perhaps this is something the Commission may want to consider. The republicans might not come out to vote depending on how the City markets the people to come out to vote. Comr. Perkins indicated that she previously voted for the item, however, she strongly supports term limits, which is not listed on the ballot. In addition, she suggested that the Commission reconsider placing the item on the November ballot when more people will come out to vote.

Mayor Hardin mentioned that he was in the original genesis in getting the City's elections moved from March to November, which he felt was a better option to get more people out to vote. After further consideration, having the elections in November provides for more people coming out to vote. However, it is more difficult for anyone who wants to run for public office to run against an incumbent in a November election, because there are segments of the ballots that voters who do not pay close enough attention to, which are the City's issues. This would be one of the reasons they do not show up in the March elections. These voters are more concerned about who they want to elect for their President in the November elections.

In sum, Mayor Hardin is more focused on the challenger aspect in March versus November, where the

incumbents would be at an advantage against the challenger. Therefore, in placing this item on the March ballot, it is an important enough issue to get it addressed, whether voted up or down. He is not suggesting to have this in March to limit voters or prevent people from voting, because this is not the intention. He completely disagrees with anybody who is of that opinion. Everyone has the right to come out and vote at every election, whether they decide it is important to them to come out to vote, it is totally up to them to come out to vote in March or November. Special elections can be held any month of the year, and he believes these questions should be put forth as soon as possible, therefore, he supports the item.

Vice Mayor Moss indicated that this is a non-partisan issue. It does not make sense why someone would assume that democrats are for it, while republicans are against it or independents are for it while democrats are against it. No one can determine who will turn out to vote in March. Everyone can, if they do not, it is a sad commentary on the state of elections, however, it is the truth. Therefore, to make the statement it is a democrat or a republican issue does not make a lot of sense.

Comr. Perkins indicated that in March 2020, it is a Presidential Preference Primary (PPP), but the voters have a better advantage in November 2020. There are fourteen days early voting and they can choose any of those days to vote. Whereas in March it will be one day to vote.

Mayor Hardin added that there is still the vote by mail process, which has become more popular.

Comr. McGee stated she has concerns about moving the elections from November to March in general as well. The Commission voted to put it on the ballot and we will see what the voters have to say whether it will indeed be in November or in March. As for the current election, she shares the concerns about turnout, which she has voiced. There are no other dates to move it to due to the cost that it would generate outside of those dates in March and November. Perhaps the Broward County Supervisor of Elections could put out signs indicating that the City is having elections in March.

Mayor Hardin indicated that it would have to be the responsibility of the City to ensure that the residents know about the election. The Commission could direct the City Manager to conduct an education campaign, which is all the City can do.

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

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

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**Enactment No: ORD. No. 2019-80****QUASI-JUDICIAL PROCEEDING**

Tracy Lyons, Acting City Attorney, advised that items 19-26 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, Ms. Lyons outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

19. [19-502](#) **P.H. 2019-88: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF A1A AND NE 16TH STREET COMMONLY KNOWN AS 1508 N. OCEAN BLVD. FROM RM-45 (MULTIPLE-FAMILY RESIDENCE 45) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 9, 2019**

**(Staff Contact:** David Recor)

The following City Commission members disclosed that they have had ex parte communications with residents that are in favor and those that oppose the project, as well as with the developer and the developer's representatives through telephones, emails, letters, and personal contact:

Mayor Rex Hardin, Comr. Rhonda Eaton, Comr. Andrea McGee, Comr. Tom McMahon, Comr. Beverly Perkins, except Vice Mayor Barry Moss, who was absent at the time declaration was made by members of the Commission.

David Recor, Director, Development Services Department, presented the item and stated that on occasion, the Development Services Department utilizes outside agencies to assist in the review of planned developments and rezoning. Thereafter, he introduced Sarah Sinatra Gould with Calvin Giordano and Associates (CGA). Ms. Gould is the director of Planning at CGA and she will present the second reading of the item.

Sarah Sinatra Gould, Calvin Giordano and Associates (CGA), stated that this is the second reading of the rezoning ordinance for the Ocean Park. The applicant is requesting to rezone a property at 1508 North Ocean

Boulevard from RM-45 (Multi Family Residence) to PD-I (Planned Development Infill). The second reading provides a summary of the application. The subject property is located at the southeast corner of the intersection of A1A and Northeast 16th Street. It is .68 gross acres with a 10-foot right-of-way dedication requirement along A1A. This leaves .62 net acres of developable land. The applicant is proposing 28 residential units along with 1,500 to 3,500 square feet of commercial development on the ground floor. The commercial development was required for the PD-I district to allow for mixed use. In addition, the proposed development is subject to the air park overlay district requirements and must obtain air park obstruction permit concurrently with the site plan approval.

Continuing, Ms. Gould stated at its regular meeting on December 20, 2017, the Planning and Zoning (P&Z) Board unanimously recommended denial of the proposed rezoning, which was due to the lack of mixed-use and lack of interaction with the park and its improvements that were not specified. Since that time the developer has modified several key features of the PD-I development. They are proposing to increase the mixed-use commercial space from 1,500 to 3,500 square feet. In addition, they are proposing to decrease the building heights by 42 feet. The application also addresses the outstanding comments that City staff had. Also, the applicant has proposed a developer's agreement, which contemplates a variety of physical improvements to North Ocean Park located immediately adjacent to the proposed site. Certain City Departments, to include Development Services, Parks and Recreation, Utilities, Public Works and Engineering have provided feedback on the proposed agreement. If the application is approved by the City Commission it will be heard by the Parks and Recreation Advisory Board.

Vice Mayor Moss rejoined the meeting and declared that he had ex parte communications with the developer and he has received numerous telephone calls and emails from a number of people regarding this issue.

Hope Calhoun, Esq., representing the applicant, indicated there was a robust discussion at first reading, as well as the presentation made tonight by City staff. She reiterated that before, staff had expressed several concerns. However, when the item went to the P&Z Board, the applicant addressed those concerns by including their reaching out to the community, and in a presentation of their modified proposal to the Economic Development Council, they were supportive of the applicant's project and see it as an economic driver for the City. They look forward to moving forward with the rezoning application, which has complied with the rezoning criteria. The site plan will be presented to the P&Z Board after the rezoning approval.

The following persons spoke in opposition to the project.

- 1) Sandy Von Staden, 3201 Beacon Street, Hillsboro Shores, Pompano Beach, FL, stated they did not want to leave a false impression that there are relatively equal number of proponents and opponents of the project. She indicated that there will be testimony regarding a petition that was circulated opposing this particular development by people who do not want a development that is over 105 feet, and they do not want commercial on a residential site.

Continuing, Ms. Von Staden indicated someone will speak after her who initiated the petition and can speak on it. She stated that approximately 1,400 people signed a paper petition opposing the project. There are 232 who signed the petition online. She swears to this testimony. She mentioned that these are neighbors, individuals, tourists and visitors who come to the City and people

throughout the City. She stated that there are 432 signatures from North Beach, 154 signatures from Hillsboro Shores. At the first reading there was one family from Hillsboro Shores who stood to support the project.

- 2) Jeanie Scherrmesser, Tiffany Gardens North, 1620 North Ocean Drive, Pompano Beach, FL, stated she handed to Mayor Hardin a notarized affidavit testifying to 1,395 signatures on a paper petition, as well as 232 signatures on an online petition that were obtained opposing the rezoning. She then provided the reasons she opposed the project, and urged the Commission to vote no for the project.
- 3) Dr. Robert Parks, Former Broward County School Board member, 2880 NE 14th Street, Pompano Beach, FL, provided his reasons for not supporting the project.
- 4) Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, provided his reasons for not supporting the project.
- 5) Doug Borden, 525 North Ocean Boulevard, Pompano Beach, FL, provided his reasons for not supporting the project.
- 6) Rose Pierto, 525 North Ocean Boulevard, Pompano Beach, FL, provided her reasons for non-support.
- 7) Henry Lesburt, 101 Briny Avenue, Pompano Beach, FL, provided his reasons for non-support.
- 8) Fred Paladino, 1610 North Ocean Boulevard, Tiffany Gardens Pompano Beach, FL, provided his reasons for concern due to the proposed buildings casting shadows on his building, as well as traffic congestion.
- 9) Jeanine Lesburt, 101 Briny Avenue, Pompano Beach, FL, provided her reasons for non-support and suggested putting the infrastructure in place before putting any more towers in the area.
- 10) Robert Cubis, 3240 NE 16th Street, Pompano Beach, FL, provided his reasons for not supporting the project.
- 11) Barbara Beadnell, 1609 North Riverside Drive, Pompano Beach, FL, provided her reasons for not supporting the project.
- 12) Jerry Myrick, 1505 North Ocean, Pompano Beach, FL, provided his reasons for not supporting the project.
- 13) Sharon Pouchnick, NE 14th Street Causeway, Pompano Beach, FL, provided her reasons for not supporting the project.
- 14) Kay Johnson, 213 SE 23rd Avenue, Pompano Beach, FL, provided her reasons for non-support

and indicated that the twin towers do not belong in that area.

- 15) Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, provided his reasons for non-support, because of the incompatible zoning change with the neighborhood and it is not equitable.
- 16) Charmaine Johnston, 1509 North Ocean Boulevard, Pompano Beach, FL, provided her reasons for non-support, but noted she is for development, but not such a tall building for the neighborhood.
- 17) Janet Roy, 3405 Beacon Street, Pompano Beach, FL, provided her reasons for non-support due to the large size building being built on a small lot.
- 18) Carole Fielder, 2708 NE 12th Street, Pompano Beach, FL, provided her reasons for non-support due to excessive development in the City.
- 19) Ron Nichol, 3222 Marine Drive, Pompano Beach, FL, provided his reasons for non-support as a kite surfer. The building is out of scale for the neighborhood.
- 20) Tim Golly, 2650 SE 5th Court, Pompano Beach, FL, provided his reasons for non-support and wants the developer to honor the height restrictions and consider the other neighbors around the site.
- 21) Domenic Composeo, 3248 NE 16th Street, Pompano Beach, FL, provided his reasons for not supporting the project.
- 22) Eric Eisner, 1798 Bay Drive, Pompano Beach, FL, provided his reasons for non-support, due to over-development.
- 23) Brian Mead, 3403 Dover Road, Pompano Beach, FL, provided his reasons for not supporting the project.
- 24) Nick Von Staden, 3201 Beacon Street, Pompano Beach, FL provided his reasons for not supporting the project.

The following persons spoke in favor of the project.

- 1) Gary Azarian, Tiffany Gardens, 1630 North Ocean Boulevard, Pompano Beach, FL, provided his reasons for support.
- 2) Jorge Blellaro, 1800 South Ocean Boulevard, Pompano Beach, FL, provided five positive impacts of the project.
- 3) Carlton Johnson, Principal, Blanche Ely High School, 1201 NW 6th Avenue, Pompano Beach, FL, provided his reasons for support.

- 4) Sergio Escobar, 1200 Hibiscus Avenue, Pompano Beach, FL, provided his reasons for support.
- 5) Fabio A. Andrade, President, Americas Community Center, 3013 Oakbrook Drive, Weston, FL, stated he served on his City's Planning & Zoning Board and they have made some economic decisions. He met two of the partners of the developers of the project and provided testimony of their integrity and honesty.
- 6) Denis Stewart, 2124 SE 7th Street, Pompano Beach, FL, provided his reasons from an economic standpoint.
- 7) Jim Jankowski, local contractor, 2025 NW 15th Avenue, Pompano Beach, FL, provided his reasons on behalf of the local workforce.
- 8) Jan Parke, 3400 Dover Road, Hillsboro Shores, FL, provided her reasons for support. She mentioned that she was accused by Ms. Scherrmesser of her falsehoods and explained what had happened at the last meeting when two reams of paper were handed to the City Clerk, which were blanks, with only the top sheet listing a few names of who signed petitions.
- 9) Marcia Stewart, 2124 SE 7th Street, Pompano Beach, FL, provided her reasons from an economic impact standpoint.
- 10) Robert Groom, Tiffany Gardens West, 1630 North Ocean Boulevard, Pompano Beach, FL, provided his reasons from an aesthetic standpoint.
- 11) Amanda Sierra, 3801 Crystal Lake Drive, Pompano Beach, FL, provided her reasons for support.
- 12) Nora Correa, 3091 N. Course Drive, Pompano Beach, FL, provided her reasons for support.
- 13) Natalie Holmes, 3159 North Andrews Avenue, Pompano Beach, FL, stood up with Mr. Olbel in support.
- 14) Alison Ketchum, 1790 Powerline Road, Pompano Beach, FL, stood up with Mr. Olbel in support.
- 15) Rafal Dradrech, 3225 NE 13th Street, Pompano Beach, FL, stood up with Mr. Olbel in support.
- 16) Mikelange Olbel, 1961 NE 25th Avenue, Pompano Beach, FL, provided his reasons for support of the project.
- 17) Beatriz R. Londenno, Palm Aire, Pompano Beach, FL, provided her reasons for support.
- 18) Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, provided his reasons for support.
- 19) Lauren McGee, 560 SE 23rd Avenue, Pompano Beach, FL, provided her reasons for support and

to consider the progress of the City.

Ms. Calhoun stated that they recognize and appreciate the City Commission taking the time to consider the testimony presented tonight, as well as at first reading two weeks ago. She reiterated that 28 units will go to the site plan, and a lot of the comments heard tonight is related to the site plan. However, the application to be approved at this time is for a rezoning of the property. The decision based on the rezoning application should be competent substantial evidence. The law requires that the expert testimony is what the Commission should listen to, which is provided in the backup material presented both at first and second readings.

Continuing, Ms. Calhoun indicated she needed to correct a few things. There was a shadow study referenced earlier, this is presented as part of the site plan. Upon approval of the rezoning application, the site plan will be presented as required by the City's code at the appropriate time. If the site plan is not approved, then it would be on the merits of the site plan not on the rezoning application.

Further, she noted the signatures of the petition presented at first reading and the number that was alluded to, which is a public record and is included as a part of the backup for second reading. The information on hand are five signatures and over 200 blank pages. Expert testimony was presented for decision making. Also, there were reasons staff stated incompatibility of the prior project, which was, there was no interaction with the beach or the park. There is a copy of a proposed site plan that shows the interaction to the park. In addition, the applicant volunteered to enter into a developer's agreement with regard to the proposed improvements. Additionally, there was a concern about the commercial element, they are proposing kiosks, and based on the site plan submitted in the backup they are proposing an actual commercial use. Lastly, the height has been decreased from the initial proposed project.

Mayor Hardin mentioned that there has been a lot of questions about the P&Z Board and when this item went before them the first time and was rejected unanimously, thereafter, it has changed and has not gone back to the P&Z Board. He asked if there is any requirement that the project go back to the P&Z Board.

Ms. Gould mentioned that a project has to go back if it is a change that is an increase. In this case, it was recommended and unanimously denied for recommendation. The P&Z Board is a recommending body only and because the applicant came back and decided to make a reduction, the application was directed to the City Commission. In this case they reduced the number of units and height, as well as increase the commercial, which was staff's comment.

Mayor Hardin indicated that the applicant referenced competent substantial evidence. However, if that is all that the decision is based on, then there would be no need for the City Commission's consideration. But there are things like compatibility that is considered in these cases.

Ms. Gould indicated that staff considers the criteria, and in the code it asks to review the neighboring land use and zoning categories. Under those categories the property is compatible and consistent. The property to the north has an unlimited height per the code requirements. As stated previously, there might be other provisions within the PD-I district but part of staff's obligation is to consider the criteria.

On the other hand, the City Commission is reviewing the entire package and all the merits of the application.

Comr. Eaton stated the P&Z Board is made up of two general contractors, a former career government personnel who has worked for several government agencies over the years, and she wanted to know if an architect is part of the membership of the Board, which staff confirmed there was none.

Continuing, Comr. Eaton mentioned that all the members of the P&Z Board are volunteers appointed by the City Commission to review the applications. Therefore, the burden falls on the Commission and it is their mandate. In addition, she said there are staff members with architectural degrees that provide the backup information for the Commission to review and make a decision.

Comr. McGee indicated that she had heard about the 1,300 signatures, so she requested the City Clerk to provide what was turned in to her, for clarification purposes. It is important to note that there was one top sheet with five signatures and 499 blank pages, which was presented at the first reading, and is the evidence that the Commission had to review.

Mayor Hardin asked the Acting City Attorney to explain what was submitted for the records concerning the signatures.

Tracy Lyons, Acting City Attorney, explained that during the first hearing of the item, what was presented and entered into evidence to the Clerk is what was provided to the Commissioner, which is part of the record, and was only part of the record at this point, so that is what the record consists of.

Mayor Hardin asked if it matters what someone swears to or something else.

Ms. Lyons clarified it would be verbal testimony that could be considered, but the documentation evidence is what was provided to the Commission.

Comr. McGee indicated that she is trying to look at all the evidence and weigh everybody that have spoken, those who have contacted her, every plan she has seen and other statements made. Also, she wanted to address those statements made in the anonymous letters in the Pompano Pelican newspaper, which stated that she "flip flopped."

Continuing, Comr. McGee stated that when she first saw the plan in 2017, she indicated that it was too high and too big. In her first meeting with the developer, which was after the election, at the end of the presentation she told him that it is too high and too big. They went back and came back with a smaller plan that is approximately 200,000 cubic feet smaller than the current zoning, and when she went back to those people, she had spoken to previously, she thought they would be excited to hear of the change. They brought the density down so it is the same impact as the current zoning. In addition, they have added to the beautification of a park, sidewalk, beach and parking spaces. Nevertheless, the petitions were out and she received emails prior to the first reading of the item, and majority of the opposition emails were cut and paste format that all cited the 2017 plans. She met with residents in the neighborhood and listened to the various comments, some of a selfish nature. Unfortunately, it has become common lately for small groups, which is across the country, to include the City of Pompano Beach, where individuals decide that their feelings for or against a project represent the entire community and then proceed to create an environment of half-truths, falsehood, and bullying. So, this is where she had to do some soul searching as to what is the Commission's role when judging these things. She then

quoted, "Your representative owes you, not as industry only, but his judgement, and he betrays instead of serving you if he sacrifices it to the opinion." When she considered all the evidences presented and the way it was done, she believes some people who did not get the correct information were robbed of the change to formulate an opinion about what the current project represents.

Finally, Comr. McGee stated that she spoke with a number of people living in the neighborhood who did not want to speak up in public, did not want to fight with their neighbors, and felt bullied because they like the direction in which the City is going and wants to see it continue. This is a growing City and there are many projects coming down the pipeline in the next few months. Therefore, she asked everyone to raise the City of Pompano Beach to a level of decorum in the discussions that is considered the standard that other cities in the County, State and Nation strive to meet.

Mayor Hardin pointed out that people talked about the park access and that the developer will make it a private park, which is not the case. It is a City of Pompano Beach park and will remain the City's park and any attempt to block access will not be tolerated by the City. Furthermore, he has looked at the issue at a number of different levels and there are a lot of people that sign petitions and things of that nature, whether it is 1,300 or 130 people showing up in the Chamber. He does understand the opposition that exist out in the neighborhood. It is a nice and beautiful project but as he indicated prior, it does not belong in that spot, it is just not compatible with the park behind it and it is too large. He wished it could be done some place else. Therefore, any suggestion that those who contributed to campaign votes will dictate the Commission's vote is absolutely wrong.

Vice Mayor Moss stated it never ceases to amaze him why some people try to convince the Commission to change their minds or try to make a decision one way or the other by being arrogant, rude, noisy, and now lying. For example, submitting into the record approximately 500 blank pages when you swear that there is a petition with 1,300 signatures on it. When stunts like this is pulled, it makes it hard for him to consider their position. In the future, he would suggest if they want to convince the Commission to their point, try not to do it by insulting, by being threatening, by being noisy, or by behaving as rude people. Perhaps if their behavior changes to being polite and nice the Commission would be more inclined to listen to their position.

Comr. Eaton stated that she used to lived at Hillsboro Shores for many years where she was active as a political activist and ran for office in District 1 years ago. She was also part of the group that was advocating for the Community Redevelopment Agency (CRA). At that time some of the people present tonight, were against the CRA. They did not want the change because they liked it just the way it was. Currently, those voices are saying they love what is being done on Atlantic Boulevard, and the Beachscape. She stated that change is difficult sometimes. She then related a story about the old Tails Restaurant. In sum, she believes this project is good for the area and will maintain her yes vote.

Comr. McMahon stated that this meeting is one of the most stressful decisions he has made as a commissioner. He believes everybody who came out to support or not support the project should come out to every meeting, but unfortunately it is not until a project similar to this one is on the agenda. He provided his reasons why he will support the project. It will bring additional public parking area, it is a low-density project, this is a condominium ownership and not a rental property and the positive impact on the City's economy is something he believes is important.

Comr. Perkins indicated that it will be a repeat of the last meeting when this item was heard, and her vote will remain the same, no, because she has listened to the residents. She said she can understand what it feels like when there is land in your district, similar to what she has in her district, and many developers are trying to get into District 4 to build only apartments and warehouses. So, regardless what the people say or want in her district, there are people sitting on the dais saying no. In sum, Comr. Perkins indicated that they must listen to the residents and she knows how she felt when they built those 77 homes just a block from her house, which she is still concerned about the traffic. Therefore, she understands how some of these residents feel and their passionate expressions of not wanting a certain project in their neighborhood.

Mayor Hardin suspended the Quasi-Judicial proceedings and asked to take item 27 out of order for the convenience of the public, as well as the subject matter is related to item 19. Upon a motion made by Vice Mayor Moss, seconded by Comr. McMahon, the motion passed unanimously.

Meeting went into Recess

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

**Yes:** Eaton  
McGee  
McMahon  
Moss

**No:** Perkins  
Hardin

**Enactment No: ORD. No. 2019-81**

20. [19-525](#) **P.H. 2019-93: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED WEST OF SOUTH DIXIE HIGHWAY ON THE NORTH AND SOUTH SIDES OF SW 11TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 9, 2019**

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that

agenda items 20, 21 and 22 are companion items. A combined presentation was given at the first hearing, the combination of which will allow 129 mixed-use project of workforce housing. This particular item 20, is the second reading of an ordinance to rezone the property from RM-20 to RM-45. This constitutes only a portion of the property which is a 1.17 acres site, located west of South Dixie Highway, on the north and south sides of SW 11th Street. The applicant has submitted concurren requests for flexible units and an abandonment application. A new agenda item was added for the acceptance of the utility and fire access easements. The rezoning request was recommended for approval from the Planning and Zoning Board, and since first reading an executed declaration of restrictive covenants has been included in the backup material to address the Planning and Zoning Board comments.

Michael Vonder Meulen, Keith and Associates, Pompano Beach is available to answer questions.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-82**

21. [19-528](#) **P.H. 2019-92: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING PORTIONS OF THE RIGHT-OF-WAY ON MAGNOLIA DRIVE (SW 11th STREET) LOCATED WEST OF SOUTH DIXIE HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JULY 9, 2019**

**(Staff Contact: Jennifer Gomez/David Recor)**

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that this is the second reading of an ordinance to abandon a portion of SW 11th Street. This received a positive recommendation of approval from the Planning & Zoning Board (P&Z) and approval at the first reading from the City Commission. There is a companion item, which is the fire access and utility easements, which will be the following item that will address the concerns raised by P&Z.

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

**motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-83**

22. [19-596](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A PERPETUAL FIRE ACCESS EASEMENT AND NONEXCLUSIVE UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated this is the final item associated with the project, which is the companion item to the abandonment of SW 11th Street. The resolution includes a fire access and a non-exclusive utility easement executed by the recipients of the right-of-way abandonment. The abandonment received positive recommendation from the P&Z Board and approval from the City Commission earlier.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-243**

23. [19-392](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HUOK PLAT LOCATED ON THE NORTHEAST CORNER OF POWERLINE ROAD AND NW 9TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM JUNE 25, 2019, MAY 28, 2019 & MAY 14, 2019**

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

David Recor, Director, Development Services Department, presented the item and stated that the plat was originally presented to the Commission in June 2019, and was tabled several times to a date certain. The property is composed of two parcels located at 950 North Powerline Road and 1100 North Powerline Road. It is approximately 4 acres. One of the properties was previously platted the other had not. Therefore, this is a replat to allow a maximum building of 80,000 of commercial use. The property is zoned B-3 and it does have a commercial land use. The plat was presented to the P&Z Board in February 27, 2019. There were seven conditions of approval and prior to placement of the item on the City Commission agenda, all have been satisfied but three of them are significant. The applicant was required to propose off-site improvements to include residential streets NW 9th Street, and gave specific examples for traffic calming. On the south side of the property the Non-Vehicular Access Line (NVAL) was required to be extended the full length of the property line along NW 9th Street to prohibit any traffic from entering or exiting the property from the residential street. Also, the applicant was required to put a note on the plan, noting construction of the sidewalk along NW 9th Street frontage as required by Chapter 155, City's Zoning Code.

Robert Hartso, 61 NE 1st Street, Old Town Pompano, Pompano Beach, FL introduced himself.

James McLaughlin, McLaughlin Engineering Company, 2022 W. Atlantic Boulevard, Pompano Beach, FL, stated they try to address all of staff's comments and they have gone through Broward County and Florida Department of Transportation to address their comments.

Comr. Perkins asked for an explanation on how they plan to stop the trucks from entering the residential area.

Mr. McLaughlin responded that originally there was access out to NW 9th Street to make a right turn to get on to Powerline Road. The City has asked them to completely eliminate that access, so there will be a fence and a sidewalk. To eliminate anything coming out from the property, they have agreed at the time of site plan, there were some concerns of some people utilizing NW 9th Street to make a U-turn, that they would put some type of calming device which would be decided by the traffic study to see how much traffic is coming in the area.

In response to Comr. Perkins' question about the ingress/egress on the property, Mr. McLaughlin responded that they will enter and exit only from Powerline Road.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-244**

**24. 19-389 P.H. 2019-72: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THAT CERTAIN TWENTY-EIGHT FOOT ROAD RESERVATION EASEMENT LOCATED PARALLEL TO POWERLINE ROAD AND NORTH OF NW 9TH STREET, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM JUNE 25, 2019, MAY 28, 2019 & MAY 14, 2019**

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

David Recor, Director, Development Services Department, presented the item and stated that it is a companion item to the replat and vacates an existing 28-foot right-of-way easement that was on the front of the property as part of the replatting activity.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**25. [19-577](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE MARQUIS APARTMENTS PLAT LOCATED WEST OF NW 18TH AVENUE ON THE SOUTH SIDE OF DR. MARTIN LUTHER KING, JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.**

(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the owners of the property, NatJack, LLC, Pompano Beach, FL, have filed several applications in order to develop the proposed 100-unit affordable housing project with five three story buildings. The site area is approximately 4.158 acres and is currently vacant with the exception of a 18,020 square foot police substation building. The property has not yet been platted and the request is for a new plat that will be restricted to a maximum of 100 garden apartment units. This is located on the west of NW 18th Avenue on the southside of Dr. MLK, Jr. Boulevard. The property has a commercial land use designation and the applicant has applied for it and has received approval through the City Commission for the 100 flex units. At the April 24, 2019 P&Z Board meeting the plat and a site plan was approved.

Comr. Perkins indicated that she will support the project, however, she is concerned about the traffic and at the intersection that was discussed previously, a traffic light is needed, that is at NW 18th and Dr. Martin Luther King, Jr. Boulevard. She understands this will commence in November 2019. She then asked how much is being paid for the property where the substation is located.

Mr. McLaughlin does know the exact amount but the developer, which is Cornerstone Group is providing funds for the relocation of the police substation.

Comr. Perkins indicated that on page 7 of the backup document, it states that this will be marketed as a 55+ community, which could have younger age individuals living there, therefore, it is not quite a senior community. In addition, Comr. Perkins enquired if the County could provide a traffic study on the road since Martin Luther King Boulevard is a county road.

Ms. Gomez responded that the City can look into it. A traffic study will have to be done to justify that there is sufficient grounds to do a change in the traffic signal. She understands that there has been outreach to the county, which has not yet been resolved.

Mr. McLaughlin stated that their office has performed a traffic study and he will provide the Commission with a copy.

Comr. Perkins suggested that a development agreement would be appreciated, and she understands that they plan to put a social room/office that would operate similar to a substation.

Mr. McLaughlin indicated that he would relay the Commissioner's request to Cornerstone Group because they are still in the process of acquiring the property and getting the funding for the project. Also, he confirmed that a fence will be placed around the property with a pedestrian gate near the bus stop.

Vice Mayor Moss asked for clarification if it will be for a 55+ community.

Mr. McLaughlin responded that he does not believe it is restricted to 55+. It is marketed to seniors but it will be available for families as well, which relates to the funding from the State.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-245**

26. [19-578](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE 621 NE 1ST AVENUE DEVELOPMENT PLAT LYING ADJACENT TO AND EAST OF THE FEC RAILROAD BETWEEN NE 7TH STREET AND NE 8TH STREET; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the property owner, Glenn Speck is requesting plat approval for the subject property located at 1621 NE 1st Avenue. The site area includes a .78 acre, which is vacant and a majority of the property is unplatted, while a smaller area was platted. The proposals to replat the portion that has already been platted and if approved, will subdivide the subject property into two parcels, the larger of which is 30,760 square feet and labeled Parcel A, the remainder 3,224 square feet will be dedicated to the public for right-of-way. The plat proposes to restrict the property to a maximum building of 22,000 square feet of warehouse area. The applicant proposes to develop a warehouse building approximately 14,000 square feet inside the property, which would be like a contractor's office. The property is zone B-4 (Heavy Business), and has a commercial land use designation. Finally, the plat was recommended for approval at the May 22, 2019, Planning and Zoning Board with the condition that has been met.

Mayor Hardin asked if the property was zoned B-3 or B-4.

Ms. Gomez responded the prior submittal as B-3 in the staff's report before the Planning and Zoning Board was an error. There is a revised map that shows it is a B-4 zoned area.

Comr. Eaton asked what is the intended use.

Ms. Gomez responded that it is currently restricted to the uses on the B-4 property and it has been platted as a warehouse, which it would be warehouse type uses.

Elizabeth Tsouroukdissian, Pulice Land Surveyors, 5381 Nob Hill Road, Sunrise, FL, stated that their client is

proposing to build a type of contractor's office and she has a conceptual site plan for the Commission. The building will have bays, an office, and space to store materials.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-246**

**END OF QUASI-JUDICIAL PROCEEDING**

27. [19-588](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT REGARDING IMPROVEMENTS TO NORTH OCEAN PARK BETWEEN THE CITY OF POMPANO BEACH AND MOUNT VERNON PROPERTY HOLDINGS, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor)

### Meeting Reconvened

David Recor, Director, Development Services Department, presented the item and stated it is the development agreement (Agreement) that identifies the specific improvements to North Ocean Park, as well as other considerations offered and volunteered by the Mount Vernon Property Holdings, LLC, the developer of the adjacent 1508 North Ocean Boulevard property. The North Ocean Park improvements are depicted in Exhibit C of the Agreement and included but not limited are a new pavilion, restrooms, exterior showers, pedestrian lighting, bench seating, landscaping, picnic tables, fitness and exercise equipment, barbecue grills, drinking fountains, trash receptacles, sidewalk irrigation, and walking trail.

Continuing, Mr. Recor stated that Mount Vernon Property Holdings indicated that the North Ocean Park improvements would cost no less than \$300,000. The Agreement provides that the company would present a park improvement site plan to the City's Park and Recreation Advisory Board following approval of the Agreement by the City Commission. This was originally scheduled for presentation last Wednesday, July 17,

2019, but was postponed until second reading of the rezoning ordinance, which occurred earlier as item 19. The Agreement provides that comments and feedback from the Advisory Board would be provided in writing to the City Manager who will meet with Mount Vernon Property Holdings for further discussion. The Agreement states that the City Manager shall serve as the final authority in determining the ultimate improvements that occur at the North Ocean Park. Also, the Agreement provides that no improvements would occur to the park unless the City approves the improvements. It also provides that the park improvements site plan that ultimately is approved will be submitted to the City within sixty (60) days from the date of which the site development plan for the 1508 North Ocean Boulevard project is submitted. Following approval of that site plan and subsequent building permit, the Agreement provides that a performance bond equal to the cost of the improvements will be presented to the City and will remain in effect for six (6) months following completion and acceptance of the final park improvements by the City.

Additionally, Mr. Recor indicated that the amendments will be completed prior to the issuance of a Certificate of Occupancy for the adjacent development. There are a number of other considerations, the construction annual funding of a decorative crosswalks at A1A and 15th Streets to compliment the City's A1A G.O. Bond streetscape project is provided for in the Agreement. The placement of an artistic water feature or public art work piece visible at the front of the adjacent development with the approved site plan is also provided for. Compliance with all the guidelines for and consistent with the A1A Scenic Highway designation. Finally, there is a prohibition of short-term rentals units that will be included in the Condominium documents for the adjacent development.

Hope Calhoun, Esq., representative of the applicant, thanked the Commission for approving the rezoning application. Next, they will make arrangements to meet with the Parks and Recreation Advisory Board. She is available for any further questions regarding the Agreement.

Brian Mead, 3430 Dover Road, Pompano Beach, FL, stated he received a copy of the developer's agreement last Friday and on the first page, second paragraph where it states, "The developer intends to construct a 28 unit." He would like the word "Condominium Unit" inserted in that part of the document. In addition, under Section 2, Park Improvements, page 1, the last sentence states, "The cost of the park improvements shall be determined by the developer and improved by the City and shall be evidenced by pricing documents provided by the developer to its contractor." He understands that the developer is going to apply \$300,000 towards these improvements and he is a bit leery, that the developer has sole authority to determine the cost of the improvements and where there to be applied. The City Commission would not want to see something that the Pentagon experienced, with overpaying, and the dollars will not be available that is needed to do the work that is being promised because the prices are being inflated by potential subcontractors working for the developer. Therefore, he suggested that it would be better to have the developer simply write a check to the City of Pompano Beach for \$300,000, and let the Parks and Recreation along with City Staff develop a plan of what they are looking for and then put out for public bid.

Mayor Hardin asked Mr. Recor to address the improvements versus the dollars versus writing a check for the full amount.

Mr. Recor stated that the language included in the developer's agreement was specifically negotiated with the City Attorney's office to avoid any appearance of a contract zoning. The dollar amount that was volunteered,

offered by the developer is a "FLORA." The language states, "At a cost of no less than." The reason for the fifteen improvements that were identified in the development agreement for the record, was that is what the City is going to be looking for at a minimum. Therefore, the developer has indicated in the agreement, those improvements will cost no less than \$300,000. It allows the opportunity for it to be more but because there was a related rezoning, staff did not want the two to be connected, that is to give the appearance of being contract zoning, that was the way the development agreement was crafted.

Sandy Von Staden, 321 Beacon Street, Pompano Beach, FL, expressed concern that \$300,000, would not go very far, since there are prior testimonies that one of the City parks would cost \$150,000 just to restore a bathroom. Also, her concern from the standpoint of the Scenic A1A, there is some type of signage associated with people knowing that there is a park. The towers will eclipse the park and the nature and character of the park. Another concern, when they do the improvements that they are going to select pavers and architectural features that actually give the appearance that it is part of their property. Also, she expressed concern about parking for patrons at the beach. In sum, she would like to see the park plan that they will increase parking for the park and that there is signage associated with the park.

Mayor Hardin enquired as it relates to the design of the enhancements and things of that nature, will this go before the Parks and Recreation Advisory Board (Board) for their input and recommendations. Also, if the developer tries to make this an extension of their project, the Board would make their recommendations and the City Manager would make that final decision.

Mr. Recor responded that is correct. An extensive discussion followed regarding the viability of the costs provided in the Agreement to sufficiently cover all costs of improvements of the park. In addition, the improvements to the park is not a City project, but the park will always remain and be maintained as a City park.

Ms. Von Staden indicated that since the park improvements is not a City project she has concerns as to the current resources that highlight the Scenic A1A being compromised. She would feel more comfortable that the developer agree to signage that indicates it is a City park and they are not going to make it look like an extension of their building.

Brian Mead, Pompano Beach, FL, stated that he has been in the building industry in South Florida since 1987, and indicated that the City will not have any realized savings from contractors saying they need additional pavers while working on the tower. The cost per square foot to lay the pavers will be the same, and it is just adding more square footage. He also has concerns that these improvements will be controlled by the developer/contractor rather than the City.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, as he understands, the first several floors of the buildings will be commercial as well as garage spaces. Commercial property will invite the public to have access to the buildings, which is adjacent to a public park. Most parks are open from sunrise to sunset, and asked how the City plans to control what happens after sundown to protect the City and to minimize its exposure for damages.

Comr. McGee indicated that she did not see any mention of the height of the buildings and asked if this should

be specified in the Agreement as well.

Mr. Recor responded that it is not necessarily material as long as the number of units is specified.

Hope Calhoun, Esq., representing the Applicant, added that this is only to go through the site plan process so that could change. They know the number of units that could possibly change, but it will not be higher.

Comr. McGee explained her reason for bringing this up as one of the complaints heard is the concept that they could in the interim flip the property to keep what the Commission just approved for the rezoning of the property.

Mayor Hardin asked if the zoning that was approved on the prior item will stay with the property no matter who purchases it.

Mr. Recor responded yes it would remain with the property.

Comr. McGee indicated that Ms. Von Staden's point about signage is great and the City should ensure that it is clear to everyone visiting, that it is a City park not to be confused. She asked the developer to continue working with the City as they would have to maintain the scenic value of the park, such as the Scenic A1A, the barefoot mailman in history, which all of these things are very important to the beach and maintaining that part of it.

Mayor Hardin wanted to be assured that although it is not a City project for the park improvements that it will still be governed by all the laws and everything, except it would not be the City putting the job out for bid and things of that nature. Also, the City will ensure that any industrial accidents will be covered by the developer.

Mr. Recor replied there will be no shortcuts and this will be treated as any other Agreement.

Tracy Lyons, Acting City Attorney, reiterated that as with every other public park the enforcement will be the same whether through the Broward Sheriff's Office (BSO), or through the Park Rangers. The specific hours as designated in the City Code 98.13(A) is accurate from sunrise to sunset. Therefore, those hours will continue to be maintained through our law enforcement mechanisms.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-247**

**28. 19-598 P.H. 2019-100: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIFTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC, RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that the fifth amendment will put in order all of the different projects that are going on in the Fishing Village. The Beach House on Parcel C1 has been completed, and Oceanic is complete and will be opening in the near future. Parcel R1 - Alvin's Island - major construction has been started and hope to be completed by November 2019. The BurgerFi, Kilwins and Cannoli Kitchen will be moved out to June 30, 2020, and the contract was just signed in the last two weeks with the Event Center from New York. The Lucky Fish has been moved out to February 2020, which is the remodeling of the concession stand. Also, the hotel has had its ribbon cutting and construction has commenced, projected completion date is for December 2020. The only thing remaining is the ground floor businesses in the parking garage. The developer's concept is to get these going and get attention drawn to that and then market out that floor space. Therefore, he would recommend City Commission's approval of the fifth amendment.

Mayor Hardin asked if the grand opening of the Pier will be impacted.

Mr. Harrison responded no.

Comr. McGee is excited to see these buildings opening.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**29. 19-581 P.H. 2019-98: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE OCEANSIDE PARKING LOT AT 109 NORTH OCEAN BOULEVARD; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 26, 2019; 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)

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

**SPECIAL NOTE:** Prior to commencing discussion on this item, Mayor Hardin announced that the time was 11:02 p.m. and pursuant to the City Commission meeting rules, he called for a motion to extend the meeting until midnight or sooner. Otherwise, the meeting would need to be adjourned at this time and reconvene tomorrow morning at 9:00 a.m.

**A motion was made by Vice Mayor Moss, seconded by Comr. McGee to extend the meeting until midnight or sooner. The motion carried unanimously.**

Jean E. Dolan, Development Services Department, presented the item and stated it is a City project to change the land use category on the Oceanside parking lot from Parks and Recreation to Commercial, to build a support and parking structure to help support the development along the pier and the beach area. Also, to attract a hotel and some commercial space preferably a neighborhood grocery store. This is a City project that is in the strategic plan and the City's team consists of Suzette Sibble, Jean Dolan and Chris Brown, as well as John McWilliams who has done the traffic study for the Land Use Plan Amendment application. She then provided a map displaying the location and a similar model used for the Pier Parking Lot.

Continuing, Ms. Dolan noted that the proposed entitlements for the commercial piece of the property are 750 parking spaces parking structure, and some retail totaling approximately 50,000 square feet. The main component would be for a neighborhood grocery store, as well as a 300-room hotel. The timeline involves the first reading approval, then it will be submitted to the County to change their land use plan where all entitlements are borne. It will be a lengthy County review process and is expected to be completed with their approval by April 2020, and then staff will bring the item back for second reading. Therefore, August 2020 is the expected completion of the approval process. During this long process, staff will be selecting a developer to do the work

and build the parking structure and the retail facilities. Phase 1 of the Request Letter of Interest (RLI) is to look at who is qualified to move forward past the initial step. The critical part of the timeline is negotiating the contract of the development agreement on the parcels. In sum, the expected time to open the parking garage is in December 2021, and the hotel/retail space the following year December 2022.

Comr. McGee enquired about the 750 spaces and if the City is locked into that number.

Ms. Dolan responded that is what they are proposing, however, the developers bidding on the project may have other ideas in terms of what they may want to do, in the end, a good number of parking spaces is what the City desires.

Comr. McGee is concerned that the amount may be too few to support the hotel rooms and its staff, plus staff from the surrounding areas.

Ms. Dolan indicated that they are limited to the envelope and there is only so much that can be built in the Atlantic Overlay District (AOD), which has height limits and FAR requirements. So, the proposed number is logically sufficient.

Comr. Eaton indicated that it is great to see this moving forward.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**30. 19-579 P.H. 2019-99: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO MODIFY LAND USE CATEGORY INTENSITY POLICY 1.07.20 RELATED TO HEIGHT AND LOT COVERAGE STANDARDS FOR CERTAIN LAND USE CATEGORIES; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 26, 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean E. Dolan, Development Services Department, presented the item and stated that this is a modification to the City's intensity policy and the Land Use Element of the Comprehensive Plan. The Regional Activity Center (RAC), which is the Isle of Capri's property, and John Knox Village are both undergoing master planning processes.

Vice Mayor Moss expressed appreciation in moving this forward quickly.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**31. 19-601 P.H. 2019-101: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR A PORTION OF MCNAB PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Nguyen Tran)

Nguyen Tran, CRA Director, presented the item and stated the item appeared before the Community Redevelopment Agency (CRA) Board on July 16, 2019, for approval of a lease for a portion of the McNab Park. Part of the lease involves moving the house and garage, improving the community services building, creating a botanical garden, as well as moving the veteran's memorial. The CRA has committed \$2.7 million for this project, and as part of the Charter provisions of the City, any long-term leases and expenditures of the estimated amount of \$2.7 million must be spent within four years, and fifty percent of this amount to be spent within two years. Also, as part of the lease agreement and the project, the CRA will master plan the entire site to ensure it functions as proposed. Until further direction from the City Commission and the CRA Board, the master planning will be done along with moving the house and creating a botanical garden.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, mentioned he has been requesting information to the property on which the McNab Park sits so the City Commission could process the lease in an appropriate way. He was told to pay \$500 to get all the research information he had asked about. Therefore, he would like to appeal to the Commission to answer a question, an email from the City Manager would be sufficient, "Has the City of Pompano Beach ever received any State or Federal funds for use on this park?"

Mayor Hardin responded an answer is not currently available. He understands that Mr. Terwilliger has been engaged with the City Clerk's office as far as trying to get the information he mentioned.

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

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

32. [19-536](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item and stated this is an annual action taken prior to the City Commission August hiatus, so the City can continue business during their time off.

**A motion was made that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-248**

33. [19-545](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ROBERT ZBIKOWSKI** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 27, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Robert Zbikowski, Real Estate Appraiser/**Incumbent** - District 1

Joby Balint, Architect/**Incumbent** - District 1

Salah Elroweny, Architect General Contractor/**Incumbent** - District 3

Ray Lubomski, Civil Engineer, Alternate #1/**Incumbent** - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to insert the name ROBERT ZBIKOWSKI and that the Regular Agenda/ Resolution be ADOPTED. The motion carried. by a unanimous voice vote.**

**Enactment No: RES. No. 2019-249**

34. [19-546](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOBY BALINT** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 27, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-545 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-250**

35. [19-547](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SALAH ELROWENY** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 27, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-545 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-251**

36. [19-548](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RAY LUBOMSKI TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 23, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 19-545 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to insert the name RAY LUBOMSKI and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-252**

37. [19-550](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KERRY-ANN PARSONS TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Richard J. Leys, *Incumbent* - District 3

Molly Moor, *Incumbent* - District 1

Mary C. Antoine - District 1

Patricia DeSanctis - District 1

Rafal Dradrach - District 1

Bruno Munoz - District 1

Corey Staniscia - District 1

Kerry-Ann Parsons - District 2

Sarahca Peterson - District 3

Hazel K. Armbrister - District 4

Monifa Aruwajoye - District 4

Marie Goodrum Johnson - District 4  
Marcus A. McDougale - District 4  
Shelton Pooler - District 4  
John Reed - District 4  
Janice A. Simmons - District 4  
Veronica Thomas - District 4  
Bettye A. Walker - District 4  
Andy Cherenfant - District 5  
Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins. Comr. Eaton nominated Kerry-Ann Parsons, seconded by Vice Mayor Moss. to insert the name KERRY-ANN PARSONS and that the Regular Agenda/ Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-253**

38. [19-551](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD LEYS** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-550 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-254**

39. [19-586](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MONA SILVERSTEIN** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MOLLY MOOR AS ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-550 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, with Vice Mayor Moss nominating Mona Silverstein and Comr. McMahon nominating Molly Moor. However, the name MONA SILVERSTEIN was inserted and the Regular Agenda/Resolution was ADOPTED. The motion carried by the following vote:

**Yes:** Eaton  
McGee  
Moss  
Hardin

**No:** McMahon  
Perkins

**Enactment No: RES. No. 2019-255**

#### **D. REPORTS**

**Gregory Harrison, City Manager - Active Intruder Training at City Hall** - Mr. Harrison reported that on Thursday, August 22, 2019, from 8:00 a.m. to 11:00 a.m., City Hall will be closed for an Active Intruder training and drill. This is done because of an intense training where blanks will be going off as a replica of a real shooting incident. This is an important training for the employees.

**Construction Business Development Training** - Mr. Harrison reiterated the last time he announced the training information on the Construction Business Development there was a flyer without a date. Officially, there will be a Construction Development Technical Assistance series introduction to construction estimating, which will be presented by the City's CIP Director, Tammy Good. This will take place on July 24, 2019 at 9:00 a.m. He concluded that this is another one of Dahlia Baker's projects.

**Tracy Lyons, Acting City Attorney - Best Wishes** - Ms. Tracy wished the City Commission a happy and relaxing hiatus.

Mayor Hardin noted that Ms. Lyons has been filling in for City Attorney Mark Berman, who regrettably has to be out of town on family business. He welcomed and commended Ms. Lyons for doing a great job.

**Asceleta Hammond, City Clerk - Best Wishes** - Ms. Hammond, wished the City Commission a happy and enjoyable hiatus in August.

**I-Pad Update** - Kervin Alfred, Deputy City Clerk requested that the City Commission leave their I-Pads behind for update during their hiatus.

**Commissioner Rhonda Eaton - League of Cities Major Policy** - Comr. Eaton mentioned the main policy stance of the League of Cities is to fight to keep Home Rule. There have been some bills that were put through

and legislature has tried to get through dealing with the “Bert J. Harris, Jr. Act” that will be detrimental if passed. The second issue is the de-annexation/annexation. There are a few cities that have been threatened by local bills, which is hostile annexation for the sanctity of the municipal boundaries that can be violated.

**Best Wishes** - Comr. Eaton wished everyone a great hiatus in August.

**Commissioner Andrea McGee - Broward Days Legislative Update** - Comr. McGee reported that she attended the Broward Days Legislative Update in Fort Lauderdale and was happy to report that news of Pompano’s forward momentum keeps growing and chatted about in positive ways.

**Commissioner Tom McMahon** - No Report.

**Commissioner Beverly Perkins - Annual Community Back to School Fun Day Event** - Comr. Perkins invited everybody to the 16th Annual Community Back to School Fun Day, which will be held in August 10, 2019 from 11:00 a.m. to 4:00 p.m. at the Apollo Park.

**Welcome Back to Schools** - Comr. Perkins wanted to welcome back everybody to school that will resume on Wednesday, August 14, 2019.

**Best Wishes** - Comr. Perkins wished her counterparts a great vacation and hope to see everybody back in September.

**Vice Mayor Barry Moss - Collier City Family Fun Day** - Vice Mayor Moss reported that Saturday, August 3, 2019, at the McNair Park, the Collier City Family Fun Day will take place from 9:00 a.m. to 2:00 p.m. and encouraged everyone to attend.

**Best Wishes** - Vice Mayor Moss wished everyone a relaxing month of August.

**Mayor Rex Hardin - United Way Broward County Mayors’ Gala** - Mayor Hardin announced the United Way Broward County Mayors’ Gala honoring Mark Bogen, Broward County’s Mayor, will take place. This is an annual event and he was requesting support for the City to purchase a table, a full-page advertisement at the Annual Mayors’ Gala. This will take place on Saturday, October 19, 2019, from 6:00 p.m. to 10:00 p.m., which will be held at the Marriott Harbor Beach Resort in Fort Lauderdale. Historically, the City of Pompano Beach has been represented at this Gala.

**MOTION: A motion was made by Vice Mayor Moss, Seconded by Mayor Hardin, to purchase a table for \$2,000 to be taken from the General Fund. The motion carried unanimously.**

**Rail Way Stop for Pompano Beach** - Mayor Hardin mentioned that today, there was an article in the Sun Sentinel newspaper stating, “Brightline may add a stop in Boca Raton.” He has also read articles about the coastal link making presentation to other cities. He wants to ensure that the City is really reaching out to these entities and making a push to get a station into the City of Pompano Beach. Therefore, everybody involved in the rail system, whether it is Brightline or the Metropolitan Planning Organization (MPO) coastal link realize that

the City of Pompano Beach definitely wants a rail station and it is important.

Greg Harrison, City Manager, assured the Commission that the City is in their domain and they are aware of the City's interest and there has been communication with them and a face to face meeting will be coming up in the near future.

**Best Wishes** - Mayor Hardin wished everyone an enjoyable break in August.

**E. ADJOURNMENT**

The meeting adjourned at 11:31 p.m.

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Rex Hardin, Mayor

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Asceleta Hammond, City Clerk