

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, September 8, 2020

1:00 PM

Commission Chamber

Virtual City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Virtual City Commission meeting to order at 1:00 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

[20-577](#) Virtual City Commission Meeting Minutes of July 28, 2020

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

APPROVAL OF AGENDA

Mayor Hardin announced that Items #17 will be postponed until October 27, 2020, and #22 postponed until the September 22, 2020 City Commission meeting. Later on during the meeting the Commission voted unanimously to postpone Item #28 until the September 22, 2020 City Commission meeting.

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

motion carried unanimously.

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. A person may request an item be pulled from the Consent Agenda for discussion on the Regular portion of the agenda upon advance written request, as per the instruction under Speaking About an Agenda Item (Remotely) above.

Mayor Hardin indicated that Items 2 and 4 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[20-472](#) Strategic Plan 2019-2024 and Action Agenda 2019-2020 Quarterly Progress Presentation.
(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

Ernesto Reyes, Strategic Performance Manager provided a brief presentation for the purpose of providing the City Commission and the community with the general update on the progress of achieving the City's Strategic Action items. Quarterly progress has been made for the months of January, February, and March 2020 for the Fiscal Year 2020 Strategic Plan, which was approved in July 2019. To supplement the presentation, Mr. Reyes stated that he has provided a comprehensive analysis of all 200 action items contained in the Fiscal Year 2020 Strategic Plan and for all 155 action items in the Fiscal Year 2019 Strategic Plan. Attached is ***Exhibit 1***, which provides the overview of the presentation made by Mr. Reyes.

Mayor Hardin thanked Mr. Reyes for his presentation.

The Presentation was READ AND PRESENTED INTO THE RECORD.

B. CONSENT AGENDA

Mayor Hardin announced that items 1, 3, 5-7 would be Approved/Adopted without discussion

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

1. [20-532](#) Commission approval of this recommendation to negotiate a contract for Bid P-18-20, Fixed Base Operation (FBO) at Pompano Airpark, to Pompano Aviation, LLC is requested.
(Fiscal Impact: N/A)

(Staff Contact: Steve Rocco/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. [20-551](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE POMPANO BEACH FIRE RESCUE STRATEGIC PLAN FOR 2021-2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

Mayor Hardin indicated he pulled the item to highlight it. Most people do not realize the amount of work that goes into these types of activities and the strategic planning that takes place among all the departments. In this item the Fire Department, which is accredited, completed this as part of their accreditation process. This shows forward thinking and real commitment to best practices. Therefore, he wanted to make the public aware of this, because oftentimes things under Consent Agenda get passed with the public not being engaged. This is being highlighted as part of the ongoing process that the City's government goes through to ensure the residents receive the best that their taxes pay for. Also, it a testament to the Fire Department for what they do.

Finally, Mayor Hardin congratulated staff and commended them for doing a good job as well as encouraged them to continue doing good work.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2020-232

3. [20-567](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF THE CITY'S ACKNOWLEDGMENT OF THE AMENDMENT TO AND RESTATEMENT OF DEED RIDERS BETWEEN THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND PINNACLE VILLAGE, LTD.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

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

Enactment No: RES. No. 2020-233

- 3A. [20-597](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF A SUBORDINATION AGREEMENT AMONG CITY NATIONAL BANK OF FLORIDA, THE CITY OF POMPANO BEACH AND POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

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

Enactment No: RES. No. 2020-234

4. [20-471](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING AN UPDATED STRATEGIC PLAN FOR 2020-2025 AND AN ACTION AGENDA FOR 2020/2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JULY 28, 2020

(Staff Contact: Ernesto Reyes)

Mayor Hardin indicated he pulled the item to highlight it as he did for the previous item pulled. This is the City's strategic plan and he wanted to inform the public that this information is available on the City's website, as well as to inform that this is the process the Commission and staff go through every year, which is to plan out what steps will be taken by staff, with the Commission ranking the priorities. This is an effective way to move the City forward and accomplish its goals. Earlier, Mr. Reyes provided an update on how the goals are being reached. Therefore, he encouraged the residents to go to the City's website to check on the entire plan as this is how it will determine the direction the City will move in. Finally, a tremendous amount of time was spent on the process by staff and the Commission to get to this point.

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

Enactment No: RES. No. 2020-235

5. [20-538](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY TO CONSTRUCT AN INTERCONNECT FOR THE PURPOSE OF, AND TO EACH PROVIDE, POTABLE WATER AS REQUIRED DURING TIMES OF EMERGENCY; PROVIDING AN

EFFECTIVE DATE.

(Fiscal Impact: \$172,970)

(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.

Enactment No: RES. No. 2020-236

6. [20-547](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE MCDUGLE FAMILY FOUNDATION, INC., TO UTILIZE VARIOUS CITY PARKS TO PROVIDE AN ATHLETIC COLLEGE PREPARATORY PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

Enactment No: RES. No. 2020-237

7. [20-575](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE ISSUANCE OF ITS NOT TO EXCEED \$90,000,000 REVENUE AND REVENUE REFUNDING BONDS (JOHN KNOX VILLAGE PROJECT) (THE "SERIES 2020 BONDS") TO BE ISSUED IN ONE OR MORE TAX-EXEMPT SERIES, THE PROCEEDS OF WHICH WILL BE LOANED TO JOHN KNOX VILLAGE OF FLORIDA INC. AND APPLIED FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY AND REFINANCING ALL OR A PORTION OF A LINE OF CREDIT OF THE BORROWER, BOTH OF WHICH FINANCED AND REFINANCED COSTS OF THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS TO THE SENIOR LIVING AND HEALTHCARE FACILITIES OF THE BORROWER LOCATED WITHIN THE CITY AND FINANCING (INCLUDING THROUGH REIMBURSEMENT) AND REFINANCING THE COSTS OF THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS TO THE SENIOR LIVING AND HEALTHCARE FACILITIES OF THE BORROWER LOCATED WITHIN THE CITY; FUNDING ANY NECESSARY RESERVES, FUNDING CAPITALIZED INTEREST, IF DESIRABLE, AND PAYING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE SERIES 2020 BONDS; AUTHORIZING A

DELEGATED NEGOTIATED SALE OF SUCH SERIES 2020 BONDS; APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT IN CONNECTION WITH THE MARKETING AND SALE OF THE SERIES 2020 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE THE SERIES 2020 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE BORROWER; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2020 BONDS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE SERIES 2020 BONDS; MAKING CERTAIN FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2020 BONDS; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

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

Enactment No: RES. No. 2020-238

C. REGULAR AGENDA

8. [20-565](#) **P.H. 2020-88: (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 PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE LIVE! RESORTS POMPANO REGIONAL ACTIVITY CENTER (RAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON AUGUST 26, 2020; 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: Jean Dolan/David Recor)

Jean Dolan, Principal Planner, Development Services Department, presented the item and stated that this will be a discussion on the Land Use Plan Amendment for the LIVE! Resorts Pompano project. She mentioned that approximately one year ago, the City Commission approved the First Reading on the previous Land Use Plan Amendment. However, the Applicant is returning to make some adjustments to the entitlements. The team for the land use and zoning includes herself, Max Wemyss, Planner, and Joaquin Vargas, Traffic Engineer with

Traftech on behalf of the City. On the Applicant's side, the team includes Debbie Orshefsky, Esq., with Holland & Knight, Michael Vonder Muelen with Keith & Associates, and John McWilliams with Kimley Horn for traffic.

Ms. Dolan provided a brief description of the location of the property. She indicated that the applicant is making one change to the entitlements approved last year. The change is to add 1.5 million square feet of industrial entitlements to the project and trading off 650,000 square feet of office entitlements. She then provided a detailed description of how staff processes Comp Plan Amendments to ensure the uses are compatible with the surrounding area, as well as the required levels of approval and the timelines associated with the process. Please see **Exhibit 2** attached for details of the presentation.

Ms. Dolan explained the procedure that will take place to coordinate both Items 8 and 9 that are on the agenda for discussion, since Item 9 is a rezoning of the property and is quasi-judicial in nature. Therefore, she asked if Max Wemyss could provide his rezoning presentation at this time since general questions would be similar for the two items.

Mark Berman, City Attorney, advised that both Items 8 and 9 could be placed under Quasi-Judicial, since the same presentation would apply. Therefore, the Commission could vote to put Item 8 under Quasi-Judicial. Ms. Orshefsky, on behalf of the Applicant, was in agreement that this would be the most efficient way to proceed and she would in turn, combine her remarks in her presentation.

Mayor Hardin asked for a motion to move Item 8 to make it quasi-judicial in nature.

MOTION: A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins to move Item 8 to be heard under Quasi-Judicial proceeding. The motion carried by the following vote:

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Mark E. Berman, City Attorney, advised that items 8 through 15 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

City Clerk Hammond swore in the following persons: Max Wemyss, Planner, Jean Dolan, Principal Planner, with Development Services Department, Debbie Orshefsky, Esq. with Holland & Knight, John McWilliams with Kimley Horn, and Joaquin Vargas with Traftech.

Max Wemyss, Planner, Development Services Department, indicated that Ms. Dolan went over the general location of the amendment and it is the same property boundaries as the Land Use Plan Amendment. The applicant has requested to rezone the property from PCD (Planned Commercial/Industrial District) to an amended PCD. The property is 232 gross acres and consists of seven separate parcels located on the property currently utilized as the Isle Casino. The general location of the proposed rezoning is on the southeast corner of Powerline Road and southwest 3rd Street, Race Track Road. The site was recently rezoned to PCD as per Ordinance 2019-107, on September 24, 2019, to encourage a mix of employment generating uses, entertainment uses and residential units. The purpose of this specific application is to amend the PCD in order to permit certain industrial park uses on the east side of the PCD master plan.

Continuing, Mr. Wemyss indicated that the applicant has provided a narrative that sums up their intent, which is the incorporation of the industrial park use to address recent but dramatic changes in the office space, the commercial, and recreation market as a result of current worldwide conditions. Also, there is interest by a warehouse distribution user to develop approximately one million square foot facility at this location to bring over 1,200 new jobs to the City. This proposed use will be a catalyst for the previously approved, Live - Work - Play use, to be developed within the LIVE! Resorts Pompano RAC (Recreation Activity Center). The reduction of the size of the Crystal Lagoon to a minimum of 1.5 acres will allow a new lake with a minimum size of 12 acres to be constructed and provide water-based active recreation amenities for the community, as well as to provide stormwater storage for the development.

Further details regarding the presentation is provided in the attached ***Exhibit 3***. Mr. Wemyss concluded that the Planning and Zoning Board unanimously recommended approval at its August 26, 2020 meeting. Following that meeting, drawings were revised to address the conditions of staff. All conditions of the Planning and Zoning Board are now met.

Mayor Hardin disclosed that he had ex-parte communications with the developer on the project, as well as received numerous emails from the public on the project.

Vice Mayor Moss indicated that he would also like to disclose that he had ex-parte communications on the project similar to Mayor Hardin's declaration.

Comr. McGee disclosed that she had ex-parte communications with the developer and their representation and received emails from the public.

Comr. McMahon disclosed that he had ex-parte communications with the developer as well as receipt of several emails.

Comr. Eaton disclosed that she also had ex-parte communications.

Comr. Perkins disclosed that she also received emails as well.

Debbie Orshefsky, Esq., Holland & Knight, representing the applicant, introduced members of her team. David Cordish, who will offer a few remarks prior to her going into their formal presentation. Traffic engineer, John McWilliams with Kimley Horn, as well as Dodie Keith, and Michael Vonder Muelen with Keith & Associates.

David Cordish, Fisher Island, Miami Beach, 601 East Pratt Street, Baltimore, MD, was sworn in by City Clerk Hammond. Mr. Cordish then provided introductory remarks indicating their present situation, how they got there and where they are headed for the future. He talked about the precaution they are taking to ensure that everything they are doing is compatible with the project internally, for their own benefit and for their neighbors in Palm Aire off Powerline Road. He agreed that the Cordish Company should have done a better job to communicate what they are doing, because when their neighbors understand it they will be just as excited as they were some months ago when the company was making its presentations. Notwithstanding, Mr. Cordish promised to rectify that starting today.

In summary, Mr. Cordish stated that everything they promised before will be delivered with just one exception. In other words, they still intend to build over 4,000 residential units, with everything promised for this development, which is high quality. They will build more retail than presently existing on the site. They will provide entertainment and they will do everything they said they would do including passive lake and park around it that could be opened to the public, not only residents.

Continuing, Mr. Cordish mentioned that originally they had planned pre-COVID-19, to build two million square feet of office, and post-COVID-19, they will build 1,350,000 square feet of office, which can of itself produce 4,000 jobs. He then explained the economic impact that is affecting the entire country due to the COVID-19 pandemic. This has caused offices to work remotely and it is very unlikely they would ever fill up two million square feet of office space post-COVID-19. Therefore, they have reduced the office space from 2 million to 1,350,000 which is 650,000 square feet office space reduction, and he explained how this would impact traffic in the area. They plan to do an e-commerce logistic building that will be attractive and will be limited egress/ingress on the Race Track road at the corner of the property. He mentioned that there will be limited tractor trailers in that vicinity. There will be restrictions at the corner on Race Track Road and will go nowhere near Powerline Road. This will be made clear with proper signage and other things they will be doing, which will be in the overall interest of the company and the residents living in the area.

Finally, he alluded to the COVID-19 situation to be “not easy in a COVID-19 or post COVID-19 environment, nobody knows what will go on with the vaccines and how long it will take, to jump start a project of this magnitude.” However, they plan to create an e-commerce logistics building to jump start the project. They will pay massive real estate taxes and create many jobs and the people will purchase homes, go to the restaurants, and go to the other entertainment venues that will be created. The major international e-commerce that they are conversing with is heavy weight and will lean heavily on the whole South Florida corridor. In conclusion, Mr. Cordish indicated this will help them jump start the project in a difficult environment. Therefore, he plans to address most of the 24 separate condominiums residents in the area.

Ms. Orshfesky provided details on some of the remarks made by Mr. Cordish. She added that they will be coordinating with Cypress Bend and Palm Aire, which was the way they conducted all their outreach efforts since the beginning. They understand the sensitivities of their neighbors to the south and they will work with

them to get them at the comfort level they had previously. Ms. Orshfesky reiterated the exhibits shown by Mr. Wemyss, and noted the fifty foot buffer, which will remain unchanged. Missing from the exhibits are the proposed loop roads that create a limitation. Part of the design was to maximize the area in the northeast corner that would be industrial and they will restrict the two access points for any truck traffic. They are aware of the railroad tracks that goes through the area, and they will give special sensitivity to build into the PCD additional landscaping and buffering, should any of the industrial buildings go to the south. Discussions are still underway for the Tri-Rail station to be located in the area. Therefore, a 1,200 job center in the area will help promote the ability to get federal funding for the Tri-Rail station and it will encourage other office development that would like to be near e-commerce location. The creation of the warehouse distribution is not the only use for this location. **Exhibit 3** provides more details regarding the proposed changes, as well as the planned buildings, lakes and recreational parks for the project.

Mayor Hardin opened the floor for public participation.

City Clerk Hammond swore in Patricia Rice, 2901 South Palm Aire Drive, Pompano Beach, FL. Ms. Rice spoke in objection to the request by LIVE! Resorts Pompano to change the use to industrial with the 232 acres of the site of the existing Isle Casino property. She provided a number of reasons for her concern to change the use.

City Clerk Hammond swore in Ovid Dennis, 2851 Palm Aire Drive South, #504, Pompano Beach, FL. Mr. Dennis indicated that he is the president of the Board of Directors of Palm Aire Condo Community #3, and mentioned that their big concern is traffic on Powerline Road, which appeared to be addressed earlier. However, in the e-commerce he repeatedly heard truck traffic. He then read an excerpt from the website MVPL.com that promotes themselves to be a leader in the global supply chain of logistics consulting. He also spoke in opposition of the proposed changes to industrial, even though he has been in full support of the overall project. He would like to see a similar project that Mr. Cordish built in Arlington, Texas.

City Clerk Hammond swore in Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL. Mr. Skversky spoke in objection of the changes and indicated that the local community needed to have a larger input. In addition, the Zoom meetings do not allow for enough participation and suggested opening the City Chamber with limited amount of people in attendance or set up a tent to allow for the community to come out and voice their opinion.

City Clerk Hammond swore in Dolores Roknick, 2901 South Palm Aire Drive, Pompano Beach, FL. Ms. Roknick spoke in objection to the Land Use Plan Amendment to now include industrial use. She then provided her reasons and concerns. The original plan was to enhance the Palm Aire and Cypress Bend community. However, with the current proposed changes traffic will be greatly impacted on Powerline Road. Therefore, she urged the Commission to vote no on both Items 8 and 9.

Ms. Orshfesky provided clarification to the public and referred to Exhibit E1 being incorporated into the PCD. Exhibit E, which already exists depicts the multi-use entertainment district. What they have done with the proposed changes they could only do this in the area east of the railroad tracks. They purposefully kept it wider at the north end so that the area could be the most intensely developed area, and then as they go south there would be lower grade, perhaps some parking, which is hard to say until they receive a building plan from the

end user, which is not yet in place. They have an idea of what their requirements are but no plan yet. Therefore, they are sharing as much as possible and relying on the protections built into the existing PCD as well as the review for each site plan, as every building comes in by the City's Planning and Zoning Board and the Architectural Appearance Committee.

Continuing, Ms Orshfesky stated that in the original approval they studied over eighteen intersections in the area. There is a series of roadway improvements that have to be done along Powerline Road, and Atlantic Boulevard over the course of the development, which remain unchanged. In fact, the traffic generated by the proposed development as a land use planning matter is for nine trips less than it would be at the 2 million square feet of office. Therefore, they have kept the traffic impacts the same. A distribution analysis was done and they found that industrial warehouse use the roads differently than the corporate and other uses. In addition, part of the requirements of the original PCD, which are in the implementation stage now, is that they work through all the roadway improvements with the Florida Department of Transportation (FDOT) and Broward County. The majority of improvements required are located on state roads and they are now fully analyzing some of the interchanges with the Turnpike and I-95. In sum, the trucks will be restricted to the truck access points to the external road network. With regard to the loading spaces, there will not be as much truck traffic as described by Mr. Dennis in his remarks.

Mr. Cordish re-emphasized Ms. Orshfesky's remarks regarding three of the four callers who expressed concerns that the entire site would become industrial. However, the line that separates items 8 and 9 that the City Commission is prepared to authorize and legitimize, there cannot be any "quinting call here." To the west of the lines drawn they cannot have any industrial as required by the law. It is important to note that just because they have a line east of the railroad tracks that can be theoretically a distribution/district center and it does not mean they will all be same. There could be a smaller or larger building, but under the law, they are asking for it to be additional residential and office space. There is no mandate that it must be industrial.

Vice Mayor Moss explained what has happened over the past couple of days. He said it is creating quite a furor in District 5. He has received approximately 100 emails from people. He then explained the type of communication system that is in the Palm Aire community where people go to the pool, and they start talking about something and before it is known, information could get way out of hand, which is what happened in this case.

Vice Mayor Moss mentioned that when the item was first proposed, he looked at the information available and it appeared okay to him until all the information was presented in the backup. He noticed that approximately 40% of the parcel of land could be and would be dedicated to industrial. Consequently, he sent out an email blast to a number of people informing them that this was coming up for discussion. He encouraged them to review the backup and make a determination as to what they think, and for them to contact him on it. So, he received well over 100 responses. "One says, "I don't care," while the other says, "it might be good," and all the rest were very much against it." The result of these responses is because of the lack of information in the beginning. He had not known the details about it until he received the backup for this meeting. He understands that 900 mailings were sent out, however, many people in Cypress Bend complained that they did not receive any information so they did not know anything about the proposed changes.

Continuing, Vice Mayor Moss related a few questions that people were asking him about. 1) Under the traffic

review it states the project would have nine fewer trips than was previously planned for the former development. He asked for the explanation of how a trip is determined. 2) He asked what is a logistics facility?

Mr. Cordish explained that the facility is an e-commerce facility and are namely running off little vans and not tractor trailers. They are not much bigger than cars it seems. Also, they are controlled with computers, however, this is over his head” but he would be pleased to provide the Commission a more definitive definition.

Ms. Orshfesky suggested that they could get the logistics facility defined. She indicated that they are under a NDA (Non Disclosure Agreement), so they cannot disclose the user that is interested in the site. However, they have a couple of different models that they could show the Commission, and evaluate what percentage of the traffic, given that type of logistic center/distribution center. Some have ten 18-wheelers per day, and Walmart may have 200 per day but she is unsure of this statistic. However, they could try to provide the range to give a better sense of the type of facility that could be located there.

In response to the first question regarding the nine trips analysis, Ms. Orshfesky explained in details the two types of analyses done. One type is done pursuant to the rules of the Broward County Planning Council for land use, which compares existing land use to changed land use. Therefore, an overall net reduction in vehicles, whether it is a car or truck, is compared with land use only. On the zoning side, it is a much more complicated formula, which is more of an impact analysis. This considers things such as, does the traffic create a different impact than what would have been created by two million square feet of office versus one million three fifty thousand square feet and one million and a half industrial. Mr. McWilliams ran the distribution model to see what happens with that traffic, Mr. Vargas, on behalf of the City reviewed it and he concurred with the findings that there was no significant change in the impacts. Consequently, she had indicated that the original traffic improvements did not need to be adjusted on the map process as the impact would essentially be the same.

An extensive discussion followed among Vice Mayor Moss, Ms. Orshfesky and Mr. Cordish regarding the unknowns to determine the types of vehicles that take trips, as well as parking issues. In sum, Vice Mayor Moss felt that the company is offering no guarantees that the traffic will have minimal impact in the future, as well as no explanations, and too many unknowns, which is making people very nervous. Also, another concern is the intersection of Powerline Road and Atlantic Boulevard, which the trucks would go through as it is the busiest intersection in the City.

Ms. Orshfesky indicated that they understand the distance between the buildings and the property lines as well as the buffer to the first Cypress Bend building. So, one of the things that they can build into the PCD is to work with staff, between now and the Second Reading, which is due to appear before the Commission in October, to build a design requirement relative within the southern portion of that area that would permit any of the uses. They would create additional buffering, they would put in restrictions about the location of any kind of loading zones relative to that direction. Also, they could put in certain building requirement, so when they look across they are seeing the types of building being described. In sum, Ms. Orshfesky stated that they have the ability to address the concerns Vice Mayor Moss expressed through a design standard and would work with City staff on this and bring this back to the Commission on Second Reading.

Vice Mayor Moss mentioned that he would like to see his constituents made happy with regards to what they would be looking at in five to seven years from now. The critical issue is that the applicant communicates with

the community. He is aware that Mr. Cordish plans to meet with the presidents of the various condominiums in the Cypress Bend and Palm Aire neighborhoods, however, a meeting should be planned to include the entire neighborhoods to meet with over three hundred people to communicate the plans. He indicated that he will have to vote no on this item today because he was told by 99% of the emails received to vote no. Therefore, it is of utmost importance to have a community meeting to explain all the plans, and to come up with plans to mitigate the fears of the residents having 18-wheel trucks' fumes over the walls and into their property at the early hours of the morning. The bottom line is there are too many unknowns associated with the proposal at this point with the traffic, what will take place inside in the buildings, how many hours of the day will it operate, and these are the type of particulars the people in the areas would like to know.

Ms. Orshfesky promised to improve their communication with the neighborhood and plan to do everything possible to get the information out and address some of the concerns raised that they currently do not have an answer.

Mr. Cordish stated that it is not easy to predict the future and especially so since COVID-19. They may operate a few hours a day. The biggest safety that he would feel if he was a resident of Palm Aire and Cypress Bend is that there is a mutuality of interest. As a developer he must succeed, therefore, it is incumbent on them to succeed, which is the best protection to the residents of the area.

Comr. Eaton inquired about the exact zoning designation for this industrial because the City has many designations from I-1 to I-X.

Ms. Orshfesky responded that the PCD zoning has a provision that specifically ties back to the code appendix of permitted uses and they had to identify with staff specifically, which of the industrial uses in the City's master list would be permitted in this case. Exhibit Q to the PCD lists the exact uses.

Comr. Eaton asked about the PCD legal obligations that cannot be changed, and what if they are changed.

Ms. Orshfesky clarified that they can only have industrial on the east side of the red line displayed in Exhibit 3. They cannot have any industrial on the west side of the red line. The other uses can be on the east side such as office, residential, and commercial on the east side along with the industrial.

Comr. Perkins stated that the reason that the project is being changed more into industrial is because of the pandemic and less office space is needed.

Mr. Cordish reiterated that they will have 1,350,000 square feet of office space which is still a lot. They are reducing the 2,000,000 to 1,350,000. He said post-COVID-19 the people working remotely will increase and become the norm in the United States of America. So, they are just trying to leaven the bread a little bit.

Comr. Perkins asked for an explanation of the 0 displayed under industrial uses in Exhibit A.

Ms. Orshfesky explained that currently there are no industrial uses permitted. So the current PCD and Land Use do not permit industrial use, therefore, they are adding 1,500,000 square feet. So, to create an offset, they have reduced the office to 1,350,000 and added the additional use, where there is a clear demand for that use.

They are trying to create a catalyst not for just jobs in the City but for the rest of the project. This type of development brings with it greater interests in neighborhood retail, residential use, and the entertainment uses that are proposed without the industrial use.

Comr. Perkins mentioned she is excited about the project and understands the industrial part of it has turned into a different type of twist. However, she feels they need to get more input from the residents in the neighborhoods. She is concerned regarding the traffic, nevertheless, she will vote with Vice Mayor Moss because he has a feel of what his constituents would want or do not want.

Comr. McGee stated that she is pleased that they are still moving forward on the entertainment district. It appears that this is what the residents of Palm Aire, Cypress Bend and the rest of the City is looking forward to happen. She understands the change of position post COVID-19 where more people are moving away from traditional office to zoom operations. Offices are looking to minimize their square footage for the business. This is a great way to provide many more jobs with a wider variety of job and career opportunities to the residents of Pompano Beach. She enquired if the distribution logistics center would be looking to source from Pompano Beach for jobs.

Ms. Orshfesky responded absolutely. She indicated that from the beginning this has been the commitment from the project. She knew that the Cordish Group is committed to economic development in the communities that they have developed. While they cannot commit to hiring they can commit to have a workforce ready in the neighborhood of Pompano Beach that can fill those jobs because they have the right training and they know about it before anybody else.

Comr. McGee and Ms. Orshfesky had an extended discussion on the activities that would be allowed in and around the planned lake, as well as the design of the distribution center not looking like a box in the proposed change for industrial to maintain the “prettiness” in the area.

Mr. Cordish stated that he is hoping that the end user will be able to provide a letter of intent to release them to provide the City with a name and scheduled dates after October 27, 2020.

Comr. McMahon indicated that he has a few questions and concerns as well. He asked what was the reason for switching to the Lake versus the Crystal Lagoon.

Mr. Cordish responded that they are planning to have both the Lake and the Crystal Lagoon. The Lagoon will be a couple acres so it is not insignificant. In addition, there will be a boating and fishing lake along with other recreational uses. The Crystal Lagoon will be pristine and will be for swimming.

Ms. Orshfesky noted that the lagoon provides no recharge capability, it is just a big swimming pool. However, the 12-15 acre lake is actually a recharge asset and much more resilient than the Crystal Lagoon. The minimum size of the crystal lagoon is 1.5 acres and once fully designed will be bigger.

Comr. McMahon asked to see the E1 diagram again, and enquired about the green buffer size.

Ms. Orshfesky responded that the buffer itself is a minimum of 50 feet and the closest residence is

approximately 500 feet away from the buffer.

Comr. McMahon asked if the Cordish Group owned any logistic center similar to the proposed one. Also, will they continue to own the property like they do other properties that they own?

Mr. Cordish responded that they will continue to own the property and manage it just like they do everything else. He said this is not their core business. Rather their core business is all the rest of the site, everything they promised the community and the Commission, which is residential, entertainment, retail and that kind of commercial. For the Casinos, they are responsible for the Hollywood Seminole Casino and the Hard Rock owned in Tampa that was built from the ground up. Actually, they do not do logistics centers and it is not their core. However, they know the quality they want in the City. It is important to them that this building look and act like a glorified office building.

Continuing, Mr. Cordish provided a brief background on the Cordish Group, which is 105 years old and spans over four generations and looking to the fifth generation. They do not sell, or flip, instead they build, own and manage, which is their business.

Comr. McMahon indicated that he is concern about the logistic center and how close it is next to Cypress Bend, and he is also concerned with the traffic. Sometimes the Commission do not know the answers to certain questions and it is difficult to make a decision without those answers. He will support the item but on Second Reading he hopes there will be more facts that a confident decision can be made. In sum, he stated that he would like to see some sort of noise/sound restrictions on that one side of the property and to know a few more facts on the traffic.

Comr. Eaton enquired what type of industries could go there. She will support this to move it forward hoping that the issues with the surrounding communities can be worked out to their satisfaction.

Mayor Hardin stated that everyone can see now that there has been a massive communication failure. Similar to the Vice Mayor and the rest of the Commissioners he has also been inundated by emails. He did not get one single positive email on this project, which is unusual. He will support moving this forward today because it is an important project for the City, Palm Aire and Cypress Bend. In addition, he would like to see what will happen between now and the Second Reading of the item in October. Everyone agrees it is too big a change without enough information. Zoom meetings are great but even better is in person meetings. The Skolnick Center could be opened up for meetings with ten people at a time, if this will make people feel better to understand what is happening in their neighborhood.

In sum, Mayor Hardin agrees there is a need to have better communication. He then asked about the traffic route and especially the one planned to go directly north to the site. So, what is to stop the tractor trailers from turning left and going straight out Race Track Road to Powerline Road. People do not always follow the rules and this is the concern he has with truck traffic. Therefore, he encouraged the Cordish Group to look at the traffic circulation plan for the trucks once again. He suggested that if everybody went to the east and then go out to Atlantic Boulevard via Andrews Avenue that will make a much more efficient use of the traffic plan.

Mayor Hardin enquired about the Crystal Lagoon as to why this was left in the plans at this time. He

understands the reason for the lake but not the Crystal Lagoon.

Mr. Cordish responded they felt that the people were originally promised the Crystal Lagoon and he did not want to take this away. However, with all the consultants' advice regarding engineering and architectural, they should have made it all recreational right around the park.

Mayor Hardin expressed appreciation for Mr. Cordish response as this shows that they kept their promise to do what they said they were going to do. He urged the Group not to wait to begin communicatio

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

Hardin

No: Perkins

Moss

QUASI-JUDICIAL PROCEEDING

9. [20-572](#) **P.H. 2020-89: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF RACE TRACK ROAD (SW 3RD ST.), EAST OF S. POWERLINE ROAD (SW 26TH AVE.), WEST OF THE TRI-RAIL RAILROAD TRACK, AND NORTH OF N. CYPRESS BEND DRIVE FROM PCD (PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) TO AMENDED PCD (PLANNED COMMERCIAL/INDUSTRIAL DISTRICT); PROVIDING FOR CONFORMANCE TO AN APPROVED MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services presented the item, and requested direction on how to proceed with this item, since he made his presentation prior for item 8.

Mark Berman, City Attorney, advised that Mr. Wemyss needed to get the City Commission to adopt his presentation for purposes of the current item from the prior item 8.

Mr. Wemyss stated that for the records, he will adopt his presentation from item 8 for this item.

Debbie Orshfesk, Esq., Holland and Knight, stated that she will adopt her presentation from the prior item 8.

Dolores Roknick, 2901 South Palm Aire Drive, Pompano Beach, FL, stated that after listening to the

presentation and discussion earlier today, she is still a little confused about everything, but she hopes prior to the next meeting they will have outreach meetings with all the unit owners in Palm Aire and Cypress Bend. She thanked Vice Mayor Moss for putting all the information that they would like to get communicated in this meeting.

Ovid Dennis, 2851 Palm Aire Drive South, #504, Pompano Beach, FL, thanked everybody today who have helped him to better understand the situation. However, the presidents of the condominium boards do need to meet with the Cordish Group. Also, to have more community involvement in face to face meetings with the Group.

Mayor Hardin wanted to reiterate his comments from the previous item 8 and hope everybody takes it to heart.

Mark Berman, City Attorney, advised that the Second Reading of this matter, pursuant to Section 166.041 F.S., requires the meeting be held after 5:00 p.m. on a weekday. However, the Florida Statutes provide that the local governing body, the City Commission, by a super majority vote plus one, can make a motion and vote to conduct the hearing on this matter at another time of day. So, if the super majority prevails to hold the meeting at 1:00 p.m. this is allowed by law. Therefore, this would be the easiest and the recommended route to take. And this would allow for the notices to be sent out and the matter advertised again.

Comr. McGee clarified that the Second Reading will take place on October 27, 2020.

MOTON: A motion was made by Vice Mayor Moss, seconded by Commissioner McGee to change the time to hear Second Reading of this item to 1:00 p.m. on October 27, 2020. The motion carried by the following vote:

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

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

Yes: Eaton

McGee

McMahon

Hardin

No: Perkins

Moss

10. [20-446](#) **P.H. 2020-80: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A FIFTEEN FOOT UTILITY EASEMENT LOCATED ON SW 13TH COURT APPROXIMATELY ONE-HALF MILE WEST OF SOUTH ANDREWS AVENUE AND COMMONLY KNOWN AS 1899 SW 13TH COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 28, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Principal Planner, Development Services Department, presented the item stating this is a Second Reading of a request to abandon a fifteen foot wide utility easement located west of South Andrews Avenue at 1899 SW 13th Court. There have been no changes to the item since First Reading.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: ORD. No. 2020-65

11. [20-549](#) **P.H. 2020-98: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A THREE FOOT UTILITY EASEMENT LOCATED ADJACENT TO THE EAST SIDE OF SW 9TH AVENUE RIGHT-OF-WAY, JUST SOUTH OF SW 7TH STREET AND COMMONLY KNOWN AS 701 SW 10TH DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Principal Planner, Development Services Department, presented the item stating this item is City initiated and it is to abandon a three foot utility easement. The applicant is proposing to construct a 5,416 square foot four unit multi-family project on the subject property at 701 SW 10th Street. The proposed

structure would encroach on the easement, therefore, it is being abandoned. There are no utility assets located within this easement.

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

12. [20-568](#) **P.H. 2020-90: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FOURTEEN (14) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 3RD STREET AND NW 4TH STREET; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services Department, presented the item stating that the applicant, Robert Sherman, on behalf of the Pompano Beach Community Redevelopment Agency (CRA) is requesting flex allocation approval for a total of 52 units in order to develop several townhouse developments. This item is for a 14-unit multi-family townhouse project at 300 NW 31st Avenue. The following items are companion items. Item 13 for twelve units, Item 14 for fourteen units, and Item 15 for twelve units. The properties are currently vacant and the applicant wants to develop residential units on a property that has a commercial land use designation. The zoning designation is B-3 that allows for multi-family residential use as long as the flex allocation is approved to provide for those residential entitlements. The applicant submitted a conceptual site plan, which is Exhibit B of the ordinance showing a variation of two story units. Concurrently, a site application has been submitted for the project and has been reviewed by the Development Review Committee (DRC) on April 3, 2019 and by the Architectural Appearance Committee (AAC) on August 4, 2020. Additionally, on December 16, 2019 the Planning and Zoning Board unanimously recommended approval of this request. All conditions of the Planning and Zoning Board have been satisfied. The applicant has had neighborhood meetings prior to the City Commission hearing and received the support of the greater Collier City Civic Association and a letter from the Association is provided in the backup.

City Clerk Hammond swore in Robert Sherman, 1900 NE 193rd Street, Miami, FL. Mr. Sherman stated that they have proceeded to get the required approvals needed. They are excited about the development of everything up and down NW 31st Avenue, representing the CRA as well as Azur Equities. All four projects are similar but are a little different by layout will be presented to the City Commission. They have appeared

before the AAC and the Planning Board and are excited to receive the Commission's approval for these flex units to proceed and begin construction of the project.

Vice Mayor Moss stated this has been greatly anticipated and long awaited for. He reiterated that this is exactly what flex units should be used for, which is to take an empty non-productive lot and turn it into very attractive homes that will benefit the community. The Collier City Homeowners Civic Association is happy to see this development.

Comr. Perkins enquired if the flex units are affordable.

Mr. Wemyss responded that the flex allocations are required to provide affordable housing for properties that are larger than 1 acre. Item 14 will be required to provide either payment in lieu of or affordable housing on this site in accordance with that section.

Comr. Perkins asked if this would be connected with the building of the soccer complex.

Mr. Wemyss stated that the Sports Park is no longer a part of this application. These townhomes that are being developed can either be rented out or sold individually and there is no requirement for affordable housing on this specific allocation of 14 units.

Mr. Sherman confirmed that this is a standalone project. Everything they are doing on the east side of 31st Avenue are all market rate rental deals.

In response to Comr. Perkins' question on the height for the flex units, Mr. Wemyss responded that the zoning district is a B-3, a commercial district, which allows for up to 105 feet. However, these are two story townhomes and the maximum height is 35 feet.

Mr. Sherman indicated that the units top out at 27 feet and there is one potential unit that will go to 32 feet.

Mayor Hardin indicated that the units appear to take a long time to come together and enquired if they would be able to move forward with the project.

Mr. Sherman agreed it has been a long process. There has been different changes in the site plans, and they had to go through the County to do a Plat Note Amendment, nevertheless, they are moving expeditiously. Each one of the projects are now mimicking the Kensington Eleven adult homes project that were finally approved. They are hoping to break ground once they receive the Plan Amendment and this could happen in January.

Vice Mayor Moss enquired if they would be commencing construction simultaneously or would they do the projects one at a time.

Mr. Sherman stated that the permits were pulled and construction started today on the site. Once they finish the process at Kensington, they will move their site men once the permit is obtained in a project by project basis.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-239

13. [20-569](#) **P.H. 2020-91: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF TWELVE (12) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 5TH STREET AND NW 6TH STREET; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services Department, presented the item stating this is for the twelve units at 500 NW 31st Avenue. This is twelve units to develop a townhouse project of this site, which is currently vacant. This is a B-3 zoning on commercial land use that requires a flex allocation for residential entitlements. The applicant has submitted a conceptual plan, which is a similar layout to the previous site. The DRC have reviewed the application submitted at their April 13, 2019 meeting, as well as by the AAC on August 4, 2020. On December 16, 2019 the Planning and Zoning Board unanimously recommended approval of this flex request and all conditions of the Planning Board has been satisfied. The applicant has had neighborhood meetings and have received support from the Collier City Civic Association.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-240

14. [20-570](#) **P.H. 2020-92: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FOURTEEN (14) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 6TH STREET AND NW 6TH COURT; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services Department, presented the item stating this is for 14 units at the northeast corner of 600 NW 31st Avenue, which requires flex for the 14 units in the B-3 commercial zoning land use designation. The applicant has submitted a conceptual site plan which has been reviewed by the DRC and the AAC, as well as received a letter of support from the Collier City Civic Association.

Finally, Mr. Wemyss indicated that this specific property is larger than 1 acre, so it is subject to the affordable housing requirements in flex units. So, they would either provide a payment in lieu of fee for each unit or provide affordable housing on the property.

Robert Sherman, on behalf of the Pompano Beach Community Redevelopment Agency (CRA), stated that they would be making the contribution to the City in lieu of providing the low income housing, which is a requirement for this project.

Vice Mayor Moss noted that when these projects are finished, to include the Commission approved rental apartment building to be built on NW 31st Avenue, the entire bottom half of 31st will be fully completed. Therefore, all the empty lots where trash used to gather are going to be occupied with very nice housing and will make a big difference for Collier City, as well as it will make a nice entrance into the City. He is pleased to see this happening.

Mayor Hardin echoed Vice Mayor Moss' comments and stated this is going to transform NW 31st Avenue, which is a long time coming. This will put a new face on the City of Pompano Beach, the entrance to our City. He thanked Vice Mayor Moss for the work he has done in the Collier City area and its residents.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: RES. No. 2020-241**15. [20-571](#) P.H. 2020-93: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF TWELVE (12) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 6TH COURT AND NW 7TH STREET; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services Department, presented the item stating this is for 12 units at the northeast corner of 620 NW 31st Avenue, to develop townhouse units. The applicant has submitted a conceptual flex plan, and the property is less than 1 acre, so it is not subject to affordable housing requirements. The site plan has been reviewed by the DRC and the AAC, as well as the flex has been unanimously approved by the Planning and Zoning Board.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: RES. No. 2020-242**END OF QUASI-JUDICIAL PROCEEDING****16. [20-467](#) P.H. 2020-79: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.0571, "INTERNAL REVENUE CODE COMPLIANCE," TO PROVIDE FOR COMPLIANCE WITH THE SECURE ACT; BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN (DROP)," PROVIDING FOR A REDUCTION IN THE DROP ADMINISTRATIVE FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 28, 2020**(Staff Contact:** Ed Beecher)

Ed Beecher, Director, Human Resources, presented the item stating this is the Second Reading of the ordinance and there have been no changes since the First Reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-66**17. [20-481](#) P.H. 2020-76: (PUBLIC HEARING 2ND READING)**

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

(Fiscal Impact: N/A)

FIRST READING: JULY 28, 2020**(Staff Contact:** John Sfiropoulos)

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

Perkins, that the Regular Agenda/ Ordinance be POSTPONED until October 27, 2020 City Commission meeting. The motion carried by the following vote:

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

18. [20-475](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE POMPANO BEACH SUSTAINABILITY STRATEGY PREPARED BY RS&H, INC., PROVIDING AN 8-PHASE APPROACH TO IMPLEMENT THE CITY'S SUSTAINABILITY PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JULY 28, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Principal Planner, Development Services Department, presented the item stating that the City started the sustainability strategy that works concurrently with the Comprehensive Plan (Comp Plan) update, so the two documents could support each other. Ben Moore of RS&H, Inc. was hired to assist staff to create the sustainability strategy. A presentation was done in July 2020, however there was a massive amount of work to be done by the Commission, so the item was postpone until now to allow for proper review of the document. Mr. Moore will provide a short summary of the presentation done at the July meeting.

Ben Moore, RS&H, Inc., 5811 Toscana Drive, Davie, FL, briefly recapped the discussion about the sustainability strategy presented at the Commission meeting in July 28, 2020. He indicated that this is a high level strategic planning process to establish a sustainability vision for the City of Pompano Beach. The goal is to establish a road map for implementing sustainability in the next five years within the City. A work plan was devised that includes eight steps to unfold over five years.

The first step is to establish a quantitative baseline, develop a Greenhouse Gas (GHG) inventory and establish goals. The second step is to look into climate change vulnerability and establish adaptation action areas. The third step to develop a portfolio of sustainability projects aimed at improving environmental, economic and social performance within the City and a plan to implement those projects. The fourth step is a plan to implement adaptation actions that respond to the vulnerabilities identified in the vulnerability assessment. The fifth step is to, as needed, update the City's policy framework to enable implementation of sustainability and adaptation actions. The sixth step is to communicate the successes that the City achieves from these projects to a wide variety of stakeholders. The seventh step is to establish a data collection and management system so that the City can report on the metrics over time. In addition, another step might be to engage a third party to

validate the progress made over time.

The work plan in some ways is already in action. Since the last meeting in July, the City was awarded a technical assistance grant from the Department of Economic Opportunity of the State of Florida. This grant will fund Step 1 of the work plan shared earlier. Step 2 of the work plan a grid has been drafted for that and the City expects to submit it tomorrow for consideration by the Florida Department of Environment Protection Resilient Coastlines program. The City staff have been creative and successful in seeking resources to implement this vision.

Mayor Hardin commended staff for a great job in bringing this item forward. The City is paying attention to its environment. He thanked everyone for all their efforts.

Comr. McGee congratulated the City on the grant and for moving full throttle to find inventive ways to get these things taken care of.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-243

19. [20-573](#) **P.H. 2020-94: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 156, "SIGN CODE," BY AMENDING SECTION 156.03, "DEFINITIONS," TO PROVIDE A DEFINITION FOR REGIONAL SHOPPING CENTER; AND AMENDING SECTION 156.07, "NONRESIDENTIAL DISTRICTS," BY MODIFYING THE TABLE TO REFLECT CHANGES IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Planner, Development Services Department, presented the item stating the applicant is requesting to amend the sign code, Chapter 156, to increase the size and number of tenant Flat Signs that maybe applied to large retail shopping centers, as well as to clarify the applicability of previously approved sign programs for Regional Shopping Centers. The sign code does not currently provide regulations that are unique to a regional shopping center. Therefore, the amendment proposes to introduce a definition for a regional

shopping center, as well as create standards for the centers.

Continuing, Mr. Wemyss stated that the sign code currently allows for one sign per tenant and the second sign for a tenant on a corner. A wall sign cannot exceed 10% of the tenant's total frontage along that specific façade. The proposal is to allow for a tenant within a Regional Shopping Center to have one sign per façade not to exceed four signs. Additionally, the sign area on a façade will not be permitted to exceed 20%, rather than the previously permitted 10%. Due to the size of regional shopping centers and typically large setbacks from the right-of-way, the additional provisions are added to fully utilize that 20% area, regardless of the tenant's floor area with the approval of a new master sign program. He then provided an example of the former Sears building at the Citi Centre Mall, which has three façades that are visible from a public right-of-way. Therefore, without the revisions, an anchor tenant in this space would be permitted to have only two signs with 200 square feet maximum in size. However, with the current proposal the tenant may have a sign in all three façades up to 500 square feet, which is consistent with signage, which is typical permitted for Shopping Malls and Activity Centers.

Matthew Scott, Esq., 14 SE 4 Street, Boca Raton, FL, representing the Applicant, Pompano Citi Centre, stated that the proposed text amendments is straight forward. He indicated that his client is trying to make sure that the Regional Shopping Center is successful moving forward and updates to the sign code would help them as far as helping out some of their restaurant tenants and some of their anchor tenants. Specifically, some of the small tenants that have upstairs spaces and things of that nature. Therefore, this is a common sense approach to help support the retail space in the City of Pompano Beach.

Comr. McGee enquired if the proposed changes would allow for the further setback tenants' sign to be seen from the parking lot section.

Mr. Wemyss responded that the intent is that more signage can be seen from a distance. There are a lot of large buildings behind a tremendous volume of parking, and these tenants are limited to a maximum of 200 square foot sign or up to 10% of their façade area, so their signage will be small. The proposed amendment will allow for larger signs.

Comr. McGee thinks this is a great step in the right direction to assist the retail businesses within the City.

Mayor Hardin mentioned with the example shown with the former Sears location, what if they chose to put one sign up, could they combine all three sign to make one huge sign on one side.

Mr. Wemyss responded that no single sign is permitted to be larger than 500 square feet. There are two limiting factors. The façade area, which in this case is 20% of that whole building façade is definitely larger than 500 square feet. One sign for the whole building is limited to 500 square feet rather than 20%, however, if there is a smaller façade area it will be limited by the 20%.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST

READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

20. [20-566](#) P.H. 2020-96: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,625,309)

(Staff Contact: Jennifer Gomez/Brian Donovan)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating that Calvin Giordano & Associates (CGA) Code Compliance contract was originally approved on October 28, 2010, and have been modified and amended four times. CGA has been providing code compliance services to the City for the last ten years and the contract is currently set to expire on October 28, 2020. The proposed new contract largely incorporates the original scope and all the subsequent amendments and other modifications to make the contract more consistent with the City's current practices and preferences. The services to be provided and the cost of this contract is no greater than the existing service costs, and there will be no changes or interruptions in service. The term of the agreement will be for five years and the option to renew for one additional five year period. The City may terminate the agreement upon a ninety day notice.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, enquired if the Code Compliance is also the Special Magistrate.

Mayor Hardin responded that the Special Magistrates is handled by the City separately. Code Compliance is part of the team that presents the cases before the Special Magistrate. Therefore, the Special Magistrate is separate and apart from the Code Enforcement process. The Special Magistrate is not employed by Calvin Giordano.

Vice Mayor Moss asked if there was an increase in costs, to which Ms. Gomez responded there is no increase in the costs. The new contract includes an increase in accordance with the Consumer Price Index (CPI) for every year. It would be a little bit higher than the last amendment to the contract, but not any higher than the City had currently contracted for with CGA.

Vice Mayor Moss noted that Mario Sotolongo does a great job for the City.

Comr. Eaton echoed the same sentiments as Vice Mayor Moss about Mr. Sotolongo doing a great job and she is happy with their performance. The improvements seen over the years is great.

Mayor Hardin said, "Hats off to staff" for all their efforts put forward to make this happen. Dealing with outside contractors sometimes can be difficult, but staff did a great job. Also, Calvin Giordano does a great job for the City.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

21. [20-564](#) **P.H. 2020-97: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.01, "MINIMUM RIGHT-OF-WAY," TO PROVIDE AN ADMINISTRATIVE PROCESS TO RECLASSIFY PORTIONS OF CITY OR CRA REAL PROPERTY REQUIRED FOR CITY RIGHT-OF-WAY OR EASEMENT AND FOR ACCEPTANCE OF PROPERTY CONVEYED BY BROWARD COUNTY OR OTHER GOVERNMENTAL AGENCY FOR RIGHT-OF-WAY USE OR OTHER PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating that the item is largely for housekeeping purposes and will assist all the City departments. The City zoning code requires that any property, subject to a plat, a rezoning, or a major site plan approval, dedicate land when necessary to maintain the minimum rights-of-way widths. She then provided a historical background to streamline the process. This text amendment will explicitly create an administrative process so that the City and the Community Redevelopment Agency (CRA) property maybe reclassified to right-of-way in accordance with the same general process as private right-of-way dedications. This amendment also creates a process to accept Broward County right-of-way conveyances.

Comr. Perkins expressed concern in this particular item and the need for transparency. This will be taking the

public piece out of it. This will allow the City Manager or the CRA to make a decision without public input.

Ms. Gomez explained that in instances when the City will reclassify City land to right-of-way, which are typically 5-10 foot strips, they are not large pieces of property. Also, they fall short of meeting the minimum widths, are the properties that would be allowed to be processed administratively. This process is already approved by the City Commission for private properties, but this additional step is necessary for the City, CRA and Broward County.

Comr. Perkins enquired if the Commission would be notified of these actions.

Ms. Gomez replied no and explained the process in details.

Mark Berman, City Attorney, clarified that City property will be taken and keeping it as City property but just classifying it as right-of-way. He understands that this will be required for most of the projects coming up under the G.O. Bond and will make the process easier to move through without having to pause to bring them before the Commission to get the needed right-of-way for the projects. This is just to repurpose City property for right-of-way purposes only and will remain City property.

Comr. Perkins asked to be informed when these are going to be CRA or City property in the District. Also, in the backup she would have liked to see the attachment of the publication from the newspaper to see when it was advertised and which paper it appeared in.

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

22. [20-574](#) P.H. 2020-99: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO PERMIT DRIVE-THROUGH SERVICE IN A SPECIFIC DESIGNATED PORTION OF THE EAST OVERLAY DISTRICT; AND MODIFYING THE DIAGRAM TO REFLECT CHANGES IN THE CODE; BY AMENDING 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY THE CORRESPONDING CHART TO PROPERLY DESIGNATE DISTRICTS AUTHORIZED FOR DRIVE-THRU SERVICE;

AND BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO CONFORM TO CHANGES IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

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

23. [20-494](#) **P.H. 2020-87: (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 THE FIRST AMENDMENT TO THE MASTER SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FIRST MOBILE TRUST, LLC TO EXPAND USAGE BY CITY DEPARTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000)

(Staff Contact: Andrew Jean-Pierre/Gene Zamoski)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated that the item before the City Commission is to amend a contract previously approved by the Commission. In the previous contract, the City was able to provide for credit card services for Utility billing, Building permits and Business licenses. This amendment will add the following services, planning and zoning fees and other credit card services as determined by the City.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

24. [20-562](#) **P.H. 2020-95: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR DISASTER RECOVERY MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND

WITT O'BRIEN'S LLC, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Standby contract. No cost at this time.)

(Staff Contact: Andrew Jean-Pierre/Kimberly Spill-Cristiano)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated that the item is for the City to enter into an agreement with Witt O'Brien's LLC, to provide for disaster recovery services. In the past the main role they played was in the reimbursement process and training City staff. They were able to assist the City to recover funds from Hurricane Wilma and most recently Hurricane Irma. They have assisted the City to recover approximately \$3.3 million. Currently, the City is in COVID-19 disaster, in the future they will be an invaluable assistance to City staff.

Vice Mayor Moss asked if this is a new company or did the City use this company in the past.

Mr. Jean-Pierre responded yes, the City has used this company in the past.

Vice Mayor Moss indicated in the past staff provided backup information on their reviews of the companies background and how they have performed in the past, which he found helpful. He asked if that could be provided in the future.

Mr. Jean-Pierre clarified that this went through a Request for Proposal (RFP) process, as well as an approval ranking and this was presented to the Commission in July 2020, with the comments on the companies.

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

25. [20-529](#) **P.H. 2020-85: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INSITUFORM TECHNOLOGIES, LLC, FOR CURED IN PLACE PIPE REHABILITATION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,400,000)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department presented the item stating that this is a contract that the rankings were previously brought before the City Commission. Therefore, this is now the contract for the services for the lining of the wastewater mains.

Vice Mayor Moss stated that he and the City Manager met Mr. Brown when they were doing the lining of the mains and enquired if this was water or sewer service.

Mr. Brown explained at that time it was pipe bursting. This is a different process where a sock is placed in the pipe and it is hardened with hot water, which becomes the strength of PVC.

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

26. [20-530](#) **P.H. 2020-86: (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 AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INTERCOUNTY ENGINEERING, INC. FOR SANITARY SEWER MANHOLE REHABILITATION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$200,000)

FIRST READING: SEPTEMBER 8, 2020

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department presented the item stating that this is a contract for manhole lining and repairs that the City uses. Inter-County was part of the process for review.

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

27. [20-533](#) 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 THE AGREEMENT BETWEEN BROWARD COUNTY, THE CITY OF POMPANO BEACH AND OTHER PARTICIPATING MUNICIPALITIES FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM, AND A FIRST AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato/Brian Donovan)

Chad Brocato, Fire Chief, Fire & EMS Department, presented the item stating that he tried to summarize the key concerns with the amendment in his Memorandum that he provided as part of the backup. In brief, this amendment is being proposed for a larger project. There is approximately an \$85-100 million project going on with Broward County, where they are replacing the entire infrastructure for the City's communications system. This system has been in place for over thirty years. They will be going to a new digital platform that will take agreements such as this one, as well as new antennas are being put in place, one new tower is up in the Broward Wastewater plant off Dixie Highway and the City is reprogramming all its radios. Also, they have installed all new fire alerting systems. In sum, the City has done all that it knows to do to get ready for the switch over. This amendment addresses many of the previously mentioned changes. One huge concern was the base level of services which have been addressed.

Mr. Brocato indicated that the County is spending a tremendous amount of money and the fire chiefs community is accepting of this system and interested to see the impacts when it is activated. He used the example that with the new system it would be similar to a switch over from a rotary phone to the latest I-Phone. He then explained in details the concern the City had with the base control and they were able to change the language that the City found acceptable.

Comr. McMahon thanked Chief Brocato and his team for putting a lot of time and effort into this and for fighting for the Pompano Beach residents. He said over the years he has received several complaints in

reference to how the call center system operates and things like safety concerns. Notwithstanding, he believes the City should look at bringing back the call center to the residents under the City's jurisdiction, so there would be more control over the calls into the call center.

Vice Mayor Moss indicated that he has also received complaints from people and he had the need to call the center and they were very bureaucratic. He then enquired if the City should go back to its own center would the cost be greater than, less than or the same as what is currently being paid to Broward County. Also, is there a possibility or value for the City to piggyback with another City such as Coral Springs, which maintains its own call center?

Chief Brocato responded that it is appealing to him as fire chief. However, from a financial awareness point, it would take approximately \$10-15 million to start, which does not include up and running costs. The practical thing to do would be to partner with Coral Springs. This is not feasible at this time, but something the City could research.

Mayor Hardin thanked Chief Brocato on all the work done on this effort and to all those who were involved with it as well, as this was a huge effort.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-244

28. [20-447](#) **P.H. 2020-78: (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 PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WELLS FARGO BANK, N.A., FOR THE USE OF THE PARKING LOT LOCATED AT 199 N. OCEAN BLVD.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$40,000 Net Revenue)

POSTPONED FROM JULY 28, 2020 & SEPTEMBER 8, 2020

(Staff Contact: Jeff Lantz)

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

McGee, that the Regular Agenda/ Ordinance be POSTPONED until September 22, 2020 City Commission meeting. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

29. [20-511](#) **P.H. 2020-84: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,197,259.83 monthly/\$50,367,118 per year)

(Staff Contact: Greg Harrison/Mark E. Berman)

Greg Harrison, City Manager, presented the item stating that the City's contract with Broward Sheriff's Office (BSO), will expire at the end of September. Therefore, this is brought before the City Commission for approval. The item was discussed at great length during the budget workshop sessions and the Budget Hearing meetings. Basically, staff is recommending that the City re-enter the police services contract with BSO. The new contract will include a new Patrol Zone for District 4, which will take the original Patrol Zone and dividing it into half and doubling the amount of coverage of BSO deputies for District 4. A new Core Team was already added as part of the amended BSO contract done earlier in the year. This provided five new BSO personnel, which is citywide. Also, for the new Patrol Zone they will add four new deputies for District 4.

Mr. Harrison noted that Sheriff Tony has been stressing diversity in the Sheriff's office as well as a high degree of training. They are constructing a new training center and his pledge to all the cities who have contracts with his office that they will produce a much better, more professional, well qualified, more sensitivity training accomplished officers than they have done in the past.

Major Wayne Adkins, Police Chief of Pompano Beach, BSO, stated that the City Manager covered all the points quite well.

Comr. Perkins stated that in the new Patrol Zone will they be adding extra police officers or new police officers.

Mr. Harrison responded that there will be four new deputies as of October 1, 2020, charged to the contract.

Major Adkins explained that there are at least six deputies in training and they will be going out on their own at

the end of September. They will be spread throughout the Pompano Beach district to fill Patrol Zones. He then provided details on how the process works. In sum, as of October 1, 2020 there will be a deputy in the new Patrol Zone 24/7.

Comr. Perkins asked for an update on the Core Team.

Major Adkins mentioned that a reorganization was done with the Core Team. They are now moving forward with the Homeless Outreach personnel now being under the Sergeant and the four Deputies for the Core Team. He received an email earlier that the Crime Prevention people are going to a new work schedule that will allow them to be out on the streets on weekends. The team has been busy with the new pandemic with COVID-19, which has slowed in the last month and the deputies are now working in those problem areas throughout the City. They have been out on the streets on their bicycles.

Comr. Perkins indicated that she has not yet seen the bicycle patrols.

Major Adkins confirmed that they are out and about in the City plus the other deputies who have been certified and given bicycles. Major Adkins gave kudos to his two new captains who recently came on board. Captains Darryl Stallings and Holly Greene who have stepped up in a team effort, which will show a change if not already noticed out in the neighborhoods.

Comr. Perkins indicated that the Commissioners would like to feel safe, therefore, some things discussed with members of the police should be kept confidential.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

D. REPORTS

Greg Harrison - City Manager - Updates - Mr. Harrison updated the City Commission on the following items:

- 1) Streetlight Operations - The first of the City's new LED Streetlight projects will start this week in Collier City. The rest of the projects in Liberty Park, Old Pompano, Cresthaven, Highlands, Leisureville, Kendal Green, and NE 33rd Street, are in various stages of engineering and planning for

construction. In some sections there is the need to acquire right-of-way. Notwithstanding, the City is progressing on all of these projects and a huge improvement will be seen in the lighting of the neighborhoods in the next few months and years.

- 2) Assistance for Rental and Utilities - Mr. Harrison stated that the City has Federal dollars for Rentals and Utilities assistance, as well as Small Businesses assistance. These programs are being administered through the Office of Housing and Urban Improvement (OHUI) department. People can get on line and go to the department and get information as to what they need to do in order to qualify.

Mark Berman - City Attorney - No Report.

Asceleta Hammond - City Clerk - No Report. However, Ms. Hammond reminded everyone that the next scheduled Virtual City Commission meeting will be held on September 22, 2020 at 1:00 p.m.

Rhonda Eaton - City Commissioner - Bulk Pick-up Changes - Comr. Eaton reminded everyone in the Cresthaven and the Highlands neighborhoods that Bulk pickup has been changed from Fridays to Tuesdays. She indicated that already this is making a big difference in the community.

Burrie Center - Comr. Eaton mentioned that it was exciting to go into the Burrie Center to vote for the first time, and it is looking so good. Now she cannot wait for it to be re-opened.

Andrea McGee - City Commissioner - Return from Hiatus - Comr. McGee stated that she is happy to be back from the break in August, and that it has been a crazy 2020.

2020 Census - Comr McGee indicated that time is running out, so if anyone has not completed the census go to census.gov and do so to ensure that the City gets counted. This will have an impact on Federal and State dollars as well as representation that is so important for the City.

Tom McMahon - City Commissioner - Return from August Hiatus - Comr. McMahon mentioned that he is glad to be back from the August Hiatus and to see everyone smiling faces on the screen.

Availability - Comr. McMahon indicated that he is always available to the residents and invited anyone who has a concern or issues, and wishes to contact him, they can do so by phone or go on the City's website to get his email and phone number. He is here to serve the community.

Beverly Perkins - City Commissioner - Martin Luther King Boulevard Construction - Comr. Perkins reported that she has been receiving several calls from residents regarding the work that is taking place on the Martin Luther King Boulevard. She asked if there is a way to get some type of police presence, because there was a bad accident at the corner of NW 6th and Martin Luther King Boulevard on either Friday or Saturday. In fact, the way the cones are set up is confusing for the traffic coming through. So, there needs to be a better guidance on how to get through that intersection. In addition, Comr. Perkins reported that she received complaints from the residents in the area that they were not informed that this project was about to start on Martin Luther King Boulevard. Therefore, she requested that whatever can be done to make it convenient as possible for those residents residing in that area would be appreciated.

Mayor Hardin indicated that he has also received calls on the area, so the City need to pay attention to those type of things.

Hazel Armbrister Birthday wishes - Comr. Perkins wished Hazel Armbrister, City's historian, a happy birthday.

Barry Moss - Vice Mayor - No Report. However, he asked if the City Manager had an idea as to when the Civic Centers would start opening up, and if there are certain thresholds that he is looking for from the County.

Greg Harrison, City Manager replied, "Yes sir." He informed that it will take a consistent downward trend that is a meaningful number. Currently, the County is not there yet. It would create a situation that would be diametrically opposed to the goals that everyone is trying to establish about social distancing and not creating a situation where people will be transmitting the virus. He mentioned that everyone wants to get back to normal as soon as possible, but we must stay mindful and within the boundaries of what the Governor and the County has put upon us to operate under.

Finally, Mr. Harrison stated that Vice Mayor could inform those asking about the opening of the Herb Skolnick Center that it will happen as soon as the City is turned loose. It looks like the Governor and all the powers through the health department are all in sync with regard to opening things back up and the City will be right there with them.

Rex Hardin - Mayor - Unity in the Community Scholarships - Mayor Hardin stated that every year, Unity in the Community raise money through the event they hold in the park, and the money raised they give away college scholarships. Normally, they would present the scholarships at one of the City Commission meetings. Unfortunately, due to the COVID-19 situation the City was not able to do that. However, representatives from Unity in the Community still awarded the college scholarships to some very deserving individuals. He then read into the record the recipients of this year's scholarships and thanked the members of Unity in the Community for working so hard to raise the funds.

2020 Recipients

- Brianna Caffro, Pompano Beach High School will attend Broward College to study Police and Criminal Science
- Nairi Smith, Fort Lauderdale High School will attend Florida State University to study Political Science
- Roodinia Diogene, Northeast High School will attend Barry University to study Family and Child Science
- Leonie Justin, Blanche Ely High School will attend Florida Gulf Coast University to study Biomedical Sciences
- Jennifer Sobrinho, Monarch High School will attend University of Central Florida to study International Relations and Global Studies
- Ashleigh Clerzeau, Blanche Ely High School will attend Florida Atlantic University to study Biology

with Pre-Med track

Cares Funding - Mayor Hardin thanked City Manager Greg Harrison along with a number of other persons, Assistant City Manager Suzette Sibble, Hollywood Assistant City Manager, Adam Reichbach and the entire Broward County City Managers' Association (BCCMA) for their help on behalf of working with the Broward League of Cities and the County on getting the formula set up to access \$103 million to go out to the local municipalities from the Cares Funding that the County was awarded. The County was actually awarded \$340 million in Cares Funding and in partnership with the previously mentioned agencies and individuals they were able to allocate 30% of those funds, which is the \$103 million granted to the municipalities. He publically thanked Mr. Harrison, who is the Chair for the BCCMA and all the members of the BCCMA for their hard work they put in to get this to happen. Details are still being worked out but funding will get back to the cities very shortly.

Elections Drop Boxes - Mayor Hardin stated that elections is coming up and there have been some discussions about having additional drop boxes for Vote by Mail ballots. He wanted to know if the City had heard anything from the Broward County Supervisors Office if they need additional spots to put drop boxes or anything like that. Nevertheless, he encouraged everyone in the City to do everything they can to help out with the Broward County Supervisor Elections Office to enable people to vote in any way, shape or form that they can. If it means to allow a drop box in front of City Hall where people can drop off their ballots, then the City should participate in any way the Supervisor's Office will allow, to make it easier for people to vote.

Asceleta Hammond, City Clerk reported that to date no information has been forthcoming from the Supervisor of Elections Office on this matter. However, the City will work with the Supervisor of Elections to get the information out to the public.

August Hiatus - Mayor Hardin welcomed back everybody and mentioned that it is great to get back to work after the August Hiatus.

Homeless Issue Resolution - Mayor Hardin asked for an update on the investigation of Bergen County, New Jersey about the way they solved their Homeless issues.

Mr. Harrison indicated he will check with staff and report back to the City Commission on this matter.

E. NEXT SCHEDULED VIRTUAL MEETING

September 22, 2020 at 1:00 p.m.

F. ADJOURNMENT

The meeting adjourned at 4:53 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk

PERFORMANCE REPORT

2ND QUARTER (JANUARY 2020 – MARCH 2020)

5 YEAR STRATEGIC PLAN FY 2019 - 2024



POMPANO BEACH VISION:

By 2034, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

2nd Qtr. Progress Report

Fire dept. and Performance Management are working to overhaul their respective web pages. Fire provided forms to Matt, the City's webmaster, which provide functionality, educational requirement, and page content positioning. Moreover, meetings were held with the Marketing Director, Marilyn Oliva, to discuss the creation of an animated video for the purpose of capturing and educating the public regarding the annual strategic planning process.

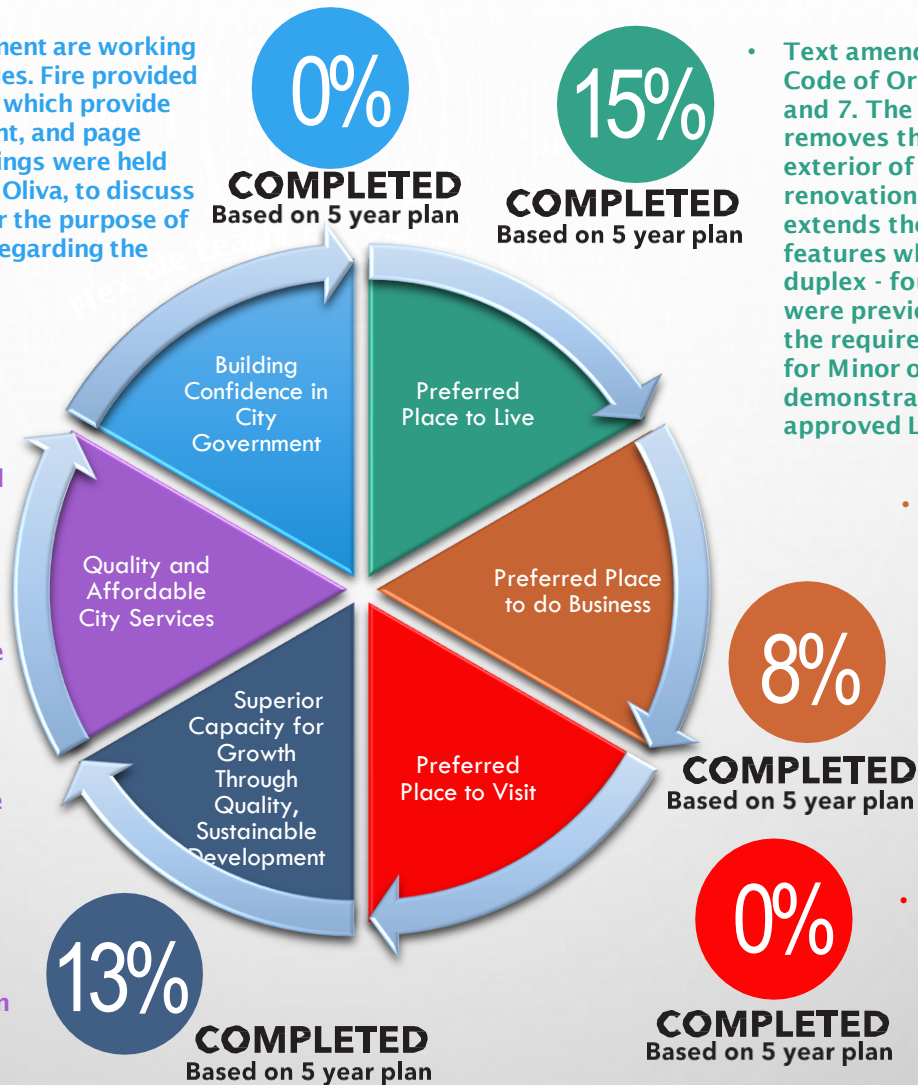
39% COMPLETED
Based on 5 year plan

All new CERT course materials were utilized and shared with attendees for their authorized use in this FEMA & City partnered program. Additionally, the CERT Vehicle training program was overhauled and classes held for volunteer drivers in the program. Lastly, the ID & background verification program was achieved so volunteers can work at the level they are trained and be of assistance in our community.

By January 2020, the Commission on Accreditation of Ambulance Services will have received the application. All 10 Standards of the CAAS self-study and assessment have been CAAS approved to receive the onsite inspection. The PBFR finalized (CAAS) application was sent to the CAAS accrediting review committee for onsite acceptance. The Application reviewer received our final draft version in December of 2019, and approved all contents by 2/16/2020. The final step prior to the onsite review is the installation of our live temperature monitoring systems on each Rescue unit, which has a target install date of March 5th, 2020.

A consultant was hired to analyze the location of the historic vegetation line. The line was surveyed and a draft text amendment prepared to accurately describe the surveyed line. The P&Z Board approved the recommended text amendments. The updated map and text amendments were adopted by the Commission at the January 28th (first reading) and February 11th (second reading) City Commission meetings.

Staff is evaluating the areas of the Zoning Code, that refer to "applicability". A text amendment was presented to the Planning & Zoning Board held on February 26, 2020. The proposal removes the applicability requirement for nonconforming sites to upgrade site features for interior remodels or renovations. The Planning & Zoning Board approved the proposed text amendment & the item was advertised for consideration by the City Commission.



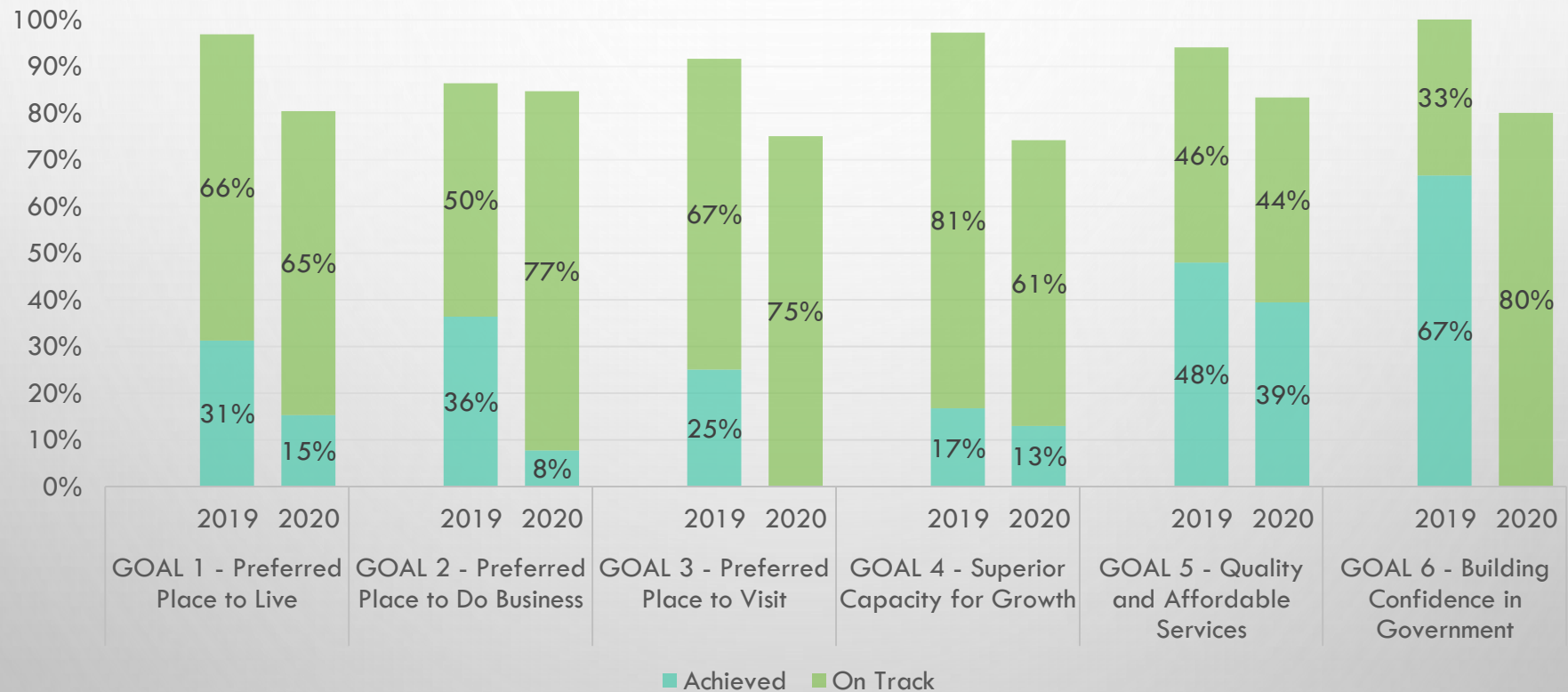
Text amendments were prepared for Code of Ordinance Chapter 155, Articles 5 and 7. The proposed text amendment removes the requirement to upgrade the exterior of the property for interior renovations. This text amendment extends the requirement to upgrade site features when additions are added to duplex - four family dwellings, which were previously exempted. Also, it adds the requirement that all properties going for Minor or Major Site Plan approval demonstrate compliance with the approved Landscape Plan on file.

The issuance of LOI (Letters of Interest) in Phase I is completed. RFP (Request For Proposal) for a Master Developer for the Innovation District, as part of a two phased process, was issued to the 3 developers meeting the qualifications, responses due by February 5, 2020. Evaluation team was selected and is scheduled to meet to evaluate the one proposal submitted.

Broward County Commission adoption hearing for the County LIVE! RAC LUPA is set for 1-28-2020 and City adoption hearing for the local LIVE! RAC LUPA is scheduled for 2-11-2020. As of the end of Q2, the LUPA has completed all processes except for BC Recertification, which will happen in the next 60 days (estimated).

ACTION AGENDA ITEMS

QTR. 2 FY 2019 VS. QTR. 2 FY2020





Florida's Warmest Welcome

PERFORMANCE REPORT

Land Use Plan Amendment **LIVE! Resorts Pompano** September 8, 2020



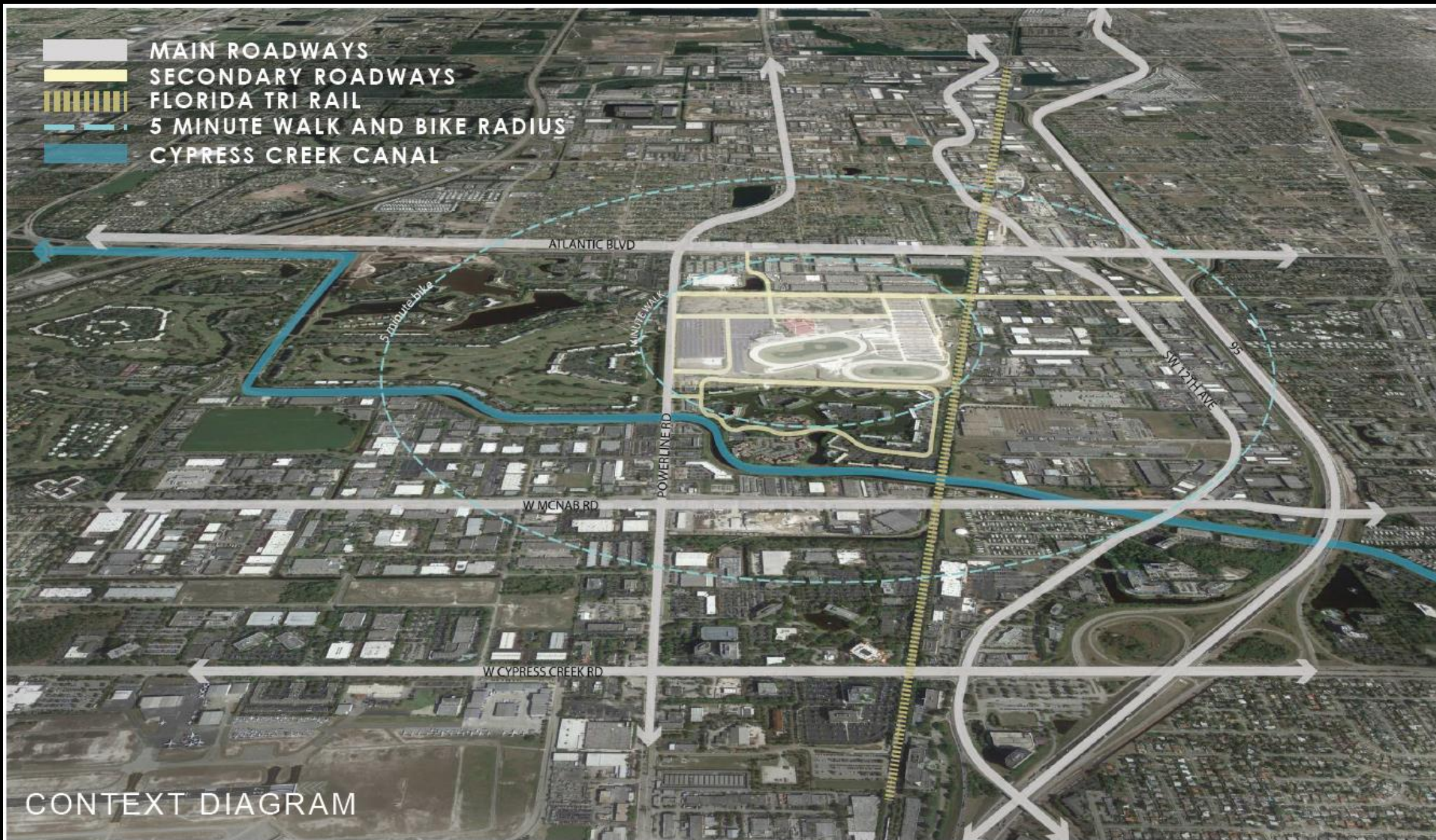
Team:

City of Pompano Beach:

- Jean Dolan (LUPA)
- Max Wemyss (PD Zoning)
- Joaquin Vargus, (Traffic)

Applicant:

- Debbie Orshefsky – Holland and Knight
- Mike Vonder Muelen - Keith
- John McWilliams – Kimley Horn



MAIN ROADWAYS

SECONDARY ROADWAYS

FLORIDA TRI RAIL

5 MINUTE WALK AND BIKE RADIUS

CYPRESS CREEK CANAL

ATLANTIC BLVD

W MCNAB RD

W CYPRESS CREEK RD

POWER LINE RD

SW 12TH AVE

95

5 minute bike

5 minute walk

CONTEXT DIAGRAM

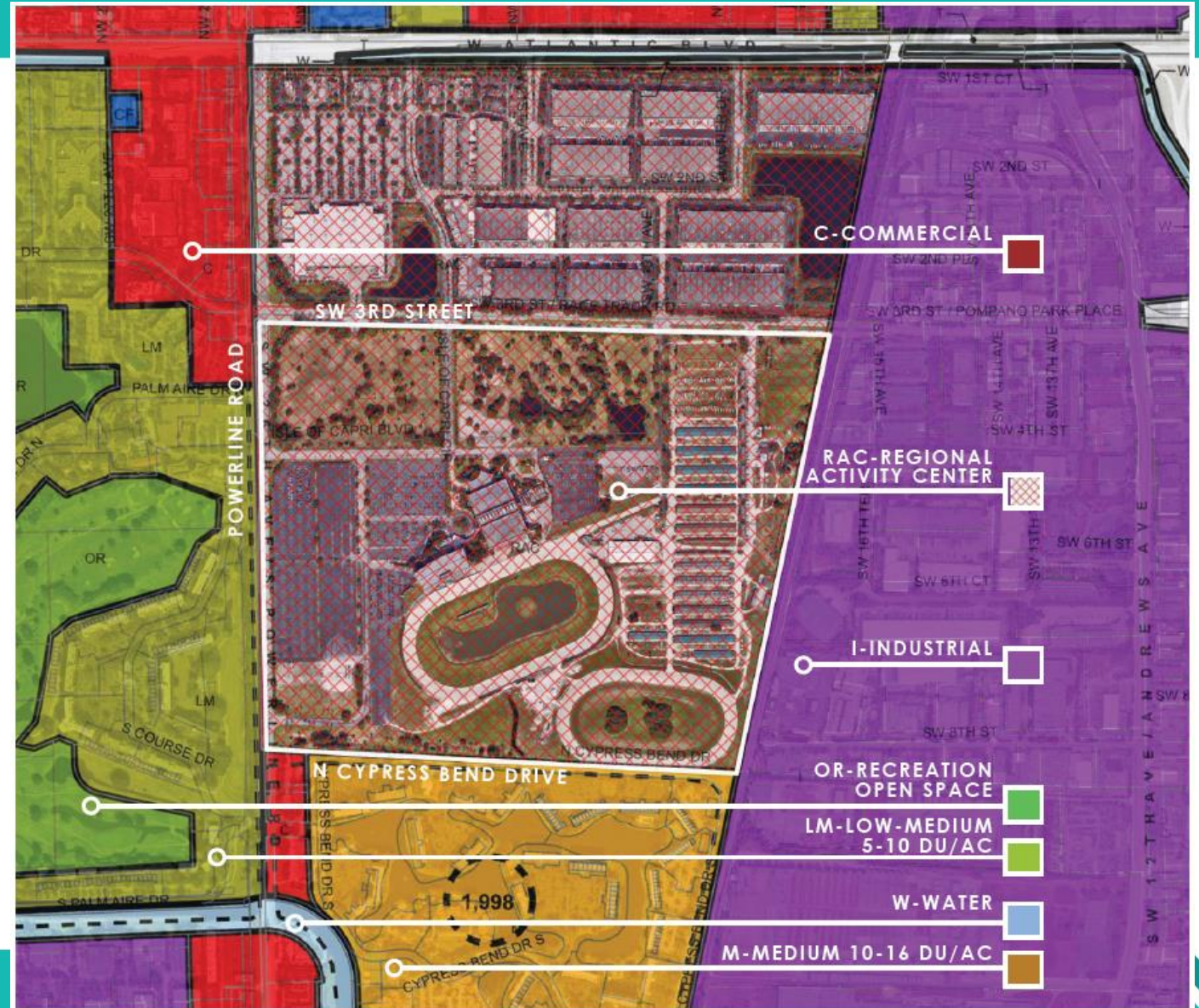
City and County Land Use Plan Text Amendment

LIVE! Resort Pompano

Type of Land Use	Current Entitlements Per City Plan	Proposed	Net Change
Commercial Recreation	1,000,000 SF	1,000,000 SF	0
Commercial	300,000 SF	300,000 SF	0
Office	2,000,000 SF	1,350,000 SF	-650,000 SF
Industrial	0 SF	1,500,000 SF	+1,500,000 SF
Multi-Family Residential	4,100 Units	4,100 Units	0

Adjacent Land Uses and Land Use Map Designations

- West: Palm Aire (Commercial/Residential)
- South: Cypress Bend (Residential)
- North: Walmart and Atlantic Business Center (RAC)
- East: Industrial



[illegible]

Comprehensive Plan Goals, Objectives and Policies

Goals, Objectives and Policies

Goal 01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

01.04.01 The Planning Department shall support and ***promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available***, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments

01.16.01 The City ***shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.***

Objective Regional Activity Center

01.17.00 ***The Regional Activity Center Land Use Category encourages attractive and functional mixed living, working, shopping, education and recreational activities.***

Policies 01.17.1 – 01.17.11

LIVE! Land Use Plan Amendment Process

- Planning and Zoning Board – August 26, 2020 – Unanimous Approval
- City Commission First Reading – September 8, 2020
- DEO and State Agency Review – Sept-Oct. 2020
- City Commission Second Reading – Oct. 27, 2020
- Concurrent County Land Use Plan Amendment Final Hearings – 2021
- City Plan amendment becomes effective after County Plan Amendment approval - 2021

Suggested Proceeding:

Staff Rezoning Presentation
Questions and Comments For Staff on project
Applicant Presentation and Questions for Applicant
Public Hearing on LUPA
Motion and Vote on LUPA
Proceed to Quasi-Judicial agenda and hearing on rezoning

Live! Resorts Pompano Land Use Plan Amendment
City Commission First Reading
September 8, 2020

Rezoning **LIVE! Resorts Pompano** September 8, 2020



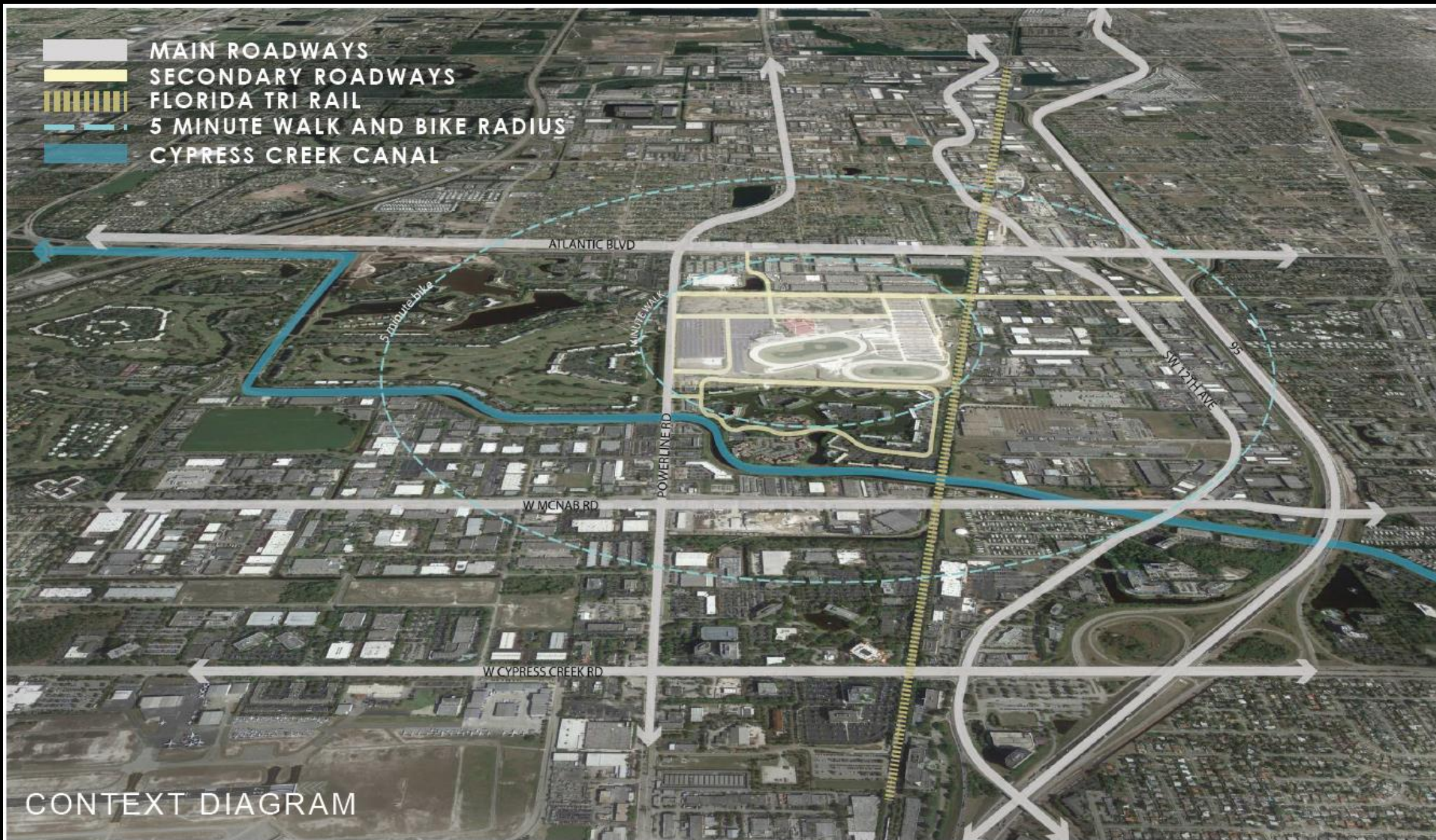
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Applicant:

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- Mike Vonder Muelen - Keith
- John McWilliams – Kimley Horn



CONTEXT DIAGRAM



City and County Land Use Plan Text Amendment LIVE! Resort Pompano

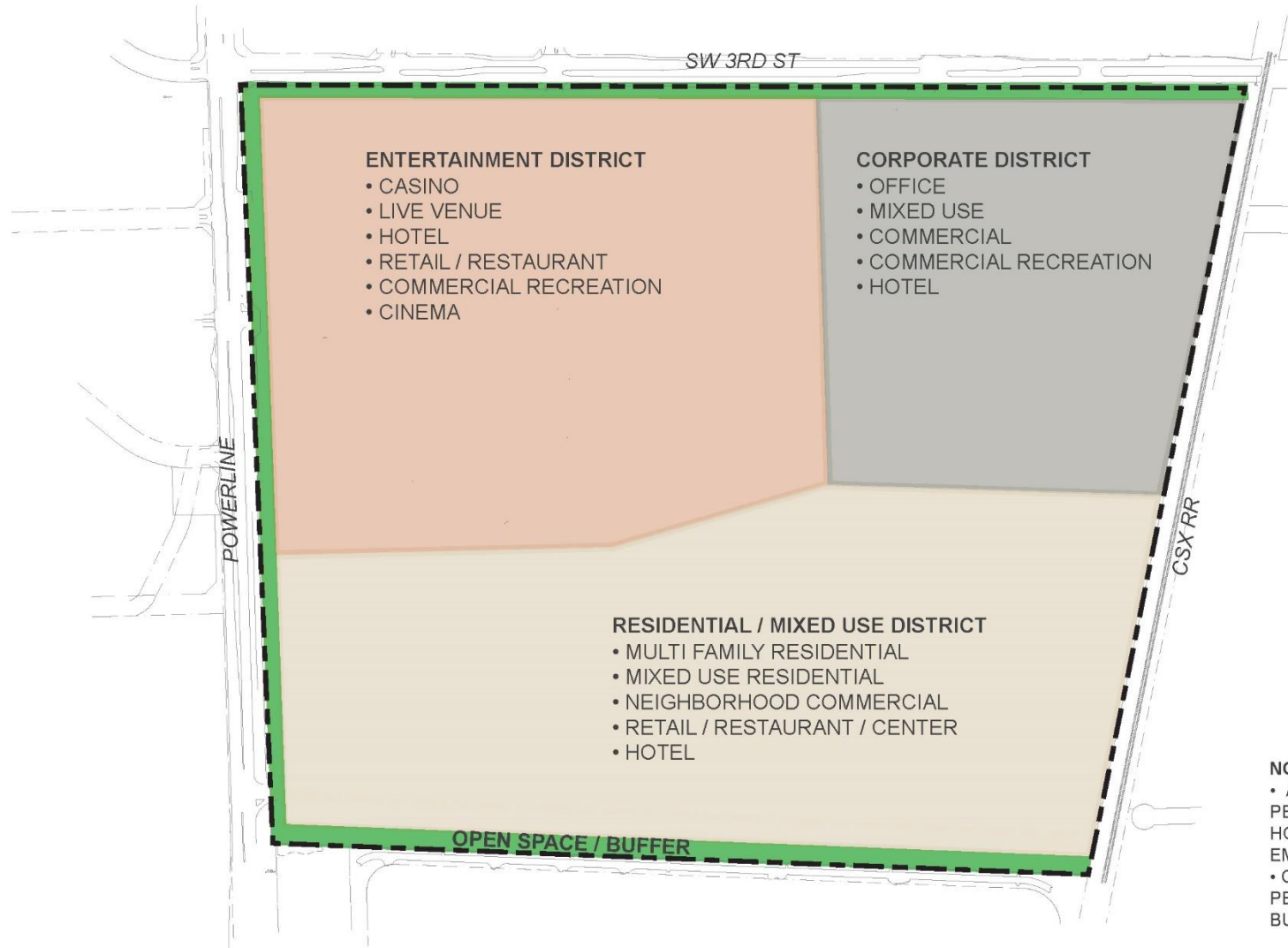
The applicant provides that “incorporation of the industrial park use is to address recent but dramatic changes in the office and commercial recreation market as a result of current worldwide conditions and an interest by a warehouse/distribution user to develop an over one million square foot facility at this location and bring over 1,200 new jobs to the City. This proposed use will be a catalyst for the previously approved live/work/play uses also to be developed within the LIVE! Resorts Pompano RAC. The reduction in the size of the crystalline lagoon to a minimum of 1.5 acres will allow a new lake with a minimum size of 12 acres to be constructed and provide a water based active recreation amenity for the community, as well as provide stormwater storage for the development.”

City and County Land Use Plan Text Amendment

LIVE! Resort Pompano

Type of Land Use	Current Entitlements Per City Plan	Proposed	Net Change
Commercial Recreation	1,000,000 SF	1,000,000 SF	0
Commercial	300,000 SF	300,000 SF	0
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Industrial	0 SF	1,500,000 SF	+1,500,000 SF
Multi-Family Residential	4,100 Units	4,100 Units	0

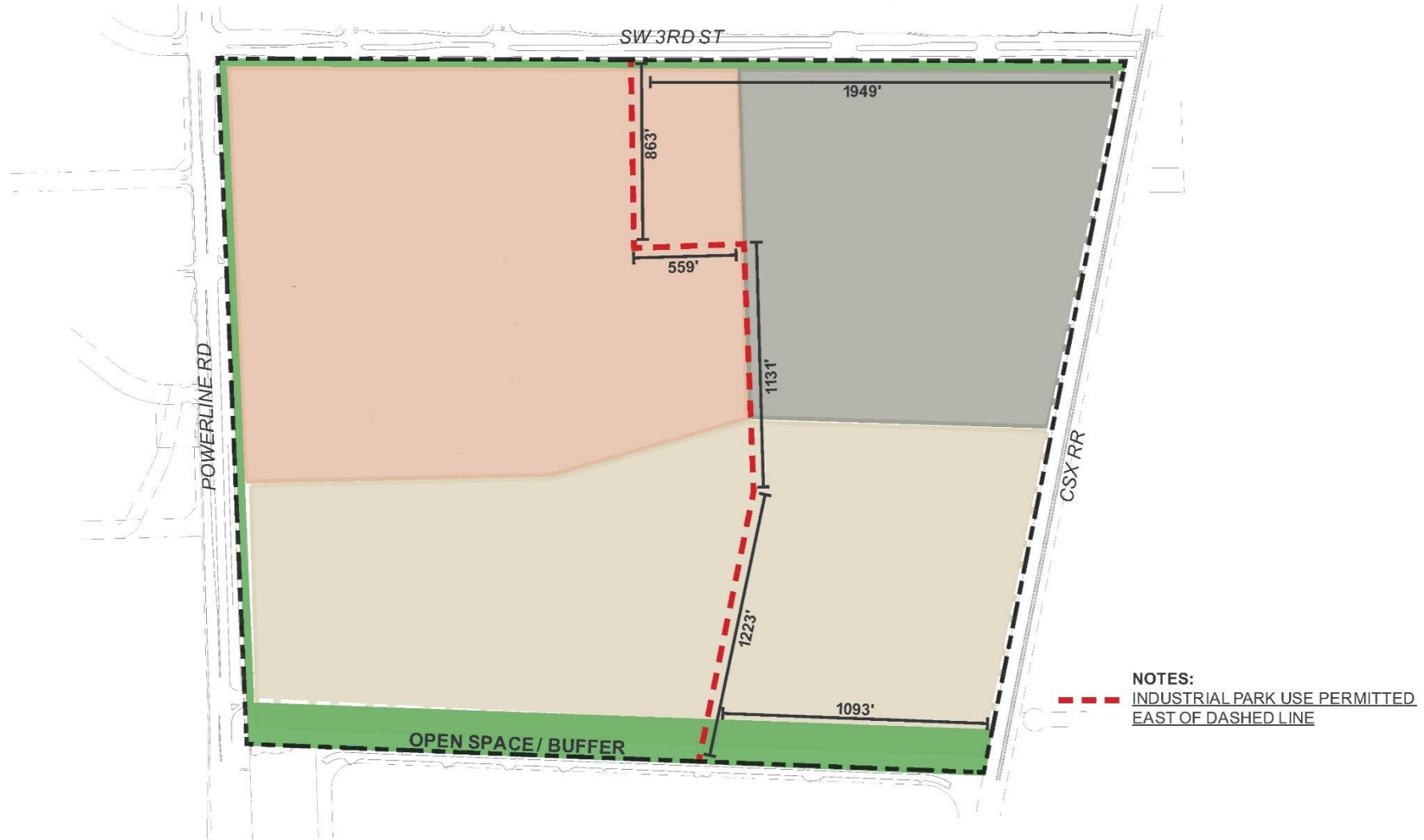
Previously Approved Exhibit E – District Plan



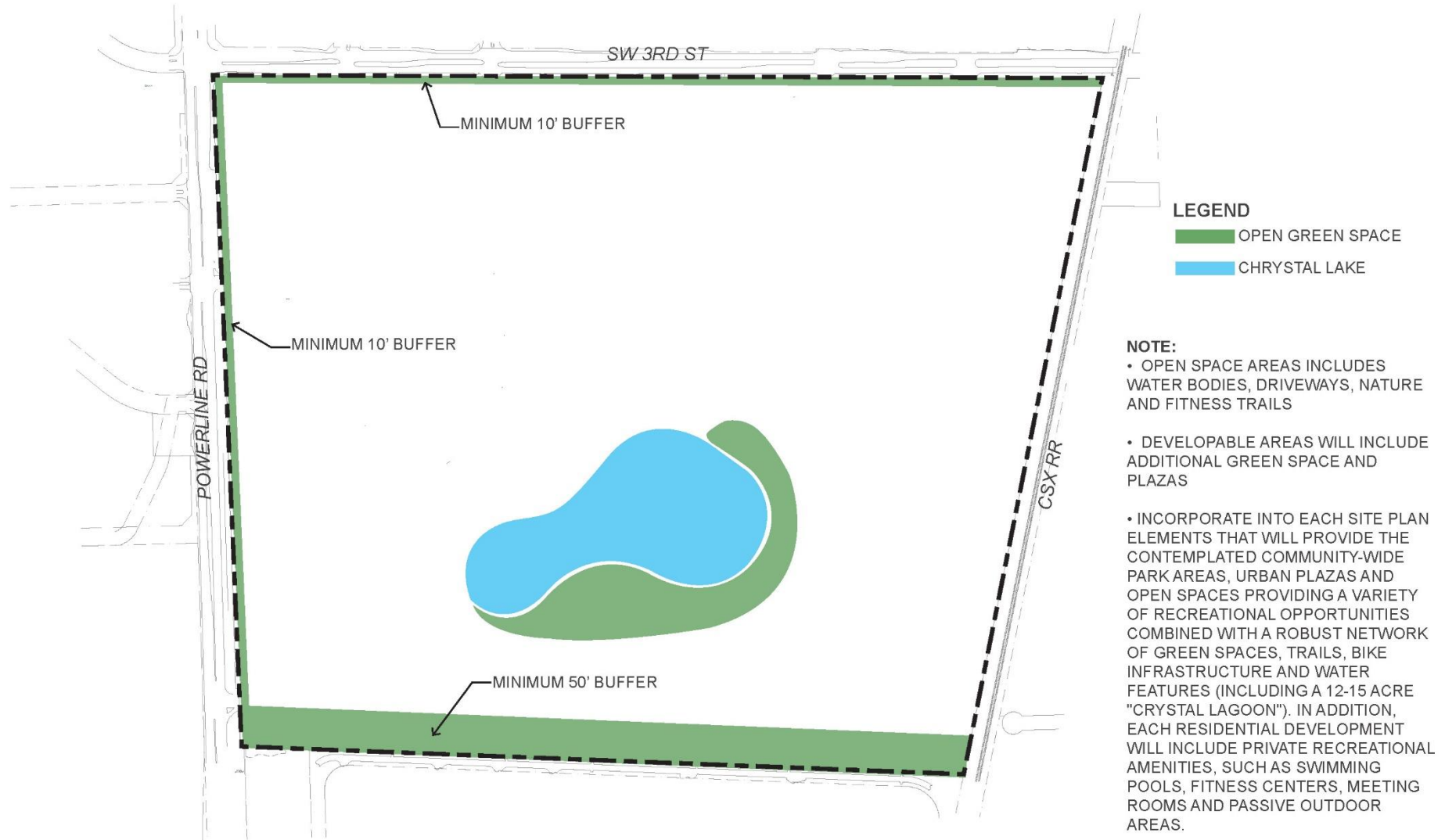
NOTES:

- ALL USES WITHIN PCD ARE PERMITTED IN ALL DISTRICTS. HOWEVER, SPECIFIC USES WILL BE EMPHASIZED BY DISTRICT
- COMMERCIAL RECREATION USES ARE PERMITTED WITHIN THE OPEN SPACE / BUFFER

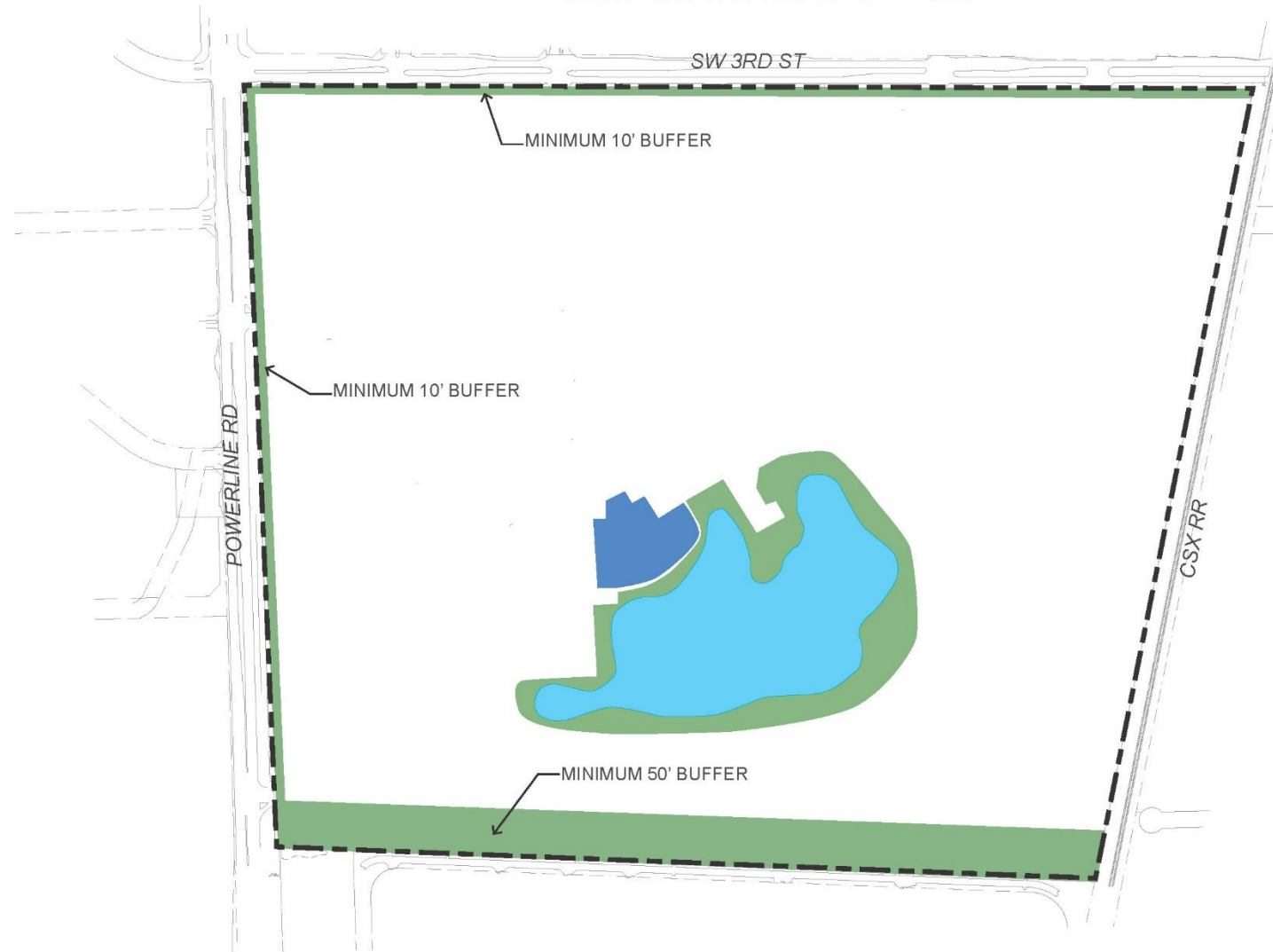
Proposed Exhibit E₁ – Industrial District Plan



Previously Approved Exhibit L – Open Space Plan



Proposed Exhibit L – Open Space Plan



LEGEND

- OPEN GREEN SPACE
- CRYSTALLINE LAGOON
(1.5 ACRE MIN.)
- LAKE / WATER RECREATION
AREA (12 ACRES MIN.)

NOTE:

- OPEN SPACE AREAS INCLUDES WATER BODIES, DRIVEWAYS, NATURE AND FITNESS TRAILS

- DEVELOPABLE AREAS WILL INCLUDE ADDITIONAL GREEN SPACE AND PLAZAS

- INCORPORATE INTO EACH SITE PLAN ELEMENTS THAT WILL PROVIDE THE CONTEMPLATED COMMUNITY-WIDE PARK AREAS, URBAN PLAZAS AND OPEN SPACES PROVIDING A VARIETY OF RECREATIONAL OPPORTUNITIES COMBINED WITH A ROBUST NETWORK OF GREEN SPACES, TRAILS, BIKE INFRASTRUCTURE AND WATER FEATURES (INCLUDING "CRYSTALLINE LAGOON"). IN ADDITION, EACH RESIDENTIAL DEVELOPMENT WILL INCLUDE PRIVATE RECREATIONAL AMENITIES, SUCH AS SWIMMING POOLS, FITNESS CENTERS, MEETING ROOMS AND PASSIVE OUTDOOR AREAS.

- LAKE / WATER RECREATION WILL BE DESIGNED TO PROVIDE BOATING, FISHING, AND OTHER WATER BASED RECREATION

OPEN SPACE

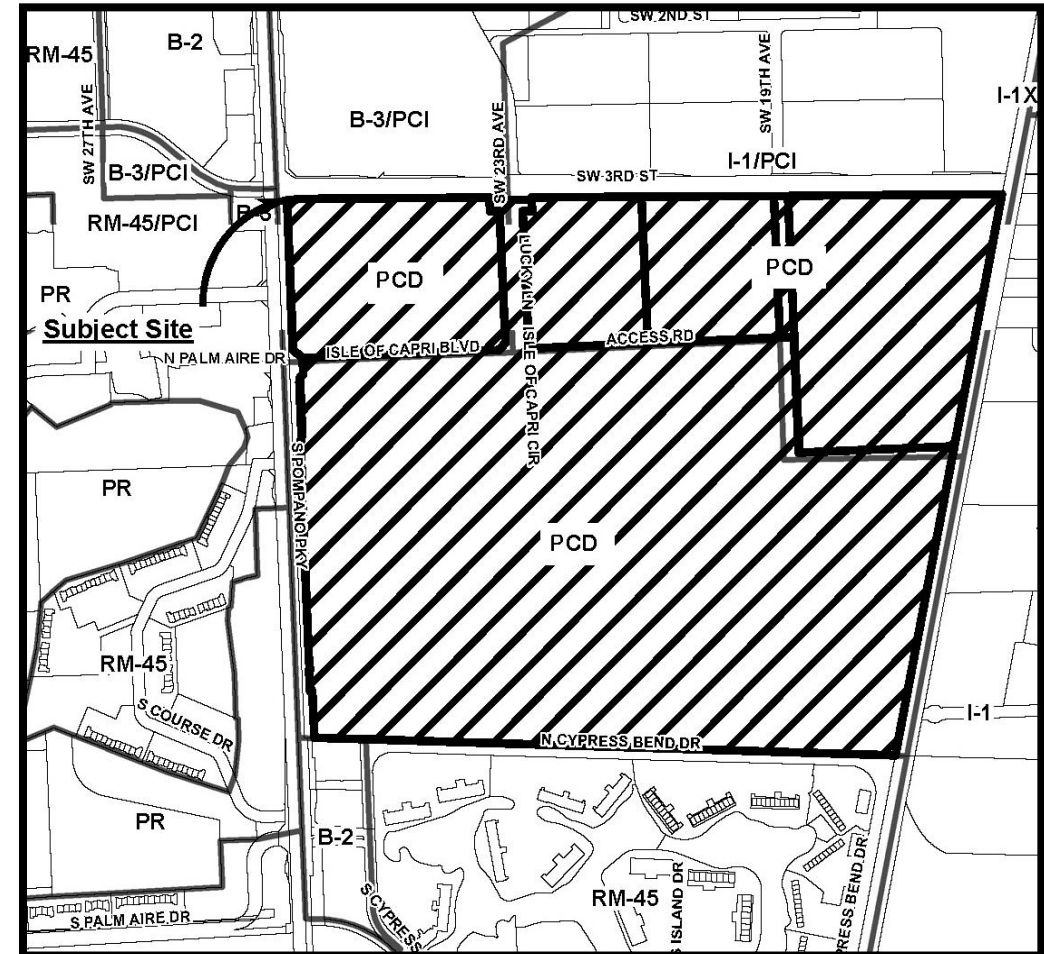


Applicant is proposing to add the following uses from the Industrial Category to Exhibit Q – PCD Use Table:

- Educational, scientific, or industrial research and development
- General industrial services
- Audio and visual recording and production studio
- Repair of scientific or professional instruments
- Warehouse, distribution or storage
- Showroom, wholesale
- Other wholesale use

Adjacent Zoning/Uses

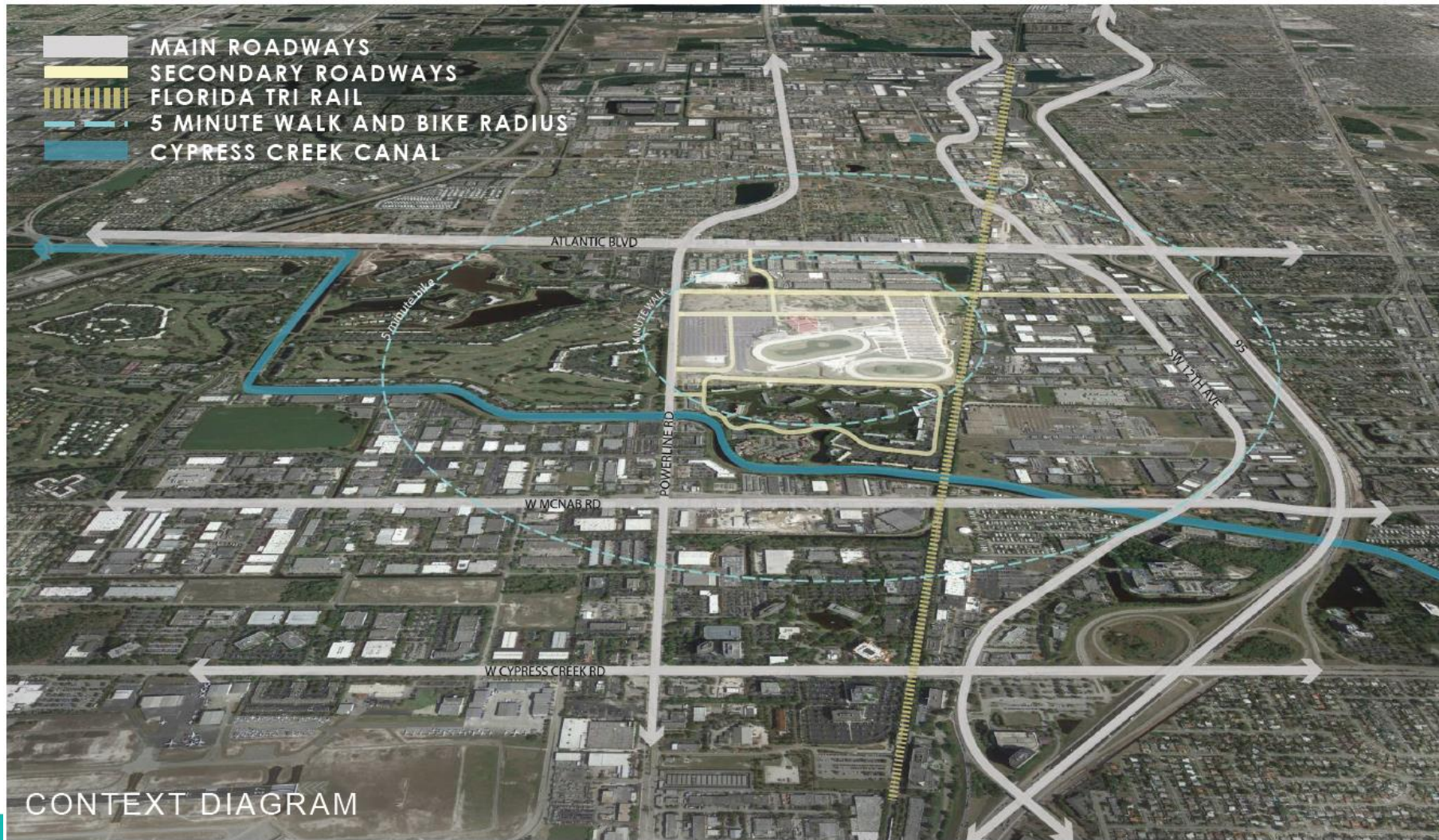
Adjacent Property	Zoning District	Existing Use
North	B-3/PC-I I-1/PC-I	Commercial Industrial
South	RM 45	Cypress Bend Condominiums
East	I-1	CSX/Florida Tri- Rail and Industrial
West	RM-45 PR	Palm Aire Condominiums and Golf Course



Amendments to the Conditions of Implementation

Site Plan Approval Considerations - In addition to compliance with the PD Master Plan and Document, development within this PD Zoning District will require compliance with the following Conditions of Project Implementation:

1. Entitlements - Under the Subject Development's current land use designation of Regional Activity Center, the Applicant will be permitted to develop the office space, dwelling units, Commercial Recreation and Commercial entitlements that are reflected on the PCD Master Plan. Once the City and County Land Use Plans are amended, the Applicant will be permitted to develop the 1,500,000 sq. ft. of industrial space shown on the PCD Master Plan.
2. All thresholds for phased development improvements identified herein began with the adoption of the original PCD rezoning on September 24, 2019 with Ordinance No 2019-107.
3. Crystalline Lagoon (1.5 Acres) and Recreation Lake Area (12 acres) to be completed prior to issuance of CO for new development generating more than 1,500 new PM peak hour trips (exhibit S-3 provides generation rates). Note: The central recreation area will now be complete once 1,500 trips is realized, rather than 3,000 trips as previously approved.
4. Platting issues associated with unplatted portions of the site will be addressed consistent with County regulations.



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