

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, October 27, 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

[21-24](#) Special Virtual City Commission Meeting Minutes of September 21, 2020

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

[21-23](#) Virtual City Commission Meeting Minutes of September 22, 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 23, 24, and 28 will be Postponed until the November 10, 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 announced that Items 1, 8, 13, and 14 would be pulled for City Commission discussion.

A. CONSENT AGENDA

Mayor Hardin announced that Items 2-7, 9-12, and 15 would be **APPROVED/ADOPTED** without discussion.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the CONSENT AGENDA be APPROVED. The motion carried unanimously.

1. [20-625](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ACCEPTING A GRANT IN THE AMOUNT OF \$200,000 FOR THE NORTH POMPANO PARK HARDSCAPE AND LANDSCAPE PROJECT, AND CONFIRMING THE CITY'S MATCHING CONTRIBUTION IN AN AMOUNT OF \$200,000; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$200,000 grant with matching funds of \$200,000)

(Staff Contact: Mark A. Beaudreau)

Comr. Eaton pulled the item for City Commission discussion, and stated she wanted to point out and thank the City Manager and staff for their diligent work at stretching the G.O. Bonds dollars. This means that the City will have an additional \$200,000 in the Parks Improvement funds. Also, she thanked staff for amending the project to include the Dog Park, which has created a safe place for the dogs to run. Furthermore, Comr. Eaton mentioned that so many of the agenda items were grant items, and thanked the City Manager and staff for their

efforts to have additional/enhanced projects to the G.O. Bonds projects.

Mayor Hardin offered kudos to the City Manager and his staff for all the grant dollars that the City has received.

Two members of the public registered to speak but did not appear for the meeting.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2021-01

2. [21-05](#) 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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND XPRESS YOUTH DEVELOPMENT INSTITUTE, INC. TO USE VARIOUS CITY OWNED FACILITIES TO PROVIDE A TRACK AND FIELD 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. 2021-02

3. [21-09](#) 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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE MCDOUGLE 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. 2021-03

4. [20-623](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT APPLICATION TO BROWARD COUNTY AND TO EXECUTE A BROWARD BOATING IMPROVEMENT PROGRAM FY 2020-2021 AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH ACCEPTING A GRANT IN AN AMOUNT OF UP TO \$375,000, FOR THE REPLACEMENT OF THE SEAWALL AT ALSDORF PARK; AND CONFIRMING THE CITY'S MATCHING CONTRIBUTION IN AN AMOUNT OF \$375,000; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$375,000.00)

(Staff Contact: Tammy Good/Anthony Alhashemi)

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. 2021-04

5. [21-14](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SANITARY SEWER AND ACCESS EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FOOTZEE, LLC, ACCEPTING A GRANT OF A PERPETUAL SANITARY SEWER AND ACCESS EASEMENT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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. 2021-05

6. [21-03](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL/CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC.

FOR DESIGN AND CONSULTING SERVICES TO PROVIDE FOR WELLFIELD STUDY SERVICES FOR THE EASTERN AND WESTERN WELLFIELD RAW WATER RELOCATION STUDY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$357,432.00)

(Staff Contact: A. Randolph Brown/Chris Schlageter)

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. 2021-06

7. [20-598](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COMMUNITY AESTHETIC FEATURE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AFFIRMING THE CITY'S INTENT TO FUND ALL DESIGN, INSTALLATION AND MAINTENANCE COSTS ASSOCIATED WITH ROUND 3 OF THE PUBLIC ART UTILITY WRAP PROJECT ON FDOT-OWNED PROPERTIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Laura Atria/Phyllis A. Korab)

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. 2021-07

8. [20-613](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2020-50 AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY, FLORIDA, RELATING TO THE BROWARD COUNTY SHORE PROTECTION PROJECT; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

A member of the public asked that the item be pulled for City Commission discussion, however, they did not register for the day of the meeting.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2021-08

9. [21-06](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ACCEPTING A GRANT IN THE MAXIMUM AMOUNT OF \$400,000 FOR AIRPORT SECURITY GATE ENHANCEMENT, AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT OF \$100,000; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$100,000)

(Staff Contact: Robert McCaughan/Steven Rocco)

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. 2021-09

10. [20-626](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT PARTICIPATION AND REIMBURSEMENT AGREEMENT IN THE AMOUNT OF \$1,833,884.00, FOR CONSTRUCTION OF SUPPLEMENTAL SAFETY IMPROVEMENTS AT SELECTED RAILROAD CROSSINGS BETWEEN THE CITY OF POMPANO BEACH AND BRIGHTLINE TRAINS FLORIDA LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Matching Cost \$366,777)

(Staff Contact: Brian Donovan)

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. 2021-10

11. [20-628](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE A CORRECTED LEGAL DESCRIPTION RELATING TO THE MARQUIS PLAT LOCATED AT 1820 DR. MARTIN LUTHER KING, JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

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

Enactment No: RES. No. 2021-11

12. [21-04](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BIG FISH ENTERTAINMENT LLC, TO ALLOW ON-SITE FILMING OF THE A&E NETWORK'S DOCUMENTARY, "LIVE RESCUE," WHICH SHOWCASES THE DAILY LIFE OF THE EMERGENCY RESPONDER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

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. 2021-12

13. [20-631](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LED LIGHTING AGREEMENT WITH A CITY CONTRIBUTION OF \$16,443.97 AND A LED LIGHTING AGREEMENT WITH A CITY CONTRIBUTION OF \$102,587.97 BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY, BOTH FOR LIGHTING IMPROVEMENTS IN THE OLD POMPANO NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$119,031.94)

(Staff Contact: Horacio Danovich)

Comr. Perkins pulled the item for City Commission discussion, and asked about the timeline of the LED

lighting.

Horacio Danovich, CIP & Innovation District Director, responded that the project will take 12 months for completion, effective from the time Florida Power & Light (FPL) receives a copy of the signed document, which they will execute and send back to the City. FPL will retain a contractor in approximately 120 days later, which is when they are expected to be on the ground.

Comr. Perkins stated that it is a beautiful project that she would like to see in District 4. She likes the lighting and there is some on NW 6th Avenue, but it is not from end to end, it stops part way on NW 6th Avenue. Perhaps this could be done on the entire street.

Comr. Eaton stated she is thrilled about the street lights coming to District 2, which she reiterated that there are certain areas in District 2, on the west side that do not have any lighting, so this will be a great improvement. They are beautiful lights and she was happy to see the actual lights. She stated that safe streets are a reduction in crime and beautification all in one. She reiterated her thanks to everyone who worked to stretch the G.O. Bonds dollars to pay for the project in the entire District 2. She added that the City did an illumination map and they are coordinating with FPL to actually work the plan as closely as possible, so everyone will have their streets lit appropriately, as well as the old poles will be replaced with new poles. Everyone she has spoken to is thrilled with this project.

Comr. Perkins enquired if FPL installed all the generators for electricity throughout all the communities.

Mr. Danovich responded that to his knowledge the generators that operate in the City are procured by staff and installed by the City's contractors and they are maintained by the Public Works Department.

Comr. Eaton mentioned that the State of Florida required that nursing homes and some gas stations were to be retrofitted with generators so that the assisted living facilities would not be without power, and the residents would still get gas in the event of a power outage.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2021-13

14. [20-634](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

OFFICIALS TO EXECUTE AN INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR CONSTRUCTION OF CERTAIN ROAD IMPROVEMENTS ALONG MCNAB ROAD AND NW 21ST AVENUE RELATED TO THE FIRE STATION 114 PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Comr. Perkins pulled the item for City Commission discussion, and stated she is trying to get a basic understanding of how far the original Fire Station will be from the newly built Fire Station.

Horacio Danovich, CIP & Innovation District Director, responded that this is the same Fire Station 114, located at the same NW corner of SW 36th Avenue and Old McNab Road. This item pertains to removing a non-vehicular access line, which is a standard procedure when a facility is platted, to prevent people using it as driveways. He then explained in detail how and why it is done to ensure there is no violation of the plat.

Comr. Perkins wanted to know how many miles apart are the two Fire Stations in that vicinity.

Vice Mayor Moss guessed it would be 2.5 miles apart.

Mr. Danovich confirmed that it is 3.1 miles apart..

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2021-14

15. [21-22](#) Approve ranking order for RLI E-23-20, Continuing Contract for Engineering Services for Water and Reuse Treatment Plant Projects, and authorize staff to negotiate contracts with the responsive firms, Carollo Engineers Inc., Eckler Engineering, Inc., Globaltech, Inc., McCafferty Brinson Consulting, LLC, Stantec Consulting Services, Inc., and Tetra Tech. (No cost at this time.).

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

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

B. REGULAR AGENDA

16. [20-565](#) P.H. 2020-88: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE 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)

FIRST READING: SEPTEMBER 8, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated it is the Second Reading of the LIVE! Resorts Land Use Plan Amendment (LUPA) that was presented in July. The property is south of Atlantic Boulevard and east of Powerline Road and it has been submitted recently for a Comp. Plan Amendment and they are doing another one to create some industrial entitlements. The change remains to reduce the office square footage by 650,000 square feet and increase the industrial entitlements by 1.5 million square feet. There have been no changes in the LUPA since First Reading. This has gone all the way through the State review process with no comments. A copy of the overhead presentation is attached as **Exhibit 1**

Continuing, Ms. Dolan indicated that the last time staff presented the Land Use zoning on this project, the presentations were done back to back as most of the questions from the public and the Commission were about more of the zoning than they were about the Land Use. Therefore, she is proposing to go to the zoning presentation and for questions and comments for staff on the project, allow the applicant to make their presentation on both the land use and the zoning, then public hearing on the LUPA for approval, and then they would return to the Quasi-judicial on the rezoning.

Mark Berman, City Attorney advised that the items be separated and called accordingly for clarity purposes.

Mayor Hardin clarified that the Applicant can make a duplicate presentation for this and the quasi-judicial item that follows.

Mr. Berman replied yes, and they can adopt the first presentation as part of their second presentation. So, keeping it in order would be more workable for everyone.

Mayor Hardin announced that this item is for the LUPA not the Rezoning and it is not quasi-judicial, which will be taken after this item.

Ms. Dolan indicated that the same people are signed up for both items.

Sandra King, Public Communications Officer, indicated that a few people are signed up only for item 17 and not item 16.

Vice Mayor Moss indicated that he has some comments and wondered if that could be given at this time.

Mayor Hardin advised that he should wait until after the applicant has given their presentation on the item, then public input will be taken, and then there will be Commission discussion. At this time there are no questions from the Commission, but they reserve the right to call Ms. Dolan back.

Debbie Orshefsky, Esq., spoke on behalf of the applicant. She indicated that she understands the procedural issue that Mr. Berman referred to, and she thinks it might be helpful if they did their presentation all together since some of the public's questions and concerns about the LUPA will give them more detail in the context of the rezoning application. Therefore, she will do them as one presentation and then adopt that for the rezoning when appropriate.

Continuing, Ms. Orshefsky introduced her team that is available for questions. These were, David Cordish and Blake Cordish of the Cordish Companies; Zed Smith, CEO of the Cordish Companies, who has been working closely with the community-related issues. The technical team is John McWilliams with Kimley Horn and Associates, the Traffic Engineer; Dodie Keith-Lazowick and Mike Vonder Meulen with Keith, the Planning and Engineering Consultants.

Mayor Hardin asked if this presentation will be adopted as part of the quasi-judicial and should the team be sworn in at this time.

Mr. Berman responded it would help. He had anticipated that there would not be much of a presentation as staff testified that there were no changes since the First Reading. He was unsure if the applicant wanted to make a complete presentation a second time, if so, they could be sworn in at this time and then the City Commission would call the quasi-judicial item.

Ascleeta Hammond, City Clerk administered the oath and swore in Jean Dolan, Mike Vonder Meulen, John McWilliams, Dodie Keith-Lazowick, David Cordish, Zed Smith, and Blake Cordish.

Continuing, Ms. Orshefsky recapped what they have been doing since First Reading. The Commission had asked that they spend some time doing some community outreach. Therefore, there were a series of 3 zoom meetings. First meeting took place with the leadership from the Cypress Bend community who are the neighbors to the south of the project. There were 10 participants. The second was with the presidents of the Palm Aire Associations with 23 participants. Following they conducted a webinar by zoom on October 15, 2020, and there were over 300 participants with over 50 questions. Most of the questions were regarding

information that people did not have, which was a lot of misinformation. They were able to clarify that information. Since they could not have many people in an interactive webinar they advised everyone if their question was not answered or if they had a new question after the webinar, they were asked to contact them. In fact, David Cordish gave out his email for people to reach out to him and he promised to get them answers. They received 5 inquiries from out of almost 300 participants. Therefore, they felt they addressed the concerns that were expressed and the questions that were raised.

Additionally, Ms. Orshefsky mentioned that she would highlight certain elements in her presentation regarding responses to those concerns that were expressed. There were substantive issues raised and they responded to them in a way that addresses the concerns. She then asked Blake Cordish to provide a brief history and the context about the Cordish company.

Blake Cordish thanked the Commission for the opportunity to speak on behalf of his company. He then provided an overview of their family as it relates to the business, which was founded over 110 years ago. The growth of the company over the years and the core of the company, which is concentrated in major real estate developments. They invest their own capital, which is the family's investment. All their projects are approached from a long-term ownership perspective, as well as generational. They focus much of their energy on unique projects that are special, which often have an entertainment/hospitality component to them, a strong sense of place. They have a broad array of expertise to include hotel, residential, retail and entertainment, restaurants, etc. The vision for Pompano Beach touches each aspect to create a great City Center. The culminating of everything is they are the only developer in the United States to have been awarded seven separate Urban Land Institute (ULI) awards for excellence. In fact, a developer has not received more than three. So, these awards are the pride and joy of the company. Therefore, they are hoping with the partnership with Pompano Beach, they will acquire their eighth award.

Mr. Cordish then provided a brief sampling of their developments across the country, which they continue to own and operate. This included a just completed second phase partnered with the St. Louis Cardinals in downtown St. Louis, partnered with the Texas Rangers for the Cowboy Stadium AT&T, a 14-city block district in Kansas City, Missouri, and Charleston South Carolina that they have been part of the renaissance. All these projects are unique in their own way and the one envisioned for the City of Pompano Beach will be no less in its uniqueness.

Ms. Orshefsky then provided a refresher regarding the site targeted for the project as per the plan she presented. This includes the Isle Casino location, Powerline Road, Race Track Road with railroad tracks and the southern boundary which they share with the Cypress Bend Community. She reminded everyone that they are discussing a 230-acre parcel of land, which in Southeast Florida to have this privilege of developing that in many respects redeveloping it, is a unique opportunity both for the Cordish companies, Caesars their partner, and the City. It is important to note that all the proposed uses listed in one of the LUPA slides, they still have 1,000,000 square feet of Commercial Recreation, which is the entertainment uses, the Pompano LIVE! facilities, the entertainment food and beverage, recreational activities that they believe will create a real excitement for the City.

Ms. Orshefsky diverted to inform that the status on the Casino expansion is that they are "in for permitting." She noted that some aspects require site plan approval for the structured parking garage that will replace the

current “at grade” parking.

Continuing, Ms. Orshefsky informed that the office use is being reduced from 2,000,000 to 1,350,000 square feet. Residential continue to be 4,100 units with a variety of different types of housing choices. Ms. Orshefsky then spoke in details on the 1,500,000 square feet and what the industrial use meant. She indicated that they have added a new Exhibit E 1, with modifications, which she highlighted. There will be a 50-foot buffer and then the southern area of the potential industrial area. The other uses such as retail, commercial and hotel are also permitted within the area east of the red line in the exhibit displayed. They have added a new feature, which is a 200-foot-deep area restricted to landscaping and parking only. They modified the south and limited the 200-foot area to gain additional space. In sum the Exhibit E1 will be the regulatory restrictions for all the elements she mentioned earlier.

Ms. Orshefsky then highlighted the proposed Crystal Lagoon area and the park area around it. The current proposal is to have a minimum 1.5 acres Crystal Lagoon adjacent to the Casino expansion as well as the LIVE! and then create a public park privately owned but open to the public with a lake that will now be designed and permitted to allow boating, fishing and other water related recreation. This Central Park effect is still a focal point for the development and will be a key to building on all the other uses that are approved for the site on the west side of the red line.

Ms. Orshefsky interjected that the area where industrial could be accommodated is approximately 90 acres, the balance of the site is approximately 130 acres. Therefore, they do have significant acreage to accommodate all the mixed uses and with structured parking and the kind of drainage feature and lake, as well as open space they are able to accommodate the uses as part of their master plan.

She mentioned that the presentation is an illustrative plan and it is not necessarily a regulatory component, but instead it is a component that shows how all the pieces fit together that she previously described and to add one extra feature. One concern from the community is what will happen to all the truck traffic with so much industrial uses in the area. They have created a restricted access point and truck traffic will be required to enter and exit the site.

In sum, they have created in total a 450-foot buffer between the development and its closest neighbor. They have offered the amendment to the Planned Commercial District (PCD) to get regulatory effect. They have created a berm, which will be heavily landscaped with trees and low-level bushes, incorporated a sound wall, which will be at 20 feet, and they have proposed a text amendment to the PCD to permit this wall at this location. Also, there will be the swale and additional landscaping within the 50-foot buffer.

Ms. Orshefsky indicated that they are ensuring that the industrial, eCommerce warehouse distribution or whatever it will be called use, is friendly compatible and creates a wonderful lifestyle for both their future residents within the proposed development and the existing residents particularly those to the south.

Ms. Orshefsky, as a refresher, presented a slide from their original approval in 2019, working with the City and outside consultants, they had identified 18 intersections that needed to be studied. The study was reviewed and accepted and the result of the City were some roadway improvements, which she displayed. There are initial and significant improvements at the intersection of Atlantic Boulevard and Powerline Road, all their entrance

drives, which they are required to do signalization improvements. In addition, improvements are proposed at Race Track Road and contemplating at Andrews Avenue and Atlantic Boulevard the re-signalization overlap. All improvements will get phased in as a result of the study. In addition, because they are working with state roads, county roads and access to the I-95 interchange, they have been working with the Florida Department of Transportation (FDOT), which she will discuss later of the study being done for these improvements particularly those along Powerline Road.

Ms. Orshefsky indicated that earlier she mentioned that they have incorporated restricted access for semi-trucks, so they created a graphic showing traffic ingress and egress. Trucks will not be able to enter the site except to one location. In addition, it will be taking traffic through the established industrial area where truck traffic is currently utilized.

Ms. Orshefsky concluded that the vision they presented to the City Commission in 2019, is still, and will be their vision. The changes provided today does not change any of the vision presented earlier. In fact, it makes it more possible in the current economic environment because this kind of use acts as a catalyst to other uses to come in and develop at this time. The attention to detail, the many different types of streetscapes, incorporation of active recreational areas within the development all to be implemented as part of the PCD. Public art, the Central Park feature that will be an active place for the entire community not just for people who live, work and play within LIVE! Resorts. The entertainment district is long anticipated for the days people can gather with their friends to have a good time in a quality mixed use residential and corporate office district.

Continuing, Ms. Orshefsky indicated that the project will produce benefits to the City in the form by initially creating approximately 1,200 jobs immediately, which will act as a catalyst for the rest of the development. Therefore, from the previous presentation made in 2019 and the materials they submitted with the first approvals; it stands today that this site is expected to create 16,000 permanent jobs. This is a long-term approach, which starts now. In addition, the Cordish Group plans to create a Community Advisory Committee (CAC) to ensure each district within the City has representation within the CAC. Notwithstanding, in January/February they are committing to return to the Commission with a Community Action Plan that will be endorsed by the CAC. They want to work with the broad range of stakeholders to ensure that the economic benefits of the development are shared widely.

David Cordish then spoke on how the Cordish Group has dealt with ensuring that the community benefits from the development of any particular community they have worked with in the past. He said the community benefits through partnerships with members living within that community. Normally, they would have had the CAC in place, nevertheless, in the next 90 days they will have this in place. The meetings have been scheduled to finalize this. Due to COVID they got slowed down a bit.

Mr. Cordish indicated that “At the end of the day, whether it is the Commissioners, the Mayor and the Vice Mayor or the community groups, basically it is the rhythmic that’s important, we will have them, and we will be held to what we have put on paper.” He said their track record may tell more than the written word. Therefore, their working with the prior communities they have developed at 100% success record will not change in the City of Pompano Beach. In addition, he reiterated the company’s success story. He said there is a neutrality between the communities and the Cordish Group in this project, which is in a way the City’s single greatest assurance that they will do what they say. This neutrality is that they will be building over 4,000 new

residential units and they are going to be right up against the eCommerce zoning that they are asking for approval. There will be mutual selfish benefit for the Cordish Group to succeed at this venture. In sum, Mr. Cordish indicated that they will solve the problems that may present itself through the eCommerce addition to the project. They have solved this elsewhere so they are confident they will do the same for both their benefit and for their neighbor's benefit.

Finally, Mr. Cordish explained how with the proposed restriction that they will be placing on semi-trailers traveling in and out of the area, the international GPS system will track these users through the best and shortest route to take, which is where their company has identified as the restricted area to be utilized. In addition, after the Zoom meetings they had with the leaders and the public within the two communities of Cypress Bend and Palm Aire, he has received an overwhelming number of citizens who have indicated through email, their support of the project, after they learned the facts. He thanked those residents and stated that it has been gratifying. He mentioned that many of the ones who contacted him prior to the meetings held, were at first skeptical and asked hard questions, which they have answered, and hopefully to the Commission's satisfaction.

Ms. Orshefsky, indicated this will complete their formal presentation, and is available to answer any questions that may come up.

Mayor Hardin thanked the team for their presentation and opened the floor for public input, thereafter to open for discussion among the Commission.

The following persons spoke in opposition of the Land Use change for the project and provided their reasons for their concerns. Most are concerned regarding the truck traffic that will be generated by the proposed eCommerce zoning.

- 1) Patricia Rice, 2901 South Palm Aire Drive, Pompano Beach, FL.
- 2) Ovid Dennis, 2851 South Palm Aire Drive, #512, Pompano Beach, FL.
- 3) Dolores Rohnick, 2901 South Palm Aire Drive, Pompano Beach, FL.
- 4) Joann Sterner, President of Cypress Bend Condominium Association 6, Pompano Beach, FL.
- 5) Richard Fournier, 2221 Cypress Island Drive, Pompano Beach, FL.

The following persons spoke in support of the modifications to the LIVE! Resorts Pompano RAC and provided the reasons for their support accordingly.

- 1) Jean McIntyre, 941 SW 115th Avenue Pembroke Pines, FL 33025, on behalf of the Greater Pompano Beach Chamber of Commerce, which sees this project as a key economic driver for the Region.
- 2) Darlene Smith, 3200 North Course Lane, Pompano Beach, FL.

- 3) Richard Tobin, 21 Cayuga Road, Sea Ranch Lakes, FL, owner of a brokerage company, Premier Hotel Realty at 1600 South Federal Highway, Pompano Beach, FL.
- 4) Lee Corson, 4112 West Palm Aire Drive, Pompano Beach, FL. President of Vizcaya Palm Aire Association, as well as President of Palm Aire United. He expressed his personal views on the capability and desirability of the Cordish Group as the developer.
- 5) Jeffery Wolfe, 10862 NW 70th Court, Parkland, FL, member of the Pompano Beach Chamber of Commerce, currently serving as the Vice Chair.
- 6) Rosanna Meyer, 2730 NE 5th Street, Harbor Village, Pompano Beach, FL, Realtor in Pompano Beach.

Ms. Orshefsky, addressed the truck traffic question in detail as to the requirements they will have to adhere to with regards to a site plan or any eCommerce use. The site plan is expected to come in the next three to six months, which will be fully vetted and analyzed in terms of noise, access, etcetera. She indicated that they will work through the details with City staff, with the Development Review Committee (DRC) as well as the Planning & Zoning Board (P&Z). Therefore, the public needs to understand that the next step is to get the level of detail that some are calling for. The truck access issue was talked about at length by both her and David Cordish. However, she added that FDOT is reviewing the LUPA as part of their role in the comprehensive planning process. They are also specifically reviewing construction related improvements. She indicated that they had to do a traffic study which was modified from the original methodology that they agreed with FDOT one year ago and incorporate industrial use, which requires a study on some of the kind of issues being raised. The appropriate roadway impacts and needs will be addressed by a combination of engineers from the City, County and FDOT to deal appropriately with the truck traffic concerns. She added that the area available for routing to I-95 and Atlantic Boulevard, which is clearly the route that will be a preferred one for any kind of truck traffic, is already going to an industrial area. They are not adding a new use to that roadway network.

Vice Mayor Moss thanked the Cordish Company for their community outreach. The zoom meeting that were held, he was unaware that there were 300 people attending the webinar, and was impressed by the number. He also thanked them for doing everything they can to mitigate some of the negative aspects of the project. The sound barrier, the berm, redirecting the trucks in a manner that is least offensive as possible, which is wonderful. The Cordish Company is an A++ organization with an excellent reputation and he is delighted that they are the people putting this project together. In fact, when they announced the plans, he and his constituents were enthusiastic. It was shocking that out of approximately 30,000 constituents there were one or two people complaining about it. However, the changing in zoning changes the equation. So, as a Commissioner, this puts him between "a rock and a hard place." The benefits are obvious. It is going to be good for the tax base of the City, for the pocket books, it will generate jobs, it will make real estate agents and the Chamber of Commerce happy. Furthermore, the two representatives who commented earlier do not live in the immediate area. Overall, it will make business interests in the City very pleased. So, it will be good for the City for the wider community, but the fact remains that this is going to be a 1,000,000 square foot warehouse. There will be hundreds of 18-wheeler trucks traversing the City, entering and exiting in spite of the generous concessions that the Cordish Company has made on the southern border of the property. Nevertheless, there is still going to be trucks that will operate 24 hours a day, belching toxic diesel fuel, making noise and affecting the 2,000 plus people that

lives in Cypress Bend just a matter of feet away.

Vice Mayor Moss indicated that as Commissioners, they have to weigh what is best for the City against what is best for the people within the City. Is it people, or is it profits? He asked all the Commissioners to give some thought as to what he/she would do if this 1,000,000 square foot warehouse with hundreds of 18-wheeler trucks were to be built in their respective districts, and if their constituents were very clearly against it, what would he/she do. Would you put the people over the profits? He is representing those approximately 80 people on his email blast that he sent out and asked them to share with their friends, the information of the changes planned, and to inform him on where they stood. Most of those people indicated that they were not in favor of it. Therefore, he encouraged those residents to send an email to his colleagues as well so that they may understand. He concluded that a warehouse is a warehouse and at the end of the day this will be an enormous industrial warehouse, which will bring a great deal of traffic into district 5 and others, bringing with it all the impacts of toxic fumes, and creating traffic havoc. So, while it is good for profits it is not good for the people. Therefore, after asking his constituents what they would want him to do, and they have definitively told him "no." It is not good for them and it is not good for district 5 and particularly for the people in Cypress Bend. He then explained the geographical layout of Palm Aire and the non-effect the industrial warehouse would have on them, so those who spoke in favor of the change are from the Palm Aire vicinity. Those who spoke against it are the ones who live along Powerline Road and particularly in Cypress Bend, where there are 1,963 units in that vicinity. These residents will be exposed to the negative impacts of the industrial warehouse.

Vice Mayor Moss indicated that he is still enthusiastic about what the project is going to be, but the proposed change for his constituents and he is a game changer. It was not what was promised, and while it would be good for real estate agents, the Chamber of Commerce, and the tax base of the City, it would be bad for the people who have to live in the area he represents. Therefore, he would not support this item and the following items 18 and 18A.

Comr. Eaton indicated that Vice Mayor Moss asked a difficult question of the Commission, but it is a question that really needed to be asked, which she agrees is the crux of the matter. However, since she has a lot to say about the issue, she will take it a little bit at a time. She enquired about the Isle Casino and if the Cordish Company would retain control of the property overall. Also, would they have their design criteria and buffering, and will they be in control of the design standards.

Ms. Orshefsky responded that the entire development parcel with the exception of the actual casino property, because of pari-mutuel reasons, it must stay in the ownership of the casino operator, which is Caesars. The balance of all of the property is being transferred into a joint venture between the Cordish Company and Caesars. The Cordish Company is the managing partner in that, and one of the documents that they have been working on are required by the City's zoning code to have a Unity of Control document, which basically says what Comr. Eaton just asked about.

Comr. Eaton asked if it would be sold to a third party. Ms. Orshefsky responded that even if it was sold to a third party, they would purchase it and be subjected to the same design standards that the Cordish Company put in place, because of the Planning Development District (PCD).

Comr. Eaton asked about their offering of Deed Restrictions. Ms. Orshefsky responded yes and explained

there is a basic one, which is, that every development, subsequent owner, operator, lessee, or whoever, will be subjected to the PCD and the design standards. As a separate and private matter, they are putting in place what is called CCR's, Conditions Confidence in Restrictions that require internal review of any master plan development. For example, in the City of Weston they had their Weston town organization until the City took it over. There is a private design operation built into the documentation that is put in place over all 230 acres, except the Isle Casino because of the pari-mutuel rules.

Comr. Eaton indicated that she would like to review the interaction of the Community Advisory Committee (CAC) through Dahlia Baker, in the course of the 1,200 jobs that could be available to the residents during these trying economic times. In addition, she asked, what will the Commission be able to do for the residents within the CAC or the outreach to residents to prepare them for jobs in this project?

Ms. Orshefsky responded that she does not know Dahlia Baker and can only assume she is a staff person with the Economic Development with the City, which Comr. Eaton responded yes, she is. Ms. Orshefsky explained that whenever the CAC has meetings, they would be more than happy to make sure Ms. Baker is invited to be an active participant and the eyes on that committee on an ongoing basis. The other part, is that they would like to start regular reporting to the Commission on the progress of that CAC. She is happy to hear there is a staff person that they can work with for communication purposes. They will not ask the Commission to appoint anyone because they do not want it to become a Sunshine Board. However, they do want active participation from City staff as well as their assistance.

David Cordish added that it is not only that 1,200 initial jobs that would be allocated to the logistics but it is the 16,000 jobs that the logistics will help spur. It is not easy with the COVID and post COVID world to have that kind of a jump-start. They plan to create 16,000 jobs and there will be workforce priority preference for the local community for all those jobs not just for the initial 1,200 jobs.

Comr. Eaton asked the City Manager to provide a brief overview of how the City works when new developments come in the City and the outreach.

Greg Harrison, City Manager mentioned that reference was made of Dahlia Baker, however, there is also Chris Clemens on staff, and there are consultants that the City works with who will assist with any of these career hosting events for people to apply for jobs or for training, to be able to be qualified for the new positions. This would be a monumental task that would be accomplished between the City's direct employees and consultants over time.

Comr. Eaton mentioned that when discussing industrial warehouse, people sometimes forget that there are clean manufacturing, research and development, and not so much of the stigma of what it used to be. There are areas of clean type of warehouse facilities, notwithstanding shipping and the trucking. However, she wanted to reiterate that she has spoken with the Cordish representatives and viewed their October 16 zoom meeting, as well as she has had numerous emails on the subject for and against. Although she cannot respond to each one as her response will be the same, "Thank you for the input, I will take it into consideration." Nevertheless, she has read all the emails sent to her.

Comr. Eaton stated that over the past week, she has been talking to a lot of residents, due to the fact they are

in election period and she has been visiting the early voting sites. Also, she has spoken with her daughters and people who have either lost jobs or are laid off from their jobs, and businesses they know have gone out of business due to the current situation. The economic reality that will come forward post COVID, in fact we are still in COVID with some of the numbers that are reported. People are suffering economically. Therefore, as a Commissioner she represents her district, which maybe a little different as there are no open space in particular where something like this project could be done. Moreover, her district is a working class, middle class generally blue-collar residents, which she is proud of. However, a lot of people are hurting because they are out of work and they are struggling to pay their mortgage and rents, as well as they are looking for work.

Overall, Comr. Eaton indicated that she normally looks at a project and its overall affect on the entire City not just her district. In sum, due to the location of the City there is generally very clean air, not that there is no pollution, but there are emission standards for trucks but it is not like in the days gone by when there were smoke stacks. In addition, she is comfortable with the fact that the Cordish Company is retaining control over the design standards and objectives, control over the property, and that they are very smart business people. Mr. Cordish had mentioned that they do not want anything that will be a detriment to their project, which is common sense and good business sense. Moreover, the Cordish group has adapted to this changing time due to COVID and the post COVID, which it cannot be determined if it will be an annual situation. Besides, with the changing times with eCommerce, their adaptation could save the entire project. The project is great and everyone has agreed on that, so she would like to see it come to the City which will support industries that will be servicing the City, therefore, the ripple effect is the perfect way to describe the impacts. She does not agree that it will be profit over people, but rather it is to bring profit to the people. People will be able to find a job after this economic disparity, some will be trained to find employment and whatever the City implements will provide the best advantage for employment for economic prosperity to pay rent and provide a better quality of

DISCUSSION CONTINUES BELOW MOTION

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

Yes: Eaton
McGee
McMahon
Perkins
Hardin

No: Moss

Enactment No: ORD. No. 2021-01

life issue that may not even exist, because the Cordish Company retains control and the last thing they would want to do is “shoot themselves in the foot.”

Comr. McGee indicated that similar to the other Commissioners, she has received many emails on this matter in all different directions from all over the City. Also, as she has been out and about, she has asked people to get their views and what they feel the impact will be on the City and gauge their feelings. Generally, she has taken into perspective where the City has been since the passing of the G.O. Bond and since this Renaissance has been started in Pompano Beach. It can be scary for changes coming quickly and projects are brought forward and things happening. However, in her district, they are seeing fruit of the labor of change that was not readily embraced at first. Places have come on line and open up and is used by the people of Pompano Beach, which is amazing. The groundwork that started a decade ago she feels got the City to this point where it is attracting a national level tenant. One of the things she mentioned to the Cordish group when she met with them is that they bring the City jobs and regional headquarters with real careers where people can grow to start from any level or education. It appears they have brought one of the biggest ones to the City, which is amazing.

Further, Comr. McGee mentioned that she has been keeping an eye on the real estate market in multiple different ways. In combination, with people having to work from home, and even during this COVID situation, technology has added to the new generation of workforce with comfortability with technology. In general, office space will not be as important for these larger spaces, so, as with any other major shift in industry and revolution, the fact that the Cordish Company has looked to alter and adapt as quickly as they could is awesome. In addition, she has been following a few of the different distribution companies who are all moving towards carbon neutrality. Tesla is pushing for the “electric semi” and other companies are using the hybrid electric vans to not impact the surrounding environment, and to be quieter and energy efficient. Technology is coming with the timeline of this project, so the City will be perfectly prepared for it. More and more innovations are happening every day. In some areas like Virginia where some of these companies have been established, the property values have gone up 20%-30%. In addition, with Cordish’s selfishness in wanting their property to be pretty and wanting their units to rent, they would want to hide any type of industrial activity as much as possible. Therefore, using the railroad track abutting to an industrial zone makes sense. She also spoke about the current jobless situation, which has become chronic. In addition, the 1,200 jobs could lead to careers along with the possible 16,000 jobs that this project could boost. Overall, this is a good ripple, which could help float other districts in Pompano Beach, entrepreneurs, mom and pops businesses, bigger businesses coming in, which is what the City has been looking for. Therefore, this project is the culmination of decades of planning and work from the City, the Community Redevelopment Agency (CRA) and from everyone. Change can be scary, but this project is very exciting.

Comr. McGee referred to Exhibit E2, and indicated she noticed that if a Tri-Rail will be going through there as indicated, she hopes they would come up with a link to get everybody to the Tri-Rail if possible, because it would be excellent. This huge project will be a game changer for Pompano Beach, and will be a defining project. Therefore, she hopes it will lead to the eighth ULI Excellence award for the Cordish Company.

Comr. McMahon indicated that he attended the Cordish Group meeting on Friday, October 15, 2020, and he thinks they addressed several of the residents’ concerns across the board. Building the berm wall in the space between the residents, the 450 buffer between Cypress Bend are all great values to the community. Comrs. Eaton and McGee brought up very valuable points and this is something that must be looked at as a whole first and not to be just one particular area of what benefits this brings to the City. Further, there is a lot of history with the harness track that was built in 1926, and they continued for many years to bring thousands of jobs and people to the City. Therefore, this project will bring a renaissance to the City. He is excited about the job

growth and he agrees with Comrs. Eaton and McGee points brought forward earlier. Therefore, he fully supports the item and look forward to a renaissance of the City.

Comr. Perkins indicated that at the last meeting she voted against the project. She hears the concerns of Vice Mayor Moss and the position that he is in, as far as listening to the residents and trying to make a decision, which she has been in such a predicament numerous times before. However, at this time she will support this project because she is in favor of it and she thinks the project is the betterment for the whole City. She do have concerns about the traffic and she has received several calls from people regarding the traffic in the area especially on Powerline Road. Perhaps in January the Cordish Group could return before the Commission as to how they can better work with the traffic situation. She is aware of the traffic study that was done, but she would be interested as to how many trucks would be passing per day especially on Powerline Road. There are no guarantees that the trucks will use the route that has been proposed. She mentioned a similar problem the City had with the Mercedes Benz Company when they opened their company on Copans Road. They assured the City that they would not use the side streets for test-driving, which for years they did not, but currently they are utilizing it for test-driving.

Comr. Perkins wanted to know what can be done to alleviate the traffic with trucks now before that problem arises. Therefore, if the Cordish Group could return with a plan to the Community as to how a better control can be done with the truck traffic. She then thanked the Cordish Group for their presentation that was very informative and she will be supporting the item.

Mayor Hardin read into the record a portion of a letter received from the Pompano Economic Development Council, which was addressed to Greg Harrison, City Manager.

“The Pompano Beach Economic Development Council (PBEDC) fully supports the proposed modification to the LIVE! Resorts Pompano RAC. It is our understanding that the modifications include removal of 650,000 square feet of office and addition of 1,500,000 square feet of industrial space. The PBEDC believes that a project such as this can be a tremendous asset to the City in the near and long term future.

Signed Tom DiGiorgio, Jr., Chairman”

Mayor Hardin indicated that he would introduce the same letter for the next item to be part of the record.

Continuing, Mayor Hardin thanked the Cordish Group and all the people involved in the project to include Keith and everybody who has been working so hard on this issue. He thanked the public for being so engaged. He mentioned that he received numerous emails both pro and con. He received telephone calls and he has spoken with the developer and his representatives. This has been an engaging process about this project for some time. Mayor Hardin asked that they paint him a picture of what the south side of the industrial building that will be facing the Cypress Bend community would look like. He mentioned that the Cypress Bend is the most impacted community. While he appreciates the additional bumper space, the visual impacts are real and those residents in the high-rise buildings will be looking over the proposed trees to be planted.

Ms. Orshfesky addressed the height of the buildings and the relative height of the other buildings. She stated that most of the industrial buildings are pre-vote profile. The office components tend to pop out.

Mayor Hardin expressed concern as to what the residents of the Cypress Bend community will see when they look to the south of their building. Will they see trees or roll-up doors of industrial buildings. In sum, he would like to be assured that the industrial area looks attractive for those residents in the Cypress Bend area, when they look out their windows towards the south end of the industrial property.

Mr. Cordish explained that the office portion is a little high and the residents may be able to see the office. However, as you move up to the bay area they will not be able to see that area. Anything as low as the bays the residents will not be able to see it.

Mayor Hardin indicated that he is impressed with the Community Advisory Committee and they would be one of the first developer to come to the City of Pompano Beach presenting this concept. He said it is a difficult project for some residents in the Cypress Bend area to accept at this point, which he represents and respects their views. Therefore, he must take their voices into consideration, but he looks at the project in relation of the City overall. He understands the angst that some people are having not knowing the impacts this will have on the community as it relates to truck traffic. However, considering what has been presented and the explanations that have been put forth and the quality of the developer, as well as the views put forth by other residents throughout the City, as well as the Palm Aire and Cypress Bend communities that supports the project, he will support it as well. Mayor Hardin recalled the tremendous angst that the beach area population had when the area was being redeveloped, but it turned out to be a pretty good redevelopment and people are enjoying the benefits. Therefore, he is confident that this project will be a similar situation as the beach redevelopment.

Finally, Mayor Hardin thanked Mr. Cordish for the outreach efforts to the community and he would like to see the project move forward. He also encouraged the Cordish Group to stay engaged with the community around it especially Cypress Bend and Palm Aire, as they move forward. In addition, Mayor Hardin stated that the City expects the developer to deliver what they promised as the LIVE! Resorts and the 1,200 jobs this will produce and the 16,000 jobs. This is not about profit over people. He indicated that the industrial areas in the City has helped to keep the community as affordable as it is and it is a nice niche that the City has. However, this industrial property will not look like any other industrial property that is in the I-1 district. It will be a “good looking building” and the City will hold the developer to that.

Vice Mayor Moss stated that everything that his colleagues have said and the Mayor is absolutely true, but he is just cautioning everyone that is “making an issue out of an issue that is not an issue.” The CAC is nice as well as the other proposed action to be taken. However, the issue “boils down to what this change will be and that is a 1,000,000 square foot warehouse with hundreds of 18-wheeler trailers traversing in and out and across the City. He indicated that he received an overwhelming amount of negative response from his constituents and he will be voting on what they are saying to him. He also clarified that for the buildings along the perimeter of the property that are ten-story buildings, the view for some of the Cypress Bend residents who resides in these buildings, from story four through ten they will see everything regardless of the berms, buffer and sound wall. He concluded that he will vote according to what his constituents have indicated to him that they do not want, so, he will be voting no for this item as well as the others. Lastly, he disagreed with the Mayor’s view and maintains that it is about people over profit.

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 17, 18, 18A and 19 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

17. [20-572](#) **P.H. 2020-89: (PUBLIC HEARING 2ND 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)

FIRST READING: SEPTEMBER 8, 2020

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Sustainability Coordinator, Development Services Department, presented the item and stated that it is the Second Reading of the rezoning ordinance. He indicated that Jean Dolan already provided the context and location on the project and Debbie Orshefsky accurately outlined the revisions to the project since First Reading. He then presented a brief overhead presentation, which is attached as **Exhibit 2**.

This is the rezoning of the site to permit a portion of the site for certain industrial uses. The site was recently rezoned to a PCD (Planned Commercial/Industrial) in September 2019. The specific application is related to those industrial park uses on the east side of the PCD master plan and associated changes. Following the First Reading of the ordinance, the applicant has proposed changes to the district plan to include a 200-foot area of restricted landscaping and parking on the south end of the area designated to permit industrial uses, which is east of the red dashed line as displayed on the map. In addition, the applicant has added Exhibit E2 to demonstrate the uses and the context of other site improvements, inclusive of a truck access route prohibiting truck movement west on Race Track Road and through the property on to Powerline Road.

Finally, the applicant has included detail for a landscape buffer running along the southern boundary of the

Cypress Bend neighborhood. This will include a 20-foot sound wall for the portion of the development abutting the industrial park area. In conjunction with the proposed wall within the landscape buffer, a deviation to the code requirements must be included on Exhibit P (the deviations table) to permit a wall that exceeds 10 feet in height abutting the industrial area. There are no other changes following the First Reading.

Mayor Hardin asked if the applicant wished to adopt the presentation from the prior item 16.

Debbie Orshefsky, Esq., on behalf of the applicant requested to adopt their presentation from Item 16 and their team is available for any further questions.

The following persons spoke in opposition of the rezoning and provided their reasons and comments accordingly.

- 1) Richard Fournier, 2221 Cypress Island Drive, Pompano Beach, FL, was sworn in by the City Clerk.
- 2) Patricia Rice, 2901 South Palm Aire Drive, Pompano Beach, FL, was sworn in by the City Clerk.
- 3) Ovid Dennis - Had no further comments on the item.
- 4) Dolores Rohnick, 2901 South Palm Aire Drive, Pompano Beach, FL, was sworn in by the City Clerk
- 5) Joann Sterner, 3215 Cypress Island Drive, Apt. 602, Pompano Beach, FL, was sworn in by the City Clerk.

The following persons spoke in support of the rezoning and provided their reasons and comments accordingly.

- 1) Marc Walther, 2208 South Cypress Bend Drive, Apt. 108, Pompano Beach, FL, was sworn in by the City Clerk.

Mayor Hardin noted that the letter of support he read for the previous item 16, from the Pompano Beach Economic Development Council and signed by Tom DiGiorgio the Chairman is also submitted for this item.

Comr. McGee disclosed that she has had ex-parte communications through emails, phone calls and discussions with the residents and the developer and his representatives multiple times regarding the project.

Comr. Eaton disclosed that she has had ex-parte communications with the applicant and his representatives, as well as with residents who sent emails for and against the project, as well as attended the October 15, 2020 zoom meeting by the developer.

Comr. McMahon disclosed that he has had ex-parte communications with the developer/applicant and with residents for and against the project.

Vice Mayor Moss disclosed that he has had ex-parte communications with the developer and his constituents regarding the project.

Mayor Hardin disclosed that he has had ex-parte communications with the developer and the residents by both emails and verbal communication concerning the plans and opposition and performance of it.

Comr. Perkins disclosed that she has had ex-parte communications with the developer and several people from the community regarding the project.

Comr. McMahon pointed out the process of what is happening regarding the project. He indicated that the Commission is not giving an approval today so that they could go build whatever they want. Moreover, this would have to go before the City's Planning and Zoning Board, and the Architectural Appearance Committee. There will have to be several standards that the City will consider, the way the project looks and feels, as well as the interaction with the community. This is the first step of the process of what is laid out in the diagram of where the building will be located.

Mayor Hardin mentioned Ms. Sterner brought up the parking issue in her comments earlier. She wanted to know why their parking was oriented towards the south of the industrial building and asked that perhaps Ms. Orshefsky could address that and explain that is not the only parking that would be involved with the project.

In response to Mayor Hardin's request, Ms. Orshefsky stated the Mayor is correct. She explained the point of the related exhibit and the 200-foot restriction was that there should not be buildings coming that close to Cypress Bend. However, there will be at grade parking in the industrial side at least, throughout the site to support the 1,200 employees that will be coming there. The balance of the site on the west side of the red line displayed on the map. She clarified that the industrial warehouse use is only permitted on the east side of the red line in about a 90-acre area. The balance of the site industrial use is prohibited, so there will be no industrial use fronting along Powerline Road. In terms of development in that area, they anticipate that the majority of the parking will be structured parking. This will all be consistent with the PCD and general code requirements to incorporate landscaping throughout the site, as well as in the at grade areas in the industrial area on the east side.

Comr. McGee indicated that Exhibit K has a good aerial of the area currently. Therefore, the parking on the south side of the building is done to mirror the parking on the north side of Cypress Bend, and asked if that would be a parking lot to a parking lot.

Ms. Orshefsky responded that is correct with a buffer in between.

Mayor Hardin reiterated his concerns about the views from Cypress Bend into the project. He would not want the residents from Cypress Bend to be looking at some kind of industrial type development in that vicinity.

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

Yes: Eaton
McGee
McMahon
Perkins
Hardin

No: Moss

Enactment No: ORD. No. 2021-02

18. [20-647](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE ARVIDA POMPANO PARK PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Planner, Development Services Department, presented the item and stated this is a Letter of No Objection to the Applicant's request to amend a notation included on the Arvida Pompano Park plat, parcels A and B to reflect the entitlements being created by the current Land Use Plan Amendment (LUPA) process for LIVE! Resorts Pompano project. This plat assigns a portion of the entitlements either already existing or currently being created for this entire site to these parcels. The change to the note eliminates the residential uses, reduces the commercial office and commercial recreation uses and adds 300,000 square feet of the 1,500,000 square feet of the industrial uses to these parcels. The remaining 1,200,000 square feet of industrial will be to the Racino Plat, which will be discussed under the next agenda item 18A. Staff recommends approval of providing this Letter of No Objection to the County so that the platting process for the LIVE! Resorts Pompano project can proceed.

Debbie Orshefsky, Esq., representing the Applicant, indicated that they had no further presentation as staff explained it very well.

Joanne Sterner, 2215 Cypress Island Drive, Pompano Beach, FL, stated that she is not in favor of all the changes going on with this project and disagrees with the Resolution, and urged the Commission to vote no on it.

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
Hardin

No: Moss

Enactment No: RES. No. 2021-15

- 18A. [21-30](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO PARK RACINO PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Planner, Development Services Department, presented the item and stated this is a Letter of no Objection to the Applicant's request to amend a Notation included on the Pompano Park Racino plat to reflect the entitlements being created by the LUPA process under discussion. The plat now changes a portion of the entire entitlements either already created or existing to the remainder of the plat area. The change to the Note assigns the remaining 1,200,000 square feet of industrial entitlements to the Racino Plat, and the other 300,000 square feet was to tracts A and B to the north. It also includes assignments of all 4,100 residential units previously approved, and reduces the commercial, recreation, office and general commercial uses previously assigned to this plat. Staff recommends approval of providing this Letter of no Objection to the County so that the platting process for the LIVE! Resorts Pompano project can proceed.

Debbie Orshefsky, Esq., representing the Applicant, indicated that they had no further presentation as staff explained it very well.

Joanne Sterner, 2215 Cypress Island Drive, Pompano Beach, FL, stated that she objects to the Resolution, and urged the Commission to vote no on it.

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
Hardin

No: Moss

Enactment No: RES. No. 2021-16

19. [20-644](#) **P.H. 2021-01: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF THE POMPANO INDUSTRIAL PARK (PIP) DEVELOPMENT OF REGIONAL IMPACT AND ITS ASSOCIATED DEVELOPMENT ORDER; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ABANDONMENT; AUTHORIZING STAFF TO RECORD AND TRANSMIT THE ORDINANCE OF ABANDONMENT; PROVIDING FOR

CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Planner, Development Services Department, presented the item and clarified that this item is not related to the Regional Activity Center (RAC). She explained that the item requires a little bit of explanation, which she proceeded to provide detail, specifically, on a Development of Regional Impact (DRI) and background information on the process. She concluded that the DRI abandonment requested is strictly procedural and will have no effect on how the properties within this area are regulated from a Land Use and Zoning perspective. Staff recommended approval of the DRI Order abandonment.

Richard Coker, Applicant was not available.

Meeting went into Recess

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

END OF QUASI-JUDICIAL PROCEEDING

20. [20-593](#) Approval to award Bid P-31-20, Reclaimed Water Treatment Plant (RWTP) Piping Modification and Production Improvements to the lowest responsive responsible bidder, Florida Design Drilling Corp.
(Fiscal Impact: \$2,025,000.00)

(Staff Contact: Phil Hyer/A. Randolph Brown)

Meeting Reconvened

Greg Harrison, City Manager presented the item and stated that this is a recurring bid that the City has on the Reclaimed Water Treatment Plant for piping modification and production improvements. This bid has been out for sometime now and the lowest responsive bidder was Florida Design Drilling Corporation. The City must keep up with the Plant on a continual basis and this is one of those large projects that is very important.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

21. [20-617](#) Approval to rollover funding from Fiscal Year 2020 to Fiscal Year 2021, for capital outlay and operating expenditures totaling \$1,996,635.
(Fiscal Impact: \$1,996,635)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated this is a housekeeping item to rollover funding that was not incurred during fiscal year 2020 and to roll it over to fiscal year 2021. All the items listed in the Memo attached to the approval are Capital items and Operating items. The list has been separated by funds and the sum for each fund or group of funds similar in nature.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

22. [20-655](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY, ACCEPTING FINANCIAL ASSISTANCE ON A COST REIMBURSEMENT BASIS IN THE AMOUNT OF UP TO \$35,000.00 TO DEVELOP A GREENHOUSE GAS INVENTORY AND REDUCTION STRATEGY FOR THE CITY AND ITS LOCAL GOVERNMENT OPERATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,000 Grant Award)

(Staff Contact: Max Wemyss)

Max Wemyss, Sustainability Coordinator, Development Services Department, presented the item and stated that at the September 8, 2020 City Commission meeting, the Commission reversed a sustainable strategy for the City, satisfying a high priority strategic plan action item. The sustainability strategy includes an eight-step work plan to guide staff on a path towards implementing the City's sustainability and resiliency. The plan is to conduct a greenhouse gas inventory of all the City's public facilities, identifying the current emissions baseline and establishing reductions, strategies and goals from that baseline. In August, staff received notification that the City was selected to receive the Community Planning and Technical Assistance Grant from the Florida Department of Economic Opportunity to fund this study as a contracted service. It is now necessary to execute that grant agreement so that the City can begin receiving reimbursements for this work as it occurs. By completion of the funded scope of work in April or May of 2021, staff will return to present the results of the inventory, as well as any proposed reduction goals and strategies.

Mayor Hardin stated that it is important milestones like this that moves the City forward. He thanked staff for their efforts and it is great that grant dollars are being pursued for this.

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. 2021-17

23. [21-13](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF FORT LAUDERDALE TO PROVIDE BULK POTABLE WATER DURING TIMES OF EMERGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$598,910 (50% of cost to be reimbursed by City of Ft. Lauderdale))

(Staff Contact: A. Randolph Brown)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until

November 10, 2020 City Commission meeting. The motion carried unanimously.

24. [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)

POSTPONED FROM SEPTEMBER 8, 2020

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 November 10, 2020 City Commission meeting. The motion carried unanimously.

25. [19-720](#) **P.H. 2019-132: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE DOWNTOWN POMPANO TRANSIT ORIENTED CORRIDOR (DPTOC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON AUGUST 28, 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 24, 2019**(Staff Contact: David Recor/Jean Dolan)**

Jean Dolan, Planner, Development Services Department, presented the item and stated it has been four years since the item was approved at First Reading by the Commission. It took some time to get to the County to be processed and COVID-19 delayed it a few months. She then provided an overhead presentation on the Downtown Pompano Land Use Plan Amendment, which is attached as **Exhibit 3**. She explained that the amendment increases the number of residential units by 2,000, reduces the amount of commercial space by 336,000 square feet and increases the hotel rooms by 120 rooms.

Comr. Perkins indicated she saw the aerial map Ms. Dolan showed, however, it was not provided as part of the backup material, and asked if Ms. Dolan could provide her with a hard copy and place it in her inbox. She requested that for future presentations, could she include this in the Commission backup material.

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. 2021-03**26. [20-476](#) P.H. 2020-82: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING AN UPDATE TO ALL ELEMENTS OF THE COMPREHENSIVE PLAN; TO INCLUDE A NEW CLIMATE CHANGE ELEMENT; TO INCORPORATE THE CONCEPT OF SUSTAINABILITY THROUGHOUT ALL ELEMENTS OF THE PLAN; AND INCLUDE AMENDMENTS RESULTING FROM CHANGES TO THE POPULATION PROJECTIONS FOR THE 2040 PLANNING HORIZON AND CHANGES RESULTING FROM THE 2017 ADOPTION OF THE UPDATED BROWARD COUNTY LAND USE PLAN; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 24, 2020; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 28, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Planner, Development Services Department, presented the item and stated this is the adoption of the City's Comprehensive Plan Update. The process to date involves the passing of the item at First Reading on July 28, 2020 at the City Commission meeting. In the interim of then and now, it went through the full state review. Staff received some comments on it, which has been addressed, so it is now before the Commission for Second Reading. If approved, it will go back to the state agency for compliance review and then to Broward County for certification of the land use element, which at that time the plan would become effective. She then commented on what changes were made based on the comments received during the state review. She stated that she highlighted Exhibit A so all the new policies are in yellow, all the modified policies from the previous adopted plan are in blue and the revised policies that were changed/added based on the state agency's comments are highlighted in green. All the other policies that remain in white are from the previously adopted plan.

Ms. Dolan informed that staff made three minor changes to some housing element policies, which are highlighted in green. In addition, comments were received from three state agencies, Florida Department of Transportation (FDOT), South Florida Water Management District (SFWMD) and Department of Economic Opportunity (DEO). Additionally, there was one more change that she will highlight, which is not in the Commission backup, which is to add the date of October 2020 to the policy that references when the City adopted the 2020 water supply facilities work plan. This plan will be presented to the Commission on November 10, 2020, which will be included in the link prior to sending the adopted plan to the state agencies for review. The water supply plan will be part of the Comprehensive Plan after.

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. 2021-04

27. [20-642](#) **P.H. 2021-02: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO PROVIDE FOR ALTERNATIVES TO BUILDING DESIGN STANDARDS IN THE TRANSIT-ORIENTED (TO) DISTRICT; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO

MODIFY TABLE 155.2421.B.1, "ALLOWABLE ADMINISTRATIVE ADJUSTMENT," TO REFLECT MODIFICATIONS TO THE ZONING CODE; AND BY AMENDING SECTION 155.3501., "TRANSIT ORIENTED (TO)," TO AUTHORIZE THE DIRECTOR OF DEVELOPMENT SERVICES TO ADMINISTRATIVELY ADJUST ACTIVE USE STANDARDS AT CERTAIN SPECIFIC LOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated this proposed text amendment intends to modify the standards related to active uses in the Transit Oriented Districts (TOD). The active uses include commercial uses, such as retail storefronts, restaurants, coffee shops, libraries or entrances like lobbies. The zoning code requires that new development in the Transit Oriented Corridor (TOC) be designed in a way that active uses are provided on the ground floor and depending on the use of the building and the location of the property, a ratio of that ground floor building frontage must include active uses. If the minimum is not met, the only course of relief would be to seek a variance from the Zoning Board of Appeals. If approved, the code amendment would provide developers a small fraction of relief that could be granted from the Development Services Director with slightly larger percentage that might be authorized by the Planning & Zoning Board. The standards for granting that administrative adjustment, differ from the high standards that must be demonstrated for granting a variance. The proposed amendments strive to keep active uses on the street fronts but in a corner of full block developments, this will encourage that the designer keep the active uses on the primary and secondary streets, and back of house operations or solid walls on tertiary streets or alleys.

Additionally, the proposed text amendments also offer the options for developers to deviate from specific design standards when the proposed building is of a specific style or a vernacular, which may be in conflict with the new code requirements in order to achieve that specific building type of design. At the August Planning and Zoning meeting the Board recommended unanimously approval by the Commission. The Community Redevelopment Agency (CRA) has provided a memorandum of support proposing these changes and staff is also recommending approval to these amendments.

Comr. Perkins indicated that this is vague for her and asked what type of active uses are being presented.

Mr. Keester-O'Mills responded that active uses are things like retail stores, restaurants or coffee shops, so non-active uses would be solid walls, which is one example.

Comr. Perkins enquired what is the relevance/purpose of placing this item on the agenda.

Mr. Keester-O'Mills responded that the purpose for the Code Amendment is to provide some administrative relief to deviate somewhat from the requirement of the code. There is a minimum requirement for new development to provide these active uses on a new building facing a street. In order to reduce that minimum requirement, this code amendment would allow a developer/applicant to seek a small amount of relief in order to accommodate whatever back of house uses it would not provide. For example, a stairwell would not be

considered an active use.

Comr. Perkins enquired if this would allow a developer more leeway to do whatever they want to do. So, in essence they would not need to come before the Commission.

Mr. Keester-O'Mills confirmed that they would not have to go before the Zoning Board of Appeals to receive relief, thus providing a small opportunity of flexibility built into the code.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

28. [20-643](#) **P.H. 2021-03: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY PERMITTED USES IN THE I-IX DISTRICT TO PERMIT LODGES OR CLUB USES AND AMENDING APPENDIX A TO MODIFY THE TABLE TO CONFORM TO CHANGES IN THE ZONING CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until November 10, 2020 City Commission meeting. The motion carried unanimously.

29. [21-19](#) **P.H. 2021-10: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "BUSINESS TAX RECEIPTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," AND BY AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," TO AMEND SECTION 115.18, "MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," AND SECTION 115.19, "PIER

AREA VENDING,” TO MODIFY REQUIREMENTS FOR MOBILE VENDORS IN THE CITY; AND BY AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.4303., “STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES,” TO PROVIDE DISTRICTS WHERE MOBILE VENDORS ARE PERMITTED ON PRIVATE PROPERTY, AND TO PROVIDE A DEFINITION AND STANDARDS FOR MOBILE VENDORS; BY AMENDING APPENDIX A, “CONSOLIDATED USE TABLE,” TO REFLECT MODIFICATIONS MADE TO THE ZONING CODE FOR MOBILE VENDORS ON PRIVATE PROPERTY; 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 and stated that the recently adopted House Bill 1193, provides that licenses and fees to operate mobile food vendor vehicles are preempted to the state. Therefore, the City can no longer require a mobile vendor to obtain a license to operate in the City. Therefore, all such requirements were removed. The City has removed the requirement to obtain a business tax receipt to pay City fees and to submit documentation in order to operate. Municipalities are not however, prohibited from regulating the operation. Therefore, the text amendments extend the ability to operate on private property to the I-1X (Heavy Industrial Zoning District) and the OIP (Office Industrial District). Staff is also revising Chapter 155 Zoning Code to include a cross reference to this use.

The ordinance was prepared in close coordination with the City Attorney’s Office in order to meet the recent changes in the State Statutes. The goal of any regulations is to ensure the safety of pedestrians, vendors and motorists. Several regulations not directly tied to safety were removed, and several other co-provisions were reorganized for clarity. Food trucks or mobile vendors not covered by this code can also be approved by a Special Event permit. This process covers most of the food truck events happening throughout the City. The Planning & Zoning Board unanimously recommended approval at their September 23, 2020 meeting. This ordinance type, because it amends uses, it is regulated in a unique way for hearings.

Chapter 166 of the Florida Statutes requires this ordinance type must have one reading after 5:00 p.m., unless the Commission by super majority vote, which is the majority plus one, would vote to conduct that hearing at another time of day. Therefore, the Commission will need to either set the hearing for a time certain at 5:00 p.m. on November 10, 2020 or by super majority vote conduct that hearing at another time of day. Therefore, following the vote on this item, staff would prefer a motion on dealing with the Second Reading to allow the Second Reading to be at the regularly scheduled time at November 10, 2020.

Comr. McGee indicated that with the operation of food trucks, there is still a lot on private property within the non I-1X zones.

Ms. Gomez then described in detail the way it would be allowed to operate, which would be through a Special Event permit.

The following motion was made due to the change in time for the Second Reading as per Chapter 166.041

Florida Statutes requirement.

MOTION: A motion was made by Commissioner McGee, seconded by Vice Mayor Moss, that the item be heard at the normal scheduled meeting on November 10, 2020 scheduled for 1:00 p.m. 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 Perkins, that the Regular Agenda/ Ordinance be **APPROVED FIRST READING**. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

30. [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)

Jeff Lantz, Parking Manager, presented the item and advised that there was a change to the agreement, notably Section 9.6, which was added by the City Attorney, and a copy of the revised agreement was placed on each Commissioner's desks. He then read Section 9.6 into the record.

Mr. Lantz stated that this is an ordinance requesting the approval of a five year license agreement between the

City of Pompano Beach and the property located at 199 North Ocean Boulevard, which is currently the Wells Fargo Bank. It is located just west of the Pier across from A1A to the east of the library. The lot contains a total of 76 parking spaces, and three spaces will be reserved at all times for bank patrons wishing to use the ATM. During the current banking hours, sufficient additional parking will be reserved for the bank and their employees. He then provided comments on parking activities being observed on this lot during the days, evenings and weekends since the opening of the restaurants and fishing pier. Also, he provided detail on how the agreement would be structured between the City and Wells Fargo Bank for the allowed usage of the lot.

Comr. McGee expressed concerns regarding the usage of the lot because often times it is used for overnight parking by the condominiums in the area, for people who do not have enough parking for their own units. She wanted to be assured that some kind of arrangement could be incorporated with the agreement to ensure that those residents currently utilizing the parking lot have an alternate plan to meet their parking needs.

Mr. Lantz indicated that there are plans for those residents to use the Oceanside lot.

An extensive discussion followed among the Commission and the City Attorney on the legality of paying Wells Fargo Bank and that the owners of the property may want compensation for the City utilizing the property since they will be paying lease to Wells Fargo. The City Attorney wanted to include language in the agreement as stated in Section 9.6 to protect the City against the Bostwick property owners should they decide to utilize their rights to use the property for parking or other purposes during non-banking hours.

Suzette Sibble, Assistant City Manager mentioned that when staff spoke with the Bank, one of the issues with moving this item forward to enter into a partnership with them, was a problem with people parking on the lot, whether they are going to the beach or as Comr. McGee pointed out earlier, people are parking a second vehicle there overnight, which was a liability to the bank. Currently, people are parking there illegally, so if Bostwick really want to exercise their rights at this point and tow vehicles, the City not moving forward with the lease will not stop residents from parking there, they will continue to park there. The other issue is the City has a parking enterprise fund and the point of the fund is to establish fees to cover the operating maintenance to debt service related to the parking fund. The concerning issue is people are parking without paying fees on City lots thus competing with the enterprise system. She reiterated the concern that people will still be parking there and whether the Bostwick owners are going to tow cars that can very well happen.

Mr. Berman clarified that after going over his notes regarding the joint occupancy between Wells Fargo Bank and the City, which can be done, but not for towed vehicles to satisfy some concerns. He indicated that it does not mean that there still may not be problems with the multiple use. Therefore, he added the language in Section 9.6, to protect the City's interest in the event the Bostwick owners decide to take action to tow vehicles that the City is collecting fees from.

Mayor Hardin indicated his biggest concern is that the City would have rights to parking fees for these lots and suddenly people's cars are getting towed. Currently, the Bostwick property owners are not doing anything about violators, but once the City gets involved with these lots, the Bostwick Trust may suddenly take an intense notice of what is going on. The history between the City and the Bostwick Trust is long and deep, and he would not want the public getting the short end of this deal by getting their vehicle towed.

The Commission, staff and the City Attorney engaged in a very extensive discussion on the different possibilities of the City reaching out to the Bostwick Trust, as well as finding out information from those overnight residents that are parking on the lot and to come up with a mutually agreeable solution.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

31. [20-657](#) **P.H. 2021-04: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.35, "BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY," TO DELETE INCONSISTENT LANGUAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated this is more of a housekeeping matter. They are seeking to remove this section of the ordinance, which conflicts with a previous ordinance adopted by the City Commission. This will enable better control and operation.

Mr. Berman requested that the Second Reading be declared an emergency and explained in detail the reason why it should be done.

MOTION: A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST READING and to Declare the item an Emergency Second Reading. The motion carried unanimously.

The item was then read for Second Reading.

Mark Berman, City Attorney stated that there were 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. 2021-05

32. [21-01](#) **P.H. 2021-07: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," TO MODIFY THE CODE TO CONFORM WITH CHANGES MADE TO FLORIDA STATUTES, THROUGH THE PASSAGE OF HOUSE BILL 625 IN THIS YEAR'S LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Tracy A. Lyons/Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated this is a proposed change to the ordinance that constitutes the City's Nuisance Abatement Board. Effective July 1, 2020, Section 893.138 was amended by House Bill 625. This provides more ways to have property declared a public nuisance. The City's ordinance mirrors the State Statutes, so when the Statutes change, staff wanted to bring to the Commission the change to the ordinance that will make it more effective. This adds as a public nuisance on two more occasions within a six-month period, violations relating to murder, attempted felony murder, aggravated battery with a deadly weapon or related to aggravated assault with a deadly weapon or pain management clinic, which is already in the ordinance. Those serious violent offenses have now been added, which may be in the City and would fit for some type of enforcement.

In sum, this is a request for the Commission to allow the City to expand the Nuisance Abatement Board's ability to declare a property a public nuisance pursuant to state law.

Comr. Eaton indicated that she had planned to bring this up with the City Manager for his thoughts on the process and how this would affect recovery residents in Sober Homes and the compliance of these Homes to required standards of operation. She is unaware that this falls into this category, but wanted to introduce this as a "food for thought."

Mr. Berman indicated that this would be a separate issue that would have to be brought to the authorities'

attention.

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

33. [21-02](#) **P.H. 2021-08: (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 CONSENT ASSIGNMENT AND SECOND AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND MILLER ELECTRIC COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: On an as needed basis, based on the stated fees in the agreement, subject to appropriation of funding in various City accounts (i.e. IT, Parks & Recreation, etc.)

(Staff Contact: Gene Zamoski)

Gene Zamoski, Chief Information Officer, presented the item and stated that this Amendment to a five-year agreement with Miller Electric Company is for the purchase, installation and maintenance of Automatic License Plate Recognition (ALPR) equipment and video security equipment and services. This was put forward to the City Commission as an ordinance for a bid waiver due to standardization that is allowed for in the General Services. Manual. Miller Electric installed the current ALPR System as a subcontractor of Johnson Controls who was awarded the contract with RFP H-45-13 ALPR System. This is the only certified and approved Genetic AutoVu vendor for the Southeast US territory that can sell and service the City's existing Genetec System. Miller Electric hold the CJIS (Criminal Justice Information System) certification required to work with this sensitive data. Having Miller Electric performing installations and maintenance will ensure the proper functionality and timely completion of future ALPR and Video Security projects.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

34. [21-12](#) **P.H. 2021-05: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WASTE MANAGEMENT INC. OF FLORIDA D/B/A REUTER RECYCLING OF FLORIDA, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell S. Ketchem)

Russell Ketchem, Director of Solid Waste Services, presented the item and stated that this is to exercise the extension of the hauling contract. There are two components to the solid waste rate for customers, a hauling and disposal component, so this is for the hauling. The hauling contract expires November 1, 2020, with a single extension to September 2022. Due to the unavailability of a second meeting in October and the timing of this contract, if the item is approved by the Commission, he is requesting an emergency Second Reading to meet date deadlines of the contract.

Comr. McGee referred to Article 15.1.2, in regards to the Capital Improvement Plan (CIP) and the Consumer Price Index (CPI) that the maximum adjustment for any year can be 5%, but then the wording says, "The rate shall not be adjusted for negative CIP changes," and asked why it would not benefit the residents.

Mr. Ketchem responded that for the hauling contract, the language remains same as it relates to the ceiling of 5% and a floor of 0%, which is not being altered. Perhaps the Commissioner is referring to the disposal contract, which is the next item 34. However, the fact is to play it safer and to have them consistent between the two from a 0% to 5% ratio. As far back as the year 1986, that particular rate decreased three times, whereas it went over the 5% seven times. These parameters are put in place to control the rates.

MOTION: A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST READING and to Declare the item an Emergency Second Reading. The motion carried unanimously.

The item was then read for Second Reading.

Russell Ketchem, Director of Solid Waste Services, stated that there have been no amendments 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 roll call vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2021-06

35. [21-11](#) **P.H. 2021-06: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE DISPOSAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WASTE MANAGEMENT INC. OF FLORIDA D/B/A REUTER RECYCLING OF FLORIDA, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell S. Ketchem)

Russell Ketchem, Director of Solid Waste Services, presented the item and stated that this is for the disposal portion of the solid waste rate. There are multiple items listed, specifically, a decreasing of the TIP fees from \$84 to \$72, which is a 14.88% decrease. This also provides for some additional revenues to the City to patch a hole that was discovered in a previous rate study. Most importantly, it provides for a decrease to all the residential sector, but specifically, the households would go from a \$21.09 per month rate to a \$19.79 per month rate garbage service, which is a \$1.30 per month or the 2011 rates.

Due to the timing of this contract as it matches into the previous item 34, if the item is approved by the Commission, it is requested for an emergency Second Reading.

Mark Berman, City Attorney explained that for the record, it is for the lack of availability of a Second Reading in October based on the COVID-19 emergency, which has been declared.

Comr. Eaton commented that it is wonderful to know that the garbage rates are reduced back to the 2011 rates.

MOTION: A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING and to Declare the item an

Emergency Second Reading. The motion carried unanimously.

The item was then read for Second Reading.

Russell Ketchem, Director of Solid Waste Services, stated that there have been no amendments since the First Reading.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, 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. 2021-07

36. [21-18](#) **P.H. 2021-09: (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: (i) A SIXTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FOURTH AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Adriane Esteban/Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that there was a long pause over what staff thought would go in the R3 area, which did not work out. There was no way to have the prospect to work out in favor of Tim Hernandez of Pompano Pier Associates. It really was not the fault of anyone connected to this matter, rather his tenant just decided to back out of the plan, so a two year time period elapsed from the time this venture had commenced negotiations, when the plans were submitted, to the time they decided to back out.

Continuing, Mr. Harrison stated that Mr. Hernandez and his company have always had the plan in mind that once they got everything committed down to the R3, then they would go back to the parking garage to commence working with the tenants. Therefore, these amendments are necessary to allow Mr. Hernandez and his group to move forward and provide him the chance to get the spaces leased.

Tim Hernandez, Pompano Pier Associates, stated that given what the experience has been over the last seven or eight months with COVID-19, they are excited that they were able to open up not just Alvin's but also Lucky Fish that is doing great. He then provided a brief update of all the projects that they have been able to keep moving forward during a difficult time, which nobody could have predicted what would happen. He stated they have a good location in Pompano Beach and they will get it done. He appreciates the Commission's confidence in his company and promised, "to bring it home."

Vice Mayor Moss enquired about the Beach House and Oceanic doing during these difficult times.

Mr. Hernandez responded that nobody is operating at the level that they were operating at last year. Overall they are doing well, but not as well as they would have hoped. Lucky Fish is doing very well considering the COVID-19 conditions and could be considered the biggest success story of any restaurant that opened during COVID-19. They are exercising the social distancing but creating a very exciting atmosphere.

Comr. McGee echoed Mr. Hernandez's observance, as people are observing the spacing and there is a line along the sidewalk for people wanting to get in for a table. At the same time, people elect to go to the Beach House or Oceanic if it is raining. Actually, she has friends that she used to drive to Fort Lauderdale to get together, but they are now coming to Pompano Beach for this experience. The open space concept has really caught on in the area, so, this is a very exciting time in Pompano Beach.

Mr. Hernandez provided an update of the three tenants they have for R2, Cannoli Kitchen, Kilwins and Burger-Fi, whose building is completed and they are nearing their permit issuance. Kilwins will start their construction November 16, 2020, and Cannoli Kitchen will be starting in the month of November.

Comr. McMahon commented on the real success story of what is happening in the Fishing Village. Over the many years, the Commission has hired the best and the most talented staff and he believes that the Commission works with some of the most talented people in this business. He mentioned that the best person was found to run a restaurant; the best consultants were hired to come up with the best plans. Kim Briesmeister's team did an incredible job, Suzette Sibble, Assistant City Manager financing the project, and the City Manager's Office the talent is great. Tim Hernandez, got a lot of heat with things being delayed but they were done right. He is excited to see such a beautiful area on the beach. He thanked everyone for doing a great job with the area.

Comr. Eaton concurred with all the comments made by her colleagues, and thanked everyone for doing a great job.

Mayor Hardin agreed that it has truly worked out great for the community, and he thanked everybody involved. It has been a labor of love for all but it is great to see everyone still engaged. This has formed the framework for the City with the Innovation District to be transformed, there is the Cordish Group on board to help transform the Isle Casino property.

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

37. [21-07](#) Consideration to the request from BSO for the funding of \$790,000.00 to enter into a three-year service contract with ShotSpotter to provide gunshot detection, location and forensic analysis service for the City.

(Fiscal Impact: \$790,000 to be paid as follows. \$270,000 of this amount will be funded in the current year from General Fund Balance. The remaining amount will be paid off in 2 installments of \$260,000 subject to annual appropriation from the General Fund in FY 2022 & FY 2023)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that this was discussed at length at the last City Commission meeting and since that time, each member of the Commission had individual visits from the Chief of Police. The ShotSpotter program would provide the City with a great tool in the toolbox for solving the random shootings or shootings in general. The company is working with the City on the cost of the program over three years, which would work out to be \$270,000, the first year, and then two installments the following two fiscal years of \$260,000. Both Suzette Sibble and Andrew Jean-Pierre have identified some cost savings in the Broward Sheriff's Office (BSO) Fiscal Year 2021. There is an actual cost savings of \$405,000, which would pay for approximately two years of the program.

Major Wayne Adkins, Police Chief, Broward Sheriff's Office (BSO) reported that the one-on-one with the Commission was fruitful and very informative. Captain Mike Reggio from the Real Time Crime Center from BSO gave an informative presentation.

Finally, Major Adkins recommended approval of the program.

Mayor Hardin asked Major Adkins to provide a brief overview of how ShotSpotter works.

Major Adkins stated it is an outdoor gunshot detector system, which is an acoustic sensor technology that is available. It has a square mile area range and five square miles of a designated area based on the data showing

where the shootings have been occurring or the gunshot calls that the police get that may not be found once they get there. It is a system that is monitored by the Company and they guarantee within sixty seconds that they would notify the police and provide them with the location of those particular gunshots. In addition, it will increase the shots fired that occur that may not even be called in to the police. It provides the police the ability of responding to those shots. It provides the ability for the police to get to the location quicker to make an arrest, to minister first aid, collect evidence, and a variety of other things such as to respond more quickly and provide better service.

Mayor Hardin mentioned that one of the questions he had when he was informed of the system, is if this is so good, why it is not used Citywide. He was told that because of the cost and the data that shows where shots fired calls come from it does not make economic sense to cover the entire City with this technology. In addition, the goal is to reduce the shots being fired in the City of Pompano Beach and reduce the crime and perhaps someday the City will not need ShotSpotter.

Major Adkins confirmed that Mayor Hardin is correct in his understanding of the system. He said being able to respond more frequently and being able to take the perpetrators into custody much sooner, and being able to gather the evidence available that can link suspects with other shootings. He mentioned that it was around ten years ago when the first system was brought in, however, this system is much better “hands down” than the previous system that was in place.

Comr. Perkins indicated that she attended the one-on-one and it was very informative. She is still interested in BSO working on prevention in the community. She is interested in before the shots are fired, which is how prevention comes into cutting down on crime. There are a lot of shootings in her community and she hears them on a regular basis. There is a lot of drugs, crime and other wrong doing over the years and nothing has changed. Currently, there are the bicycles, a new CORE team, there is a new zone and now the ShotSpotter will be acquired, so with all of these in place the residents should expect the crime to be reduced tremendously. However, if there is no prevention, it will not happen even with all these systems are in place. In sum, within the Broward County location, people are drawn to the northwest community of Pompano Beach, which must stop. It does have a lot to do with how it looks. The ShotSpotter will be a big help but she is still interested in “before the shots are fired.”

Comr. Eaton indicated that the presentation provided to her was incredible. As a statistic, as much as 80% of the time the calls for shots fired do not go out. She related an experience she had regarding what sounded like shots fired and she tried to call in but she is unsure if it is a firework or not, which most people are never sure of the sound. The difference with the quick response that is going directly to BSO and whoever is in the area can respond in a quick way. It makes a difference of finding a body three to four hours later of someone being shot and being there right after the shot was fired.

In sum, the word will be out that going to Pompano as a perpetrator, “you are going to get caught.” In a way, this is prevention of crime. She likes the system and fully support it.

Comr. McMahon stated that the City has made huge strides with using technology to fight and prevent crime in the City. So, this is just one more tool in the box. It is a lifesaving technology and will be dollars well spent. Once this is active it will send a clear indication to the criminals out there to stay out of Pompano, because if

you do crime and you are not caught on the tag readers or the cameras, you will be caught by an all search light handled with the ShotSpotter. The numbers and the technology is very clear of what a system similar to this has done in other cities, and it should show results very quickly. He is excited about this and thanked his colleagues for taking the proactive measures to make the City the safest city.

Comr. McGee stated that the technology is very interesting and the lives of the safety officers knowing what they are going to get into by the sound of it, would make it more safe and more efficient to be able to get in and out of the areas where shots are fired. She agrees that it would end up being preventative. It is similar to the other initiatives that the Commission has been pushing about vagrancy, graffiti and other things. The more this is addressed the more people will realize that Pompano is not the place to do crime. This is a move in the right direction to go throughout the City to make it a safer and better place for everyone.

Vice Mayor Moss joined the chorus of his colleagues that he was impressed by the presentation and he agrees with everyone who spoke earlier. Technology is the way the City must keep going, investing in it and moving forward with these new ideas. He is looking forward to seeing the system installed and how it works. This is a great idea that was brought to the Commission and he thanked Comr. McMahon for bringing this up at the last meeting.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED to proceed with the item. The motion carried by the following roll call vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

C. REPORTS

Gregory Harrison - City Manager - Grants - Mr. Harrison stated that five of tonight's agenda items had grants entailed with them. He recalled when staff and the Commission started planning the General Obligation Bond projects; it was thought, if the City could realize matching funds, then the City could do much better in grants. Therefore, the approximate \$2.5 million in grants are from the "seed planted at that time." The five items are North Pompano Park, Alsdorf Park, Airport Security Gate, Railroad Crossing Safety Improvements (\$1.5 million), and the Greenhouse Gas Inventory. He then recognized employees that worked with realizing these grants. Mark Beaudreau, Earl Bosworth, Tammy Good, Anthony Alhashemi, Robert McCaughan, Steve Rocco, Brian Donovan, Max Wemyss, Andrew Jean-Pierre, Suzette Sibble, and the orchestra leader on the grants Karen Santen, Grants Coordinator.

Mark Berman - City Attorney - Weston Lawsuit on Broward County Second Ballot - Mr. Berman indicated that as per direction from the last City Commission meeting he spoke individually with the Mayor and Commissioners with regard to Pompano Beach participating in the City of Weston's lawsuit, challenging Broward County's second ballot referendum question. Due to the timing, he had to meet the Commission individually to get a consensus to join in the lawsuit. He reported that it was a unanimous decision to join in the lawsuit. The current participants are the Cities of Weston, Lauderdale Lakes, Deerfield Beach, Town of Davie, Fort Lauderdale, Dania Beach, and Pompano Beach. The final vote was done on October 8, 2020, because the following day October 9, 2020 the City had to join in to have the judge sign the order. On October 28, 2020 the Motion for Summary Judgment had to be filed. The motion is set for October 28, 2020 at 10:00 a.m., which he will attend via zoom and will report to the Commission on the decision being made.

Twin Tower Lawsuit - Mr. Berman stated that he had sent the Commission an email with regard to the denial of the "Twin Tower" lawsuit against the City. There was an appeal on the Commission's decision to allow for two buildings near the beach. Jeannie Schermesser was the person who had formed the group to challenge that in court. Tracy Lyons, Assistant City Attorney did most of the legal work on this with some help from him. The court denied Ms. Schermesser's Group petition writ of certiorari. They can appeal to the Fourth District Court of Appeals, however, the possibility of it being a successful appeal based on a complete denial is very limited. Additionally, Mr. Berman stated that from his discussions with the developer's attorney they are going to move forward with the development.

Best Wishes - Mr. Berman wished everyone good luck in the elections next week.

Asceletha Hammond, City Clerk - No Report.

Best Wishes - Ms. Hammond wished everyone good luck in the elections next week.

Commissioner Rhonda Eaton - No Report.

Best Wishes - Comr. Eaton wished everyone good luck in the elections. She is looking forward to working with everyone for another two years.

Commissioner Andrea McGee - Commission Meeting - Comr. McGee commented that the meeting was long but it was a good one. She said she missed attending as often as they used to.

Comments/Best Wishes - Comr. McGee stated she is excited to see what is being accomplished in the City each step of the way. Therefore, she hopes the Commission gets to continue. She then wished everyone good luck.

Commissioner Tom McMahon - Best Wishes - Comr. McMahon echoed everyone's response and wished everyone the best of luck. He stated that it has been truly a pleasure to work with everyone including the great Management team in the City. He said the Mayor has been a great leader and chair for the Board.

Mayor Hardin asked Comr. McMahon not to run off just yet, as there is still City business to address.

Commissioner Beverly Perkins - City Facilities Opening - Comr. Perkins asked if all the City facilities are still closed due to the pandemic.

City Manager Greg Harrison responded that the facilities are not 100% closed. Nevertheless, he confirmed that the recreational centers are still closed, because public gathering is prohibited.

Comr. Perkins indicated that twice last week there was an event taking place at the Ali Building. There were cars parked there and they were at the E. Pat Larkins Center and could hear music coming from the building.

Mr. Harrison indicated that he was unaware of that activity.

Comr. Perkins asked the City Manager to check into that issue.

Mr. Harrison asked Comr. Perkins to contact him immediately once she finds out that something like that is happening, so he can get someone to check on it.

Collier City cleanup - Comr. Perkins asked for an update on the Old Collier City cleanup.

Vice Mayor Moss - Soccer Academy in Collier City - Vice Mayor Moss reported that he received quite a number of letters from the residents of Collier City regarding the previously planned soccer academy that was on the drawing boards for a while. Therefore, Vice Mayor Moss requested that this item be placed on the agenda for the next Commission meeting as a discussion item to get timelines and reasons why the project did not move forward, because the residents of Collier City have a number of questions regarding this project.

Flex Units - Vice Mayor Moss indicated that two and half years ago the Commission granted flex units for a proposed 99-unit market rate condominium project in Palm Aire. At that time he understood that those flex units would be good for two years and then they would expire. However, it appears that a lawyer has been involved, and he read information he received and had sent to the Commission, which reads: "The law authorizes the tolling and extension of development orders and permits for the period of time the state of emergency is in effect plus six months." He said it means that those flex units that were granted two and half years ago because there have been emergency orders on Hurricane Maria, which did not affect this area; subtropical storm Alberto, which did not affect this area; Red Tide, unsure this affected this area or not; Hurricane Florence, which did not affect this area; Hurricane Dorian, which did not affect this area; and the OPIOD epidemic, which did. All of these emergency orders extended these flex units so that they now expire August 2024.

Vice Mayor indicated he was unaware of this and he would like to inform the Commission on it. He wonders if all the emergency orders, which did not affect this area are relevant. In moving forward, whenever people approach the City wanting flex units, is there any way when these are granted to specify that the request for the flex units remain same and that they are truly what will be built. Therefore, they could not later sell the development rights and the flex units to someone else who wants to build something other than what was agreed upon by the Commission.

Mark Berman, City Attorney, stated first, the statute, which is a state law, as it relates to the extensions it

applies to national disaster and national emergencies. Second, it only applies to the geographic area where the emergency order and the extension have to be in the same geographic area. So, orders and emergency orders that did not affect this region should not be used or approved for extension. As far as changing the type of development, under a current code you cannot do this. However, he has been discussing with Jean Dolan maybe potentially adding some specifics in there that in order to acquire the flex units, people must be more specific as to what they will do. If a change is being made those units will be placed on hold or they would need to return to the Commission for additional approval. Certain types of housing cannot be discriminated against. It is difficult to put in any type of restrictions that might be considered discriminatory. Nevertheless, staff will be looking at it to possibly modify.

Final Comments - Vice Mayor Moss reminded everybody that Saturday night the time falls back one hour. He also indicated that this was a productive meeting.

Best Wishes - Vice Mayor Moss wished everyone good luck in the elections.

Flex Units - Mayor Hardin continued the discussion on flex units. He indicated that with regard to flex units the City ought to look into some method which has been discussed before, where once flex units are granted and if someone decides to then sell the project, the City needs to participate in any upside to the value of the property. The City is granting flex units for projects for development by people. Too often people come in and apply for flex units for projects and promote a pretty picture and then later sells it for much more than they paid because they now have the entitlements. The bottom line is for the City to get the projects built when flex units are being applied for initially.

Best Wishes - Mayor Hardin wished everyone good luck in the election. He urged the public to get out and vote.

Election Signs - Mayor Hardin mentioned that if he should prevail in the elections next week, he plans to discuss election signs. There have been some incidents this election season where a candidate, Tom Drum when he was asked who is putting his signs out, he told Mayor Hardin that Michael Skversky is putting his signs out that are being screwed to trees on private and public property. This should not happen. The best that can be done is Code Enforcement citing the property owner. For example, CVS Pharmacy at the intersection of McNab Road and Federal Highway had Tom Drum's signs screwed to the coconut trees. There must be some better way to monitor the election signs. He knows that Asceleta Hammond, City Clerk provides information to the candidates in what they can and cannot do, but it does not seem to work.

D. NEXT SCHEDULED MEETING

Mayor Hardin announced that the sitting Commission will have meetings to contend with after the election.

- November 10, 2020 - City Commission meeting. Unsure if it will be completely remote, which will be based upon the Governor's Order, which expires this month.
- November 17, 2020, at 10:00 a.m. - Regular Community Redevelopment Agency (CRA) meeting
- November 17, 2020 - Special City Commission meeting to handle some G.O. Bonds project issues, which will follow the CRA meeting
- November 17, 2020 at noon - Induction Ceremony for newly elected Mayor and City Commissioners.

Finally, Mayor Hardin indicated that the Commission will prevail, but if not, they will still need to finish out their meetings as the current Commission will need to take action on items.

E. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Rex Hardin, Mayor

Asceletha Hammond, City Clerk

Land Use Plan Amendment LIVE! Resorts Pompano October 27, 2020



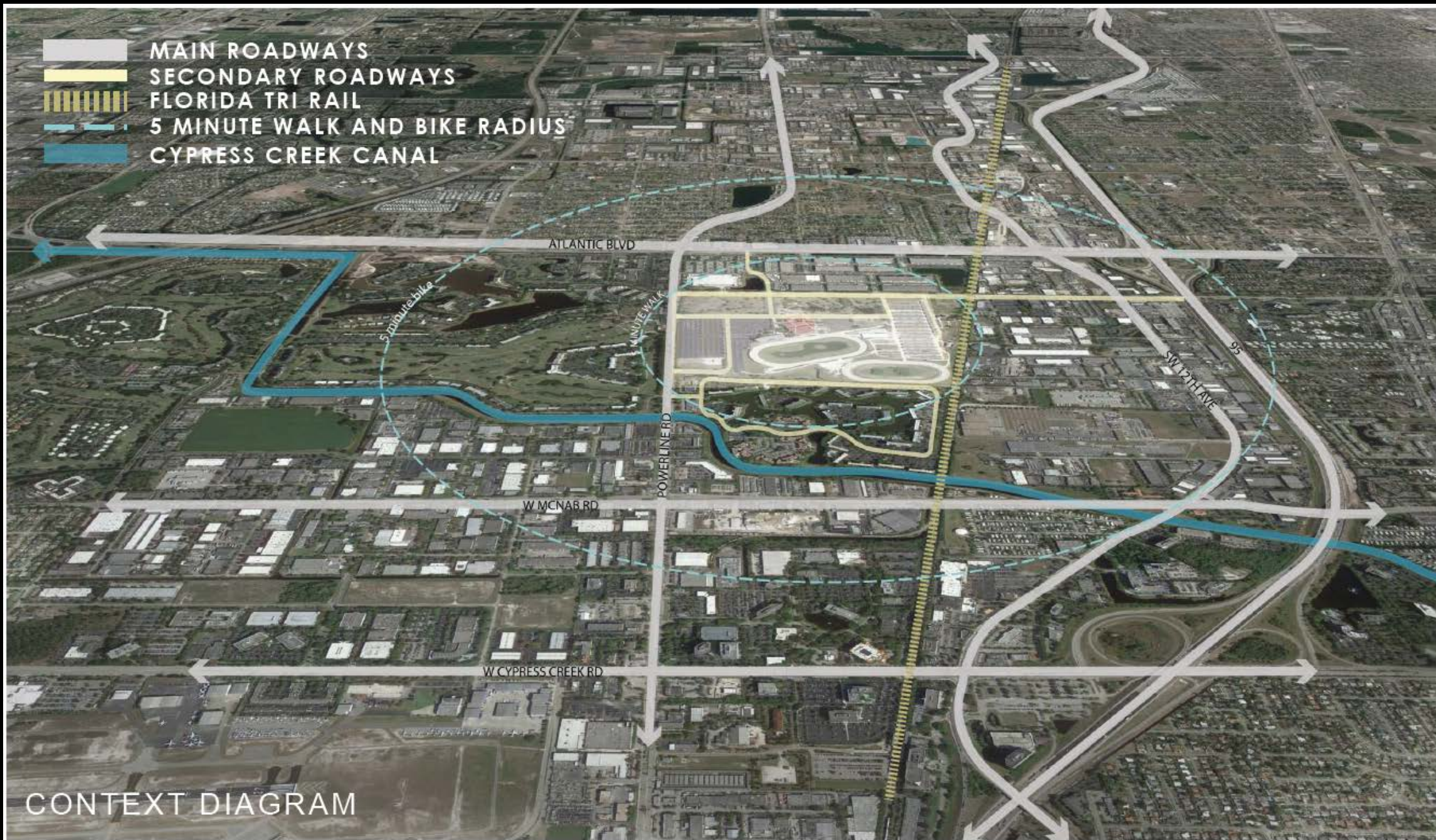
Team:

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

POWERLINE 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

No Changes in the LUPA Since First Reading

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 Second Reading
October 27, 2020

Rezoning 2nd Reading **LIVE! Resorts Pompano** October 27, 2020



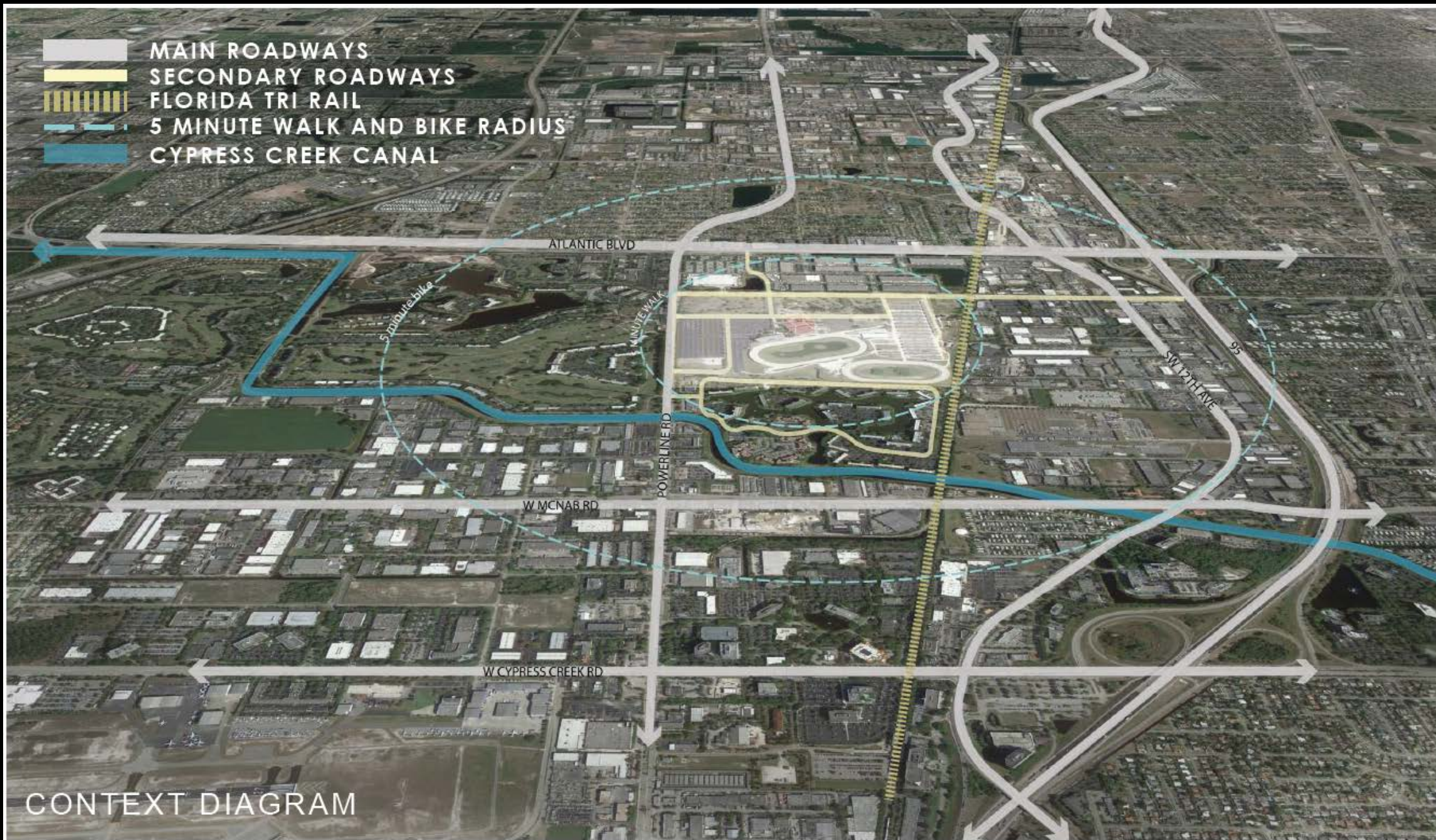
Team:

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- Jean Dolan (LUPA)
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- Joaquin Vargas (Traffic)

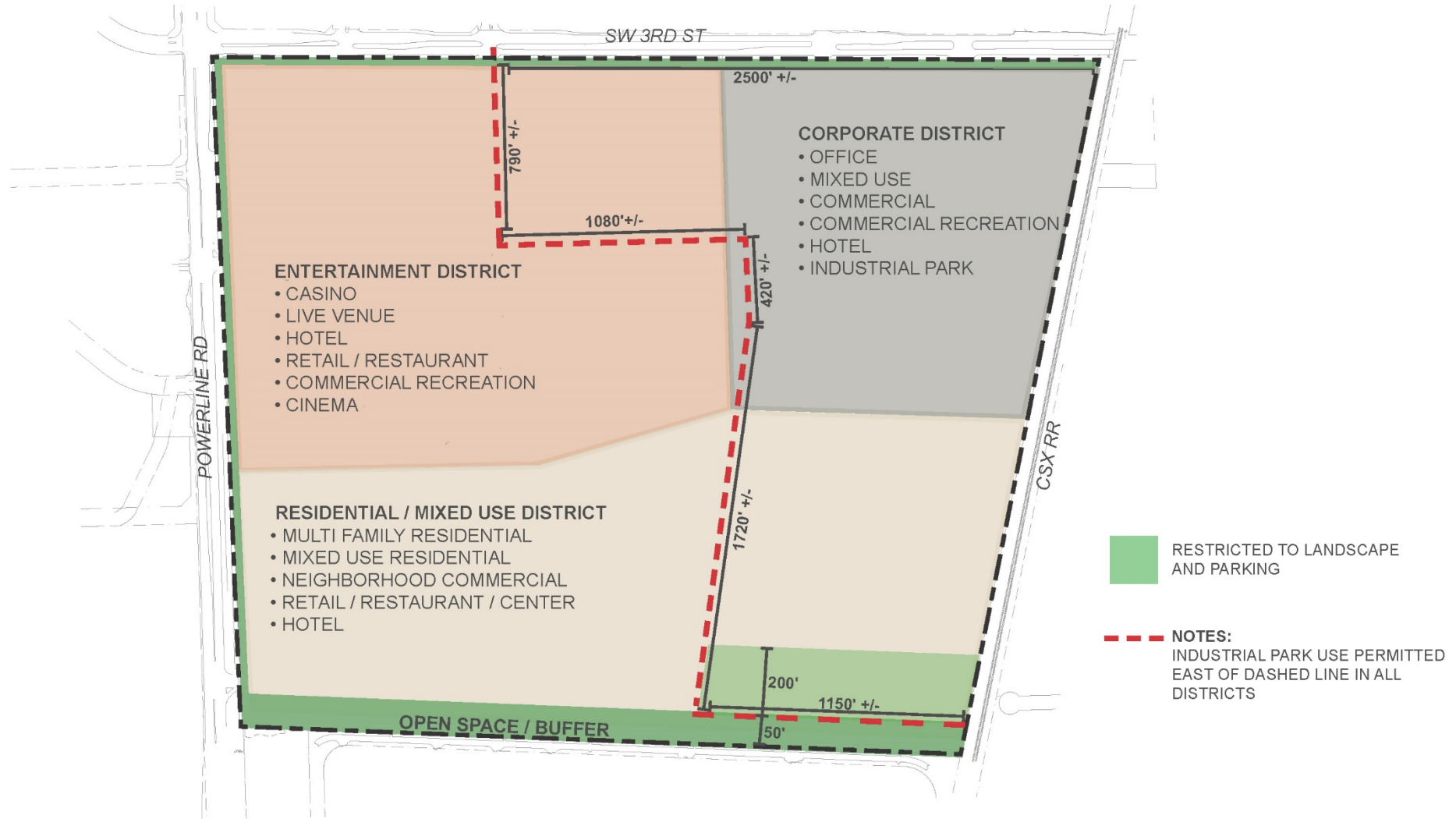
Applicant:

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



CONTEXT DIAGRAM

Proposed Exhibit E₁ – Industrial District Plan



INDUSTRIAL PARK REGULATING PLAN



STRATEGIC PLAN

ENTERTAINMENT DISTRICT

CORPORATE DISTRICT

RESIDENTIAL / MIXED USE DISTRICT

EXISTING CASINO

POTENTIAL FUTURE TRI-RAIL STATION

TRUCK ACCESS

LEGEND

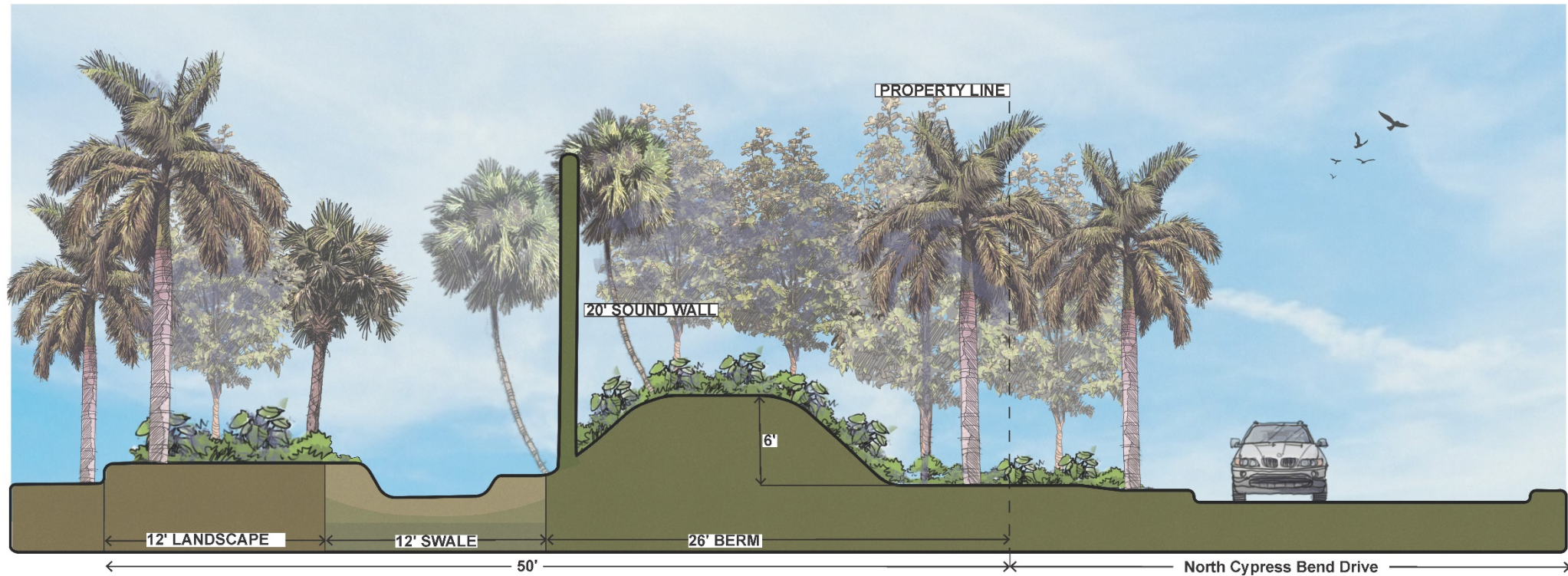
- CORPORATE DISTRICT**
 - OFFICE
 - MIXED USE
 - COMMERCIAL
 - COMMERCIAL RECREATION
 - HOTEL
 - INDUSTRIAL PARK
- ENTERTAINMENT DISTRICT**
 - CASINO
 - LIVE VENUE
 - HOTEL
 - RETAIL / RESTAURANT
 - COMMERCIAL RECREATION
 - CINEMA
- RESIDENTIAL / MIXED USE DISTRICT**
 - MULTI FAMILY RESIDENTIAL
 - MIXED USE RESIDENTIAL
 - NEIGHBORHOOD COMMERCIAL
 - RETAIL / RESTAURANT / CENTER
 - HOTEL
- INDUSTRIAL PARK USE PERMITTED EAST OF DASHED LINE**

200' RESTRICTED TO LANDSCAPE AND PARKING

50' LANDSCAPE BUFFER

N.T.S.

Proposed Exhibit V – Landscape Buffer (South)



50' LANDSCAPE BUFFER SECTION



Proposed Exhibit P – Deviation Table

			Printed on 10/11/2017 10:01 AM	
<u>155.5304.D</u>	<u>Fences and Walls</u>	<u>Wall Height</u>	<u>To allow a sound wall barrier of 20 feet where the maximum height permitted is 10 feet for screening purposes</u>	<u>This deviation is restricted to the Industrial Park designation area and is intended to screen the the Industrial Park area from residential uses to the south.</u>

Suggested Proceeding:

1. Questions and Comments For Staff on project
2. Applicant Presentation and Questions for Applicant
3. Public Hearing on LUPA
4. Motion and Vote on LUPA
5. Proceed to Quasi-Judicial agenda and hearing on rezoning

Downtown Pompano Transit Oriented Corridor

Land Use Plan Amendment

City Commission Presentation
September 24, 2019

Team:

City of Pompano Beach:

- Jean E. Dolan, AICP, CFM
- Daniel Keester, AICP

Northwest CRA

- Nguyen Tran & Horacio Danovich

Transportation

- Joaquin E. Vargas, P.E.
Traf Tech Engineering, Inc.



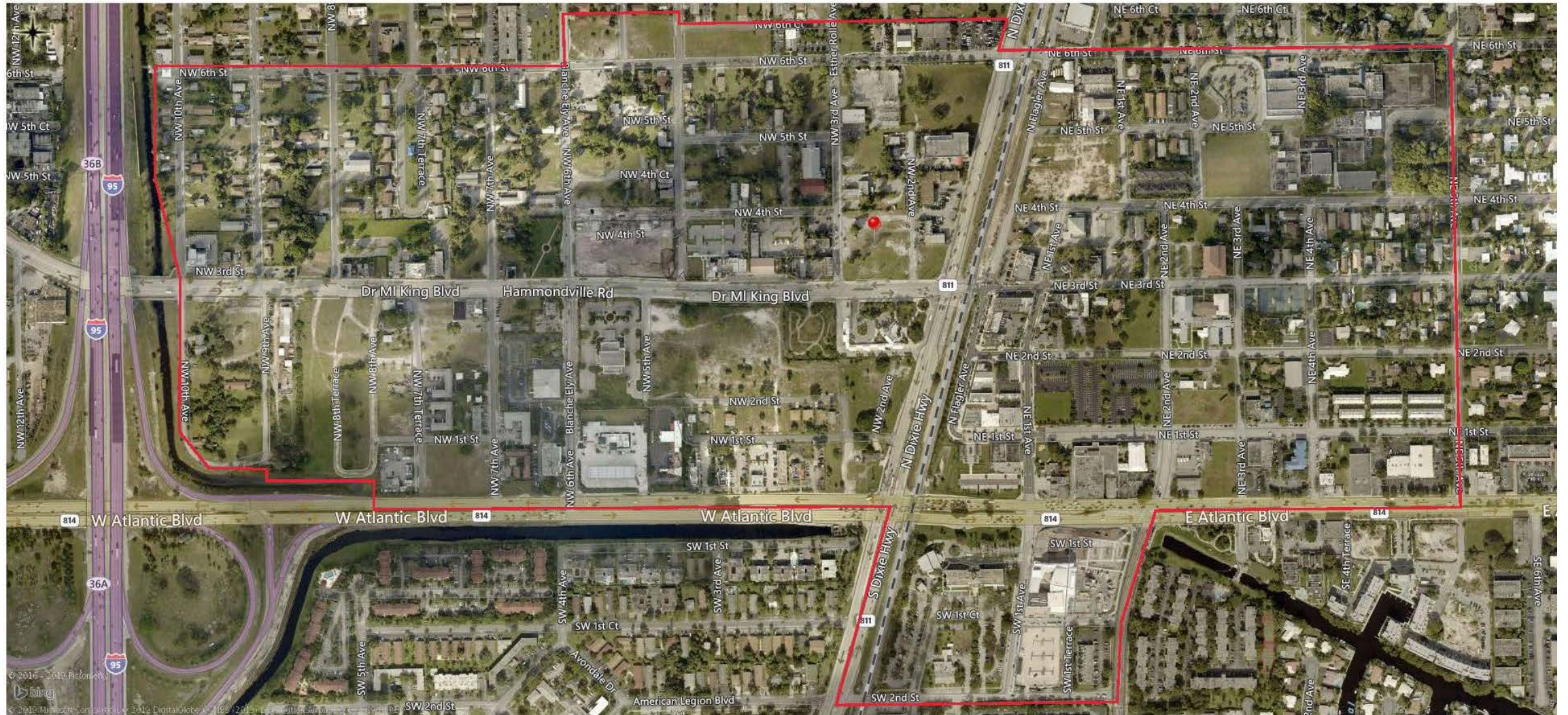
City of Pompano Beach, Florida Downtown Pompano Transit Oriented Corridor



Application to Amend the City of Pompano Beach Land Use Plan
and the Broward County Land Use Plan

June, 2019
Prepared by City of Pompano Beach
Department of Development Services
and Traf Tech Engineering, Inc.

Downtown Pompano Transit Oriented Corridor



City and County Land Use Plan Text Amendment for the Downtown Pompano Transit Oriented Corridor (DPTOC)

Type of Use	Current Entitlements (from 2012 LUPA)	Built and Committed Development	Remaining Entitlements	Proposed Entitlements	Net Change in Entitlements
Residential	1,368 units	926	442	3,368 units	2,000 units
Commercial/General Business	4,387,220 SF	2,253,457 SF	2,133,763 SF	4,051,220 SF	-336,000 SF
Office	2,835,557 SF	0	2,835,557 SF	2,835,557 SF	--
Hotel Rooms	300 rooms	0	300 rooms	420 rooms	120 rooms
Community Facility	1,459,260 SF	1,459,118 SF	142 SF	1,459,260 SF	--
Utilities	95,832 SF	85,159 SF	10,673 SF	95,832 SF	--
Parks and Recreation	2.1 acres minimum	6.1 acres*	N/A	2.1 acres	--

Staff Recommendation

Staff recommends approval of the proposed Future Land Use Element Text Amendment for the DPTOC as the increase in residential development rights will support transit oriented development and implement both the City's Strategic Plan and the Comprehensive Plan.

Questions and Comments

DPTOC Text Amendment to the Pompano Future Land Use Element
City Commission Second Reading
October 27, 2020