



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## 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*

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Tuesday, September 24, 2019

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

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

#### ROLL CALL

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

#### INVOCATION

Apostle S. Constanca Daley of Rhema Word Ministries International provided the invocation.

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

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

19-692 Regular City Commission Meeting Minutes of September 10, 2019

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

#### **APPROVAL OF AGENDA**

Mayor Hardin announced that Item 2 will be postponed until October 7, 2019, City Commission meeting. In addition, Items 24, 27, 32, 33, 34, 35 and 36 will be postponed until October 22, 2019 City Commission meeting.

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

#### **CONSENT AGENDA DISCUSSION**

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

Mayor Hardin announced that Items 3, 4 and 6 would be pulled for City Commission discussion.

#### **A. SPECIAL PRESENTATION**

##### 19-723 Presentation of Certificates of Appreciation by Mayor Hardin

Presentation of certificates of appreciation were presented to Steve Walenz, Greg Spatz, Christina Henley and Sheltair for their contribution to Kids Aviation Day. Dahlia Baker of Business and Workforce Initiatives gave a brief presentation.

Dahlia Baker provided comments on the Pompano Beach Kids Aviation Days, which took place on July 30, 2019 and August 1, 2019. She provided some background information on the aviation industry's past, present, and future, and the reason for participation in the program.

Continuing, Ms. Baker mentioned that the Pompano Beach Air Park experience was hosted by Daniel Bayard of Sheltair, as well as Gregory Spatz and Steve Walenz of Pompano Aviation, Christina Henley from Pilot Training America all assisted to make the Aviation Days a success and it was at no cost to the families of the children who participated in the program.

Mayor Hardin thanked Ms. Baker for all she has been doing for the community and especially the future of the City, which are the kids.

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

**B. PROCLAMATIONS****19-725 Domestic Violence Awareness Month**

Mayor Hardin proclaimed October as Domestic Violence Awareness Month in the City of Pompano Beach. Michael Barron, Director of Development for Women In Distress accepted the proclamation.

Mayor Hardin urged all residents to respond to and work toward ending domestic violence by supporting their community's efforts to empower, and assist victims in finding and accessing resources they need. Also, by promoting awareness and prevention of domestic violence in the community.

Michael Barron, Director of Development for Women in Distress provided a few facts on Domestic Violence, which is a difficult subject to discuss.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**C. PRESENTATION**

[19-686](#) Strategic Plan 2018-2023 and Action Agenda 2018-2019 Quarterly Progress Presentation.  
(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019**

**(Staff Contact: Ernesto Reyes)**

Ernesto Reyes, Strategic Performance Manager, presented the Strategic 2018-2019 Third Quarter Performance Report, which is attached as **Exhibit I**. This is the general update of the progress on achieving the Action Items in the Strategic Plan.

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

**D. AUDIENCE TO BE HEARD**

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

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

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

**Commendation of Broward Sheriff Office (BSO) Personnel** - Hank Schultz, General Manager, Briny Irish Pub, 3440 E. Atlantic Boulevard, Pompano Beach, FL, recognized some incredible Broward Sheriff's Office (BSO) officers whom he encountered during his short time in the City of Pompano Beach, as the recently appointed General Manager for the Pub. He named Captain Granville in an incident where he displayed amazing care in handling their call. He also reported that the officers that patrol their area have been professional, communicative and helpful, which equate to none he has encountered to date. In addition, he commended Deputies Rosenberg and Boris who have watched over their business regularly and communicate with the people in the area. Their friendliness, professionalism, and all-around demeanor set the standard for law enforcement and civilian relationships.

**Update on Redevelopment of NE 33rd Street** - Ralph Daniels, 630 NE 35th Street, Pompano Beach, FL, enquired about what is happening with 33rd Street, and its redevelopment. He also requested the presence of BSO on the street, because the light there is not good. In fact, in August someone was killed and another person was hit by the train. Traffic violation is rampant on that street, and especially during school hours. Therefore, something needs to be done with the light for that street.

Mayor Hardin stated that something for this street is in the works and also BSO has heard Mr. Daniels comments, "loud and clear."

**Illegal Activities near Blimp Jogging Path** - Tiffany Hanna, 1571 NW 7th Way, Pompano Beach, FL, stated that she jogs around the Community and around the Blimp. She has noticed an influx of prostitution and OPIOD users and would like to know what action is planned for these activities. Also, the homeless community is constant during the darker hours but disappear by daylight.

Mayor Hardin stated that prostitution and OPIOD use is a constant battle for the BSO who has been doing constant patrols and would often conduct a sweep.

Ms. Hanna complained that during her frequent jogging activities in the area she has not been able to see any such operation. She indicates she feels less secure with the prostitutes, the johns and the increased drug users than she does with the homeless community.

Mayor Hardin suggested that Ms. Hanna meet with Captain Granville, who is currently available and pinpoint some locations to get BSO acting on this.

**Community Benefit Ordinance** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that there are lot of positive things on tonight's agenda including development and so forth. He enquired about the status of the Community Benefit ordinance he had mentioned previously to the City Commission and the need to establish such an ordinance. He suggested that other cities have been able to put community benefit plans in place, therefore, perhaps Pompano Beach could look at how that is done to get a similar thing set up. He then explained how this could benefit the community at large.

Mayor Hardin suggested that Mr. Thrower meet with the City Manager and provide him with those cities operating with such an ordinance, as well as his ideas of areas, so he could get staff to look into it to get such an ordinance established.

Mr. Thrower mentioned cities such as Hallandale Beach, Deerfield Beach, and Fort Lauderdale have community benefit programs in place. He will get more information to the City Manager and the Commission.



**E. CONSENT AGENDA**

Mayor Hardin announced that items 1, 5 and 7-14 will be Approved/Adopted without discussion.

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

1. [19-698](#) Approval of bid received in response to surplus real property Invitation for Bids 19-02 for the real property located at 937 SW 12 Avenue, Pompano Beach, FL 33069 also identified as Broward County Property Appraiser (BCPA) folio 4942 03 00 0564.  
(Fiscal Impact: Bid Amount \$40,000.00)

(Staff Contact: Cassandra LeMasurier)

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

2. [19-623](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DUC POMPANO, LLC FOR THE PROPERTY LOCATED AT 113 NE 1ST AVENUE; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

3. [19-722](#) 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 BROWARD COUNTY AND THE CITY OF POMPANO BEACH REGARDING THE USE OF CERTAIN REAL PROPERTY, AND TWENTY (20) DECLARATIONS OF COVENANTS AND RESTRICTIONS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins pulled the item on behalf of a resident.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, thanked the City Commission for working with the County to get these lots together. However, with the County making these lots available to the City, could the City make an effort to ensure that local contractors in the City with the abilities, be given a chance at utilizing these lots, instead of just waiting for Habitat for Humanity and similar organizations to come and purchase the land and develop it.

Mayor Hardin indicated that the City has always asked for anyone who wanted to build affordable houses on these lots, which are for this type of development, to come forward.

Mr. Thrower is asking if the new affordable houses could be done in such a way to increase property value in the surrounding area than to build certain affordable houses that will not increase the value of homes in the area.

Mayor Hardin indicated that numerous local developers have come forward and done a good job with these types of lots and named Kenny Davis as one such local developer.

Mr. Thrower enquired who would be responsible for the process once these lots are provided to the City.

Mayor Hardin indicated that the Office of Housing and Urban Improvement (OHUI) will oversee the process. He asked the City Manager how the lots are advertised.

Greg Harrison, City Manager responded that it could be handled either through OHUI or the CRA (Community Redevelopment Agency). Most of them will be handled through OHUI. He added that it is a competitive process, it has been advertised so it is out in the open, which is the same way the City advertises everything else which Mr. Thrower is familiar with the process.

Comr. Perkins asked if the City will give the land to a contractor to build homes or would they have to purchase the land.

Mr. Harrison indicated that staff will determine that when the advertisements are done to see what kind of proposals will be provided to the City. Upon receipt, these will be brought to the City Commission for approval. There are a number of different resources that can be used to include grants that the City would receive through private foundations or the federal government. Therefore, staff will keep the Commission informed over time.

Mayor Hardin confirmed that the City has sold and given property away for development, which is a combination. The goal is affordable housing on all the parcels, with an exception with those in the commercial areas.

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

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

**Enactment No: RES. No. 2019-277**

4. [19-721](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCES OF REAL PROPERTY FROM BROWARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Cassandra LeMasurier)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins pulled the item on behalf of a resident.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, indicated that the City Commission answered his questions on the prior item pulled for discussion. He wanted to know if the OHUI department will make funds available as was done in the past, to other non-profit organizations to be able to assist with first time homebuyers' programs.

Mayor Hardin responded that is separate from building affordable housing. Often times applicants do qualify for the first-time homebuyer program as well.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that the term "affordable housing" in the past has meant a home valued at about \$230,000, and enquired if currently, this is what is meant when reference is made to affordable housing.

Mayor Hardin responded that is an approximate amount as these change all the time based on the County's measurement. So, perhaps affordable housing could be approximately \$230,000.

David Miller, Pompano Beach, FL, enquired if affordable housing meant houses or multiple units. He mentioned that he has seen affordable housing communities such as Pinnacle Village and Canal Pointe and wondered if those types of projects could be done again, somewhat like what is being done by Habitat for Humanity.

Mayor Hardin responded for a short answer yes, and it includes all types of housing. However, with regard to the current lots he is unsure if the lots are large enough or contiguous or be eligible for anything except a free-standing single-family home. Therefore, an affordable home can take any form or fashion. Pinnacle Village is an apartment type community and Canal Point has single-family type homes.



Mr. Miller also enquired if the lots provided by the County could be rezoned by the City.

Mayor Hardin responded if the land needs to be rezoned then the City could consider it, however, most of the parcels are in the zoning district that fits within that district.

Mr. Miller reported that within the District 5 neighborhoods they lost "Save a Lot" and Winn Dixie and wanted to know where the residents will go for grocery shopping.

**The Consent Agenda/ Resolution was ADOPTED.**

**Enactment No: RES. No. 2019-278**

5. [19-685](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR INSTALLATION AND MAINTENANCE OF BUS SHELTERS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

**Enactment No: RES. No. 2019-279**

6. [19-710](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE-FUNDED GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF OBTAINING FUNDS IN THE AMOUNT OF \$194,000.00 TO PROVIDE RESIDENTIAL WIND MITIGATION RETROFIT IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$194,000/FL- Division of Emergency Management)

(Staff Contact: Miriam Carrillo)

Comr. Eaton pulled the item for City Commission discussion. She asked for additional information about what types of windows that people can apply for and if the City could offer some direction, to enable people watching throughout the City to have a better understanding as to how they could apply for some of this grant money.

Miriam Carrillo, Director, Office and Housing and Urban Improvement (OHUI), responded that once the grant

agreement is approved by the Commission, the City should hear back from the agency within thirty (30) days. The waiting list will be opened for the residents on November 8, 2019. Next, an application can be done for the funds made available. She explained the funding will be for roof, windows and doors only for mitigation. In the past, the City has received this funding, however, at this time it is \$194,000, but the faster these funds are utilized, the more moneys will be offered to the City, because she has always been seeking to get more funding for the City. Additionally, Community Development Block Grant will also be available at this time.

Continuing, Ms. Carrillo indicated that she will actually post a notice in the newspaper, which she will do tomorrow after the City Commission approves the item. Also, she posts notices in the lobby of City Hall, and all the City's Community Centers and so forth.

Mayor Hardin stated that people can go to the OHUI on the second floor of City Hall, starting November 8, 2019, when people can get on the list. It is a great project to retrofitting their homes that is roofs, windows, and garage doors, and Ms. Carrillo has done a tremendous job in getting more than just the grant funds.

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

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

**Enactment No: RES. No. 2019-280**

7. [19-699](#) 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 BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR THE OLD POMPANO STREETScape PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,000,000 / BRP Grant was authorized by the City Commission on September 8, 2017.)

(Staff Contact: Miriam Carrillo)

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

**Enactment No: RES. No. 2019-281**

8. [19-713](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FERNBROOK FLORIDA, LLLP, TO INSTALL AND MAINTAIN A MONUMENT SIGN LOCATED IN THE RIGHT-OF-WAY ADJACENT TO 730 N. OCEAN BOULEVARD; 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. 2019-282**

9. [19-714](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MARINEMAX EAST, INC., TO INSTALL, OPERATE AND MAINTAIN TWO GROUNDWATER MONITORING WELLS LOCATED IN THE SE 7TH STREET RIGHT-OF-WAY; 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. 2019-283**

10. [19-717](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PERPETUAL EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; 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. 2019-284**

11. [19-733](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOW INCOME POOL LETTER OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFERS (IGT) AND SUPPLEMENTAL PAYMENT PROGRAM FOR MEDICAID MANAGED CARE PATIENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED AGREEMENTS OR DOCUMENTS TO PARTICIPATE IN THE SUPPLEMENT PAYMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$250,000 is the fiscal impact for FY 2020; however, the City would be eligible to recover approximately \$644,450.)

(Staff Contact: John Jurgle)

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

**Enactment No: RES. No. 2019-285**

12. [19-740](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HURRICANE AND DISASTER DEBRIS REMOVAL AND DISPOSAL INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TOWN OF LAUDERDALE-BY-THE-SEA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchum)

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

**Enactment No: RES. No. 2019-286**

13. [19-730](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING QUENTON THOMPkins, SR. TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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



**Perkins, to APPROVE/ADOPT the item under the Consent Agenda.  
The motion carried unanimously.**

**Enactment No: RES. No. 2019-287**

14. [19-731](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **FREDERIC CONWAY** TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BARRY MOSS; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-288**



**F. REGULAR AGENDA****QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 15-21 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.

**Mayor Hardin asked for a motion to take item 19 out of order.**

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to take Item 19 out of order for discussion at this time. The motion carried unanimously.**

15. [19-674](#) **P.H. 2019-121: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A FIVE-FOOT WATER EASEMENT LOCATED PARALLEL TO THE WESTERN BOUNDARY OF A PARCEL LOCATED WEST OF I-95 ON THE SOUTH SIDE OF NW 15TH STREET, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 10, 2019**

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

Jean Dolan, Development Services Department, presented the item and stated that it is a second reading of an ordinance to abandon a five-foot-wide water easement at 1200 NW 15th Street, and there have been no changes since first reading.

Comr. Perkins is aware this is the second reading but she is still concerned about the project as it relates to Markham Elementary School. The square footage of this project will be doubled but her concerns are with the in and out of traffic that will be generated from this industrial building, which is a block away from the School. She will vote no on this project.

**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 roll call vote:**

**Yes:** Eaton

McGee

McMahon

Moss

Hardin

**No:** Perkins

**Enactment No: ORD. No. 2019-106**

16. [19-683](#) **P.H. 2019-123: (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 B-3/PCI (GENERAL BUSINESS/PLANNED COMMERCIAL/ INDUSTRIAL DISTRICT), I-1/PCI (GENERAL INDUSTRIAL/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT), AND CR (COMMERCIAL RECREATION) TO 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 10, 2019**

**(Staff Contact:** Max Wemyss/David Recor)

Jim Hickey, Consulting Planner, Calvin Giordano, Associates, 1800 Eller Drive, Fort Lauderdale, FL, stated that they received an update of the plan on September 12, 2019, and a revised application along with the attachments is shown in the Administrative Memo 19-260, which is attachment 2. There are a number of changes that needed to be made mostly minor in nature. The updates include the application revised Exhibits O1 and U and these were done at first reading. In addition, there are additional Exhibits F, L, M, M2, N, O, P and Q, a new Exhibit M3 which is a consolidated phasing plan that helps to put all the different exhibits into place. This will provide a good understanding of what will happen when those larger structures go in and the requirements will be when they do come in. There were some changes to six of the nineteen deviations that they are requesting, which were changed and updated. Based on that and the revised submittal, staff believes the PCD application including the exhibits and the conditions of project implementation meets the criteria set forth in Chapter 156 to approve the application.

Debbie Orshefsky, Esq., on behalf of the applicant, 515 East Las Olas Boulevard, Suite 1200, Fort Lauderdale, FL, along with Abraham Rosenthal were available to answer questions.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, indicated that the extra units requested by the applicant is unimaginable to him. As was stated by the Cordish Group previously, without this density they cannot make it happen. Mr. Drum would agree with the original number of units they wanted but this is way too big. Therefore, for the good of Pompano Beach, he does not think these should be allowed.

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

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

**Enactment No: ORD. No. 2019-107**

17. [19-678](#) **P.H. 2019-124: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ENACTING A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF ALLOWING OR PERMITTING THE CONSTRUCTION OF ADDITIONAL SELF-STORAGE FACILITIES IN THE CITY; PROVIDING FOR VESTED RIGHTS DETERMINATION; PROVIDING FOR A SIX MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 10, 2019**

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that this is the second reading of an ordinance for a moratorium for a term of six months, to prevent any new self-storage facility applications, while staff evaluates the appropriate course of action and returns to the City Commission with recommendations.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that by trying to limit this, only one segment of the market is being identified to be controlled by the City. This is a free enterprise system and there are rights for each industry and the businesses in the community. Therefore, to specifically look at one and focus on one industry and limit it, is discriminatory and anti-competitive. He urged the City Commission not to

look at just one industry, because the market should decide instead of the Commission.

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

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

**Enactment No: ORD. No. 2019-108**

18. [19-712](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SUMMAN WESTERN INVESTMENT PLAT LOCATED WEST OF NW 31ST AVENUE, APPROXIMATELY 500 FEET NORTH OF WEST ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated the applicant is requesting plat approval entitled the Summan Western Plat. The agent, Shane Laakso of Keith and Associates is representing the property owner Summan Western Investment Inc. The property is located at 451 NW 35th Avenue, which is on the westside of NW 31st Avenue, approximately 850 feet north of Atlantic Boulevard. The 3.09 acres property is currently vacant with the exception of the cell tower and an associated ninety-foot square foot utility building, which will both remain after the development of the site. The plat restricts the property to a maximum of 120,000 square feet of self-storage use, and has vested rights to move forward with the self-storage unit use as contemplated in the proposed moratorium language, because the platting process started prior to approval of the proposed moratorium on the self-storage use.

Continuing, Ms. Dolan indicated that the property was previously included in a land swap that required a tri-party agreement and included this property owner to accomplish the access from NW 31st Avenue into the eleven-acre park in Palm Aire North. The Planning and Zoning Board reviewed the plat on July 24, 2019, and was unanimously recommended for approval.

Phyllis Smith, President of the Collier Civic Association, 2437 NW 4th Court, Pompano Beach, FL, stated that the Civic Association was not aware of the request for self-storage and there are several of these units within less than a quarter mile. Therefore, there are enough self-storage buildings in the community. She requested that the City Commission defer voting on this until the applicant has an opportunity to bring this before the residents of Collier City.



Michael Vonder Meulen, Keith & Associates, Pompano Beach, FL, indicated that this is the first of many of the processes that the project will go through. This is the plat taking the metes and bounds legal description of the property and taking it through the City and County processes, to allow them to go through the site plan approval process and through the building permit process. Therefore, the plat being essentially a paper document showing the corners of the property, they will meet with the community once the plat is approved and the site plan is fully developed.

Vice Mayor Moss indicated that out of respect to the Collier City community, he asked for a postponement of the item until they have had an opportunity to meet with the residents of the community, which should have been the first thing to do and not after getting "some goodies in the basket" then go to the community.

A motion was made by Vice Mayor Moss, seconded by Comr. Perkins, to postpone the consideration of hearing the item until November 12, 2019 or until such time that they have met with the Collier City residents. This is not a disapproval but a postponement until they meet with the community prior to bringing it before the Commission. The motion carried unanimously.

Mark Berman, City Attorney, respectfully reminded the Commission that the plat process is purely ministerial in nature not discretionary. Once a party complies with the legal requirements, the courts have held that there is no discretion in government authority to refuse approval of that plat.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be POSTPONED until the November 12, 2019, City Commission meeting. The motion carried by the following vote:**

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

19. [19-716](#) **P.H. 2019-131: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FIFTY EIGHT (58) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWESTERN CORNER OF SOUTH PALM AIRE DRIVE AND SOUTH POWERLINE ROAD; PROVIDING AN EFFECTIVE DATE  
(Fiscal Impact: N/A)

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

Mayor Hardin declared that he received numerous letters and emails concerning this matter pro and con for the



project.

Comr. Eaton declared that she also received numerous letters and emails concerning this matter pro and con for the project.

Comr. McGee declared that she received emails concerning the project.

Comr. McMahon declared that he received emails in reference to the project.

Vice Mayor Moss declared that he received emails in reference to the project.

Comr. Perkins declared that she received emails in reference to the project.

Jean Dolan, Development Services Department, presented the item and stated that the flex allocation application request is for 59 flex units and is being made by Joe Usman of Usman Palm Aire LLC for the 1.3-acre property at the southwest corner of Powerline Road and South Palm Aire Drive. She then described the position of flex unit necessity, which was not the allocated units when the 10,631 units created by the Palm Aire dash line (-) Land Use designation were allocated to the various development parcels within the original Palm Aire master plan. Palm Aire is within the City's flex receiving area and is eligible for flex units. The requested 59 units is consistent with the RM-45 zoning of the property, and will fit on the site within a six-story building as shown on the conceptual site plan.

Continuing, Ms. Dolan explained the developer's intent to buy out the affordable housing requirement associated with the allocation of flex units. There are two unique conditions of approval for the flex units that came out of the public input received from the community. One is for a traffic study to ensure that there are not dangerous conditions created on the "S" curve associated with the adjacent segment of South Palm Aire Drive. The other condition is to provide a sidewalk that connects the County greenway system along the canal, south of the property. The applicant agreed to both conditions and to build the units in conformity with the conceptual site plan attached to the resolution. The flex allocation was recommended for approval by the Planning and Zoning Board (P&Z) on June 25, 2019.

Robert Hartsell, Esq., 61 NE 1st Street, Pompano Beach, FL, representing Usman Palmaire LLC, stated that the owner representative, Ghulman "Joe" Usman is available to answer any questions regarding the project. He stated that prior to seeking approval of 58 flexible or reserve units for the property located at 1001 SW 26th Street, the property has no allocated units, so the owner cannot do anything with the property. The flex units were made available through an agreement with those property owners within the dash line (-) that they would be able to apply for these units to get a buildable use out of the property. He stated that currently, there is no viable use for the property, which the owner has for five years and has continued to maintain the property, and has donated part of the property back to the City's utility department, in order to put a pump station for sewage for the rest of the Palm Aire development. He has also developed certain parcels along Powerline Road, which are attractive office buildings and this development will be similar to the Mediterranean style of those office buildings.

Continuing, Mr. Hartsell indicated that the process they have gone through to date involves meetings with Vice

Mayor Moss and residents of the nearby condominium associations, and most of their questions were answered. They had a follow up call and the residents wanted to see a diagram of what the proposed building would look like, which was provided. In addition, Mr. Usman visited the City Clerk's office to check if there were any disagreement letters, which was not available for his review. A copy of Mr. Hartsell's presentation is attached as **Exhibit II**.

Mr. Hartsell requested to do a rebuttal after the public speaks.

The following persons spoke in opposition of the project and provided his/her reasons for opposing it:

- 1) Alan Schechter, 2851 Palm Aire Drive South, Pompano Beach, FL. - Plans are not drawn to scale, parking will not be sufficient for the number of proposed units. Currently there are fully grown trees that provide shade and some sound blockage, which the project will destroy, as well as the property is part of the County greenway. In addition, there will be increased traffic on Palm Aire Drive South, which provides ingress and egress to the areas west of the C-14 Canal.
- 2) Mary Corlin, 3001 South Course Drive, Pompano Beach, FL. - There is not enough room in the area from her estimation of 116 people for the proposed units. The location is unsafe for children that may occupy the units, the width of the path is not enough for the building, parking, etcetera. Viability of putting a project of such a size and nature into a postage stamp size area is scary. Not a good location.
- 3) Marc Sacks, 2651 South Palm Aire Drive, Pompano Beach, FL. - The located area for the project is well walked and bicycled, and traffic will increase in the area thus increasing the potential for accidents. The property is along the "S" curve and is a dangerous area for these types of units and with additional cars there will be additional exposure for incidents to happen. There will be increased traffic flow from the Isle Casino. The proposed Mediterranean look does not go with the consistency of the Palm Aire neighborhood. Public safety is at risk because of the additional cars on the property, as well as public enjoyment is jeopardized because of the removal of the green space and the greenway. The project is too large for the area and a ten unit would be a better fit.
- 4) Patricia Rice, 2901 South Palm Aire Drive, Pompano Beach, FL. - Attended the April 10th meeting with Mr. Usman, Vice Mayor Moss and members of the Palm Aire Condo Associations I, II and III. They expressed concerns regarding the density of the area, parking, and traffic. The entrance at Powerline Road and South Palm Aire Drive has always been hazardous. Speeding is another issue in the area, the ingress and egress of the property for the project is at a dangerous place in the road, the Broward Cypress Greenway runs through it and there is no way for the greenway to continue. There are no property taxes paid by Mr. Usman because the land is valued at \$10. The upcoming developments of the Isle and the Lockhart stadium will also contribute to traffic in the area.
- 5) David Miller, 2621 NW 13th Street, Pompano Beach, FL. - He supports greenspace but the term flex was a bit confusing for him. He likes greenspace more than buildings. Therefore, he would prefer to see the attractions and the traffic control prior to more housing. While he supports housing for the workforce he does not support density.

- 6) Tom Drum, 2700 NE 8th Street, Pompano Beach, FL. - This goes back to the density and there is another item on the agenda that will add approximately 2,000 residential units, and so with this postage stamp parcel, this is too big of a project for the land space available.
- 7) Carlos Saldias, 2551 South Palm Aire Drive, Pompano Beach, FL. - The proposed project has contributed to the City's major growth drive, but if sustainable it can be good. This will add to an already dangerous traffic condition, noise level would increase, and unsafe speed conditions increased. Construction of residential property without reasonable setbacks would compromise the safety of the residents and negatively impact the narrow South Palm Aire Drive road. The proposed building will detrimentally impact the safety and quality of life of the residents in and around the surrounding area.
- 8) Michael Syphert, 2501 South Palm Aire Drive, Pompano Beach, FL. - The proposed project roof top takes up the same amount of space of the building across the street and there are sixteen people in those units for the same amount of space being proposed for 54 units, therefore, parking will be an issue, the current walking path will be taken away that is utilized by everybody, no place for trash, and it will decrease everybody's property value.
- 9) Rene Kageff, 3301 South Palm Aire Drive, Pompano Beach, FL. - He enquired what will happen if all 50 plus units are not sold, if not, in big developments similar to the proposed project it will become an eye sore later. Also, this will cause increased traffic and accidents, which the area is known to have these issues. Proposed density will not be good.
- 10) Soraya Fayad, 3301 South Palm Aire Drive, Pompano Beach, FL. - As a real estate broker in Florida and New York, she indicated that this place will be crowded, and trees, openness, and quiet will be jeopardized. If they put up units to accommodate kids they will be across the street from a liquor store.
- 11) Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL. - Surmised that there are approximately eight persons who spoke against the project development to include a realtor. Also, property value will be impacted.

Ms. Corlin, who spoke earlier, stated that one person estimated the size of the parcel to be 250 x 500 feet, which is double/triple what the actual measurements are. She assumed that the biking and running path will be taken away. The project will be 25 to 30 feet too deep if it is a County item and the path is retained. Given the path measurements it would be about 120 x 370 feet for the full parcel, and for the 120 feet parking will need to be accounted for, ingress/egress to the parking, the ten-foot buffer, the building itself, as well as another buffer beyond that, which is estimated to be 125 feet depth. She concluded that she did not see a survey that indicates the full depth and width of the property, which she would like to see.

Mr. Hartsell provided his rebuttal and indicated that very valid points were raised. As it relates to parking, it is decided by the City and they will provide as many parking spaces according to City code. Otherwise, the site plan and building permit will not be approved. As far as the traffic analysis, there will be 4,000 units going up across the street. Nevertheless, they will do a traffic study prior to approval of the site plan, which is a condition of the flex unit approval. Also, the aesthetics comes at the site plan stage, not at the allocation of



units' stage. The diagram being presented are conceptual drawings, but by the time it comes out it will ultimately be what the City Planning and Zoning Board will approve. The density is not decided by the developer but by what the City designates. Currently, the property is designated at RM-45 and it is 1.3 acres in size.

Joe Usman, 61 NE 1st Street, Pompano Beach, FL, stated as it relates to being artistic, he has built prior buildings in the City and they are some of the nicest buildings in the area. The one in Palm Aire 55, is the nicest building in Palm Aire. As it relates to zoning, it is not a postage stamp, but it is 1.3 acres for all 56,000 square foot. He is not asking for any more units than are required in the zoning district. There is not an issue with the parking because they have met the City's code parking requirements. As it relates to traffic, there will be over 2,000 units built across the street from the proposed project and a proper traffic study will be done. Mr. Usman concluded that they are not asking for any more than they are entitled to have. He concluded if they are asking for more than allowed, he will be willing to make a park out of the parcel.

Vice Mayor Moss disclosed that he has had several meetings with the developer and members of the community on a number of occasions and have thoroughly discussed this issue. He is not anti-development and has expressed this throughout the five years he has been sitting as a commissioner. He is for development when it serves a good purpose and enhances the community. He believes this project does neither. He agrees with his constituents that this is much too big of a building on a much too small of a lot. In terms of the traffic, there are some concerns as there are seven entrances into Palm Aire with over 6,832 units in the area, therefore, to add any additional traffic is going to be a burden on the community.

Finally, Vice Mayor Moss expressed concern about the flex units. He then provided a definition of flex units and indicated that these are the tools that municipalities make available to developers to add extra density, when it serves the purposes of the community, when it adds to the betterment, beauty, and the economic viability of the community, which this does not do any of that. It is just too much on too little. Therefore, he will not vote for the item. He recognizes that Mr. Usman has the right to develop the property but not with the proposed project.

Comr. McGee enquired if these will be condominiums or rentals.

Mr. Hartsell responded they will be condominiums, with an estimated square footage of 1,200 to 1,500. One bedroom will be 850 square feet and two bedrooms will be 1,200 square feet.

Comr. McGee understands the parking is set by City code, but wanted to make an observation because it appears some of the projects have been coming through the parking ratio set up do not mimic reality of how people drive and live. It is concerning not only with this project but a few more as well. If staff could look at the code for units and perhaps re-examine that versus how people live today with working and driving.

Comr. Perkins stated that most people who spoke earlier are against the project and asked if there was anyone in the audience that would support the development. Approximately two persons, the developer and his attorney.

Mayor Hardin indicated that most of the issues that speakers were mentioning were not germane to the discussion because those will be handled at site plan further on in the process. Parking requirements will be

handled per the City code. In reference to trees being destroyed, the City does take tree canopy very seriously, as well as tree preservation. If trees get destroyed, they will be replaced with similar kind or better.

Mayor Hardin asked if the walking/jogging path greenway belongs to the county.

Mr. Usman responded that it is a county greenway and it will be a complement to the county's greenway. They will not be taking any walkways and will be working within their own property lines.

Mayor Hardin understands that they will be working on a traffic study. The greenway will be maintained because it belongs to the County. Also, he said apartment versus condominium is not germane to the discussion about flex units. While he is not supporting or defending anybody, the discussion is really about the granting of the units.

Comr. Eaton asked about the height and the flexibility for this and what is the allowable maximum height.

Mr. Hartsell responded that they are only six stories and it is zoned for ten, but they have reduced it to six.

Comr. Eaton asked if there is a proposed new traffic intersection or light to come on Powerline Road.

Ms. Dolan responded that the Regional Activity Center to be discussed later have some right turn lanes into their property, but there are no new intersections or traffic lights proposed.

Comr. Eaton indicated that if someone has a right to a use on a property and they meet the criteria it is an expensive proposition for the City or one in vain. It is considered a taking and there have been smaller parcels that come before the Commission and according to Exhibit B in the backup, the total lot coverage allowances is only 60% of the property and is not allowed to do any larger lot coverage. The project is presented to scale and verified by City staff. The applicant does not have the ability to "trick" City staff. She believes the project could fit on the parcel of land, and reiterated that the property owner has a vested right and meets the criteria. In a court of law the applicant would likely win.

Vice Mayor Moss disagreed with Comr. Eaton and explained his reasons. As it stands now, Mr. Usman does not have the right.

Mr. Hartsell explained inside the dash line (-) the units were taken away some years ago, within Palm Aire. Some parcels were left out and as part of the settlement agreement they agreed to allow some flex or reserve units to fill in those spaces with urban infill type units, in the public interest to provide residential housing or commercial or an inner mix. He said the flex units cannot go just anywhere. They are designed to go within the (-) line.

Mr. Usman elaborated on Mr. Hartsell's comments and indicated that they were given 900 plus units but it was given to someone else that did not have the zoning without asking them.

Ms. Dolan provided clarification regarding entitlements. She explained that the property has never had residential entitlements. When the 10,631 units were distributed through the settlement agreement that was



mentioned earlier, they were put on specific development parcels. This was not considered a development parcel so it was not assigned units. However, flex units are a totally different thing and is used citywide when people want to request either additional density or to do mixed use on a Commercial Underlying Land Use. They are within their rights to ask for flex units on this piece, but there are no vested rights.

Vice Mayor Moss then provided a background on the issue regarding the 900 units after two of the golf courses were closed.

Comr. Eaton enquired how a piece of property can be zoned RM-45, with 45 residential units per acre and not have those number of units.

Ms. Dolan indicated that she has always tried to explain this issue, and provided an extensive explanation on the background surrounding the land use plan and entitlements, as well as the broadly painted RM-45 zoning for the Palm Aire location.

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

**Yes:** Eaton

**No:** McGee  
McMahon  
Perkins  
Moss  
Hardin

20. [19-708](#) **P.H. 2019-129: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A SIX-FOOT UTILITY EASEMENT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SW 2ND PLACE AND SW 14TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that the applicant is requesting to abandon a six-foot wide utility easement for Southern Grouts and Mortars Inc., located at 1502 SW 2nd Place. The easement is an "L" shaped area within the parcel located on the northwest corner of SW 2nd Place and SW 14th Avenue. It has been determined that the easement is no longer necessary and the abandonment was recommended for approval by the Planning and Zoning Board at their meeting on May 22, 2019. The conditions of approval have been met.

**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

21. [19-719](#) **P.H. 2019-130: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING EAST OF NORTH OCEAN BOULEVARD AND SOUTH OF NE 12TH STREET AND COMMONLY KNOWN AS 1116 N. OCEAN BOULEVARD FROM RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) BY MODIFYING THE CURRENT APPROVED PLANNED DEVELOPMENT (PD) PLAN; PROVIDING FOR APPROVAL AND CONFORMANCE TO THE PD PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** David Recor/Scott Reale)

Jim Hickey, Consulting Planning with staff, Calvin Giordano Associates, presented the item and stated that this is a request to amend an approved Residential Planned Unit Development (RPUD) development order, which was approved by Ordinance 2012-10. It is a 2.9 gross acre property located at 1116 North Ocean Drive, on the eastside of A1A just north of 11th Street. Initially rezones RPUD in 2001, and part of that ordinance was a requirement that they develop it in a timely manner, which did not happen, so it reverted to the RM-45 HR zoning. In 2010, they came back for another RPUD and this is a revision, which is the third time that this property is appearing before the Commission. In 2012, there was an approval for density of 45 units to the acre. This modification includes reducing the number of towers from two to one, reducing the number of units from 130 to 105 units and that reduces the overall density from 45 units to the acre, which is the previous approved in 2012, to the current proposal that is 36 units to the acre. The applicant is reducing the podium from a three story to two stories. The impervious area is being reduced as part of the plan. The height of the building is requested to be increased from 170 feet to current proposed of 230 feet. They are requesting a maximum of 20 stories with two stories for the podium and eighteen stories dedicated to residential.

Continuing, Mr. Hickey indicated that adjacent properties to the north is the Marriott Hotel, which is eight stories and Century Plaza to the south is fourteen stories. There are two proposed deviations requested. First, there is a ten percent reduction in the required parking. The second is that the RPUD does require five acres in the code, which was waived in the previous 2012 approval, but they are bringing this request in because the site is less than the five acres.

On July 24, 2019, the Planning and Zoning Board (P&Z) unanimously recommended approval of it subjected to two conditions of approval. One is a dedicated public beach access, to be located on the southside of the property and to be recorded in the Public Records of Broward County. The other is an airpark obstruction approval, which was approved at the P&Z meeting. They had provided some renderings, which is not required as part of the application.

Finally, Mr. Hickey stated that a memo with additional graphics was submitted earlier to the City Commission, as well as a link to the documents, which will be updated and changed for the second reading.

Robert Lochrie, Esq., representing the applicant provided a quick overview. This is an existing RPUD, and there is an existing site plan in effect on the property. Through this process, they are coming before the Commission to make some modifications to bring a superior building to the site, as well as to make some other modifications, which will be more beneficial to their neighbors. He identified the specifics as, 1) Reducing the total number of residential units on the site from 130 to 105, which also reduces the density on the site from the 45 units per acre down to 36. 2) Reducing the total square footage of saleable area within the building, 3) They are increasing the previous green area by 26%, which is decreasing the number of areas covered by buildings and pavements. 4) They are reducing the number of towers on the site from two to one tower, as well as increasing the setback of the actual towers from both the east side and the west side. Currently, the tower is center on the site. 5) The podium itself is being reduced on A1A from three stories to two stories. Additional landscaping and amenities will also go on top of the area towards A1A. On the east side against the beach instead of a three-story podium the new proposal will get rid of that entirely and brings the lobby and amenity deck completely down to the beach level. Finally, Mr. Lochrie indicated that they read staff report and are in agreement with all the conditions.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if anything would be done with the sidewalk on the street of A1A, which he likes it as is and people have been using it for jogging.

Joseph Spinozzi, 1012 North Ocean Boulevard, Pompano Beach, FL, stated that he is representing himself as an owner/resident, but he is also on the board and the Vice President of the Community Association Board at the Century Plaza. His concern is the line of sight from the building. He said there are catwalks on his building. However, he wanted to ensure that the depth of the building is such that it does not restrict his line of sight from the west part of the building. From the rendering there appears to be a shadow oversight of his building. Therefore, he wants to ensure his and his fellow neighbors' values are not compromised.

Comr. McGee disclosed that she met with the applicant in the past to see what they wanted to do. She enquired as to the unit mix from one to twos.

Mr. Lochrie responded that currently it is two and three bedrooms and the unit mix specifically is 51 two-bedrooms and 54 three-bedrooms.

Comr. McGee indicated as it relates to parking they will need much more than the zoning requires. In addition, comprehensive parking needs to be considered in the future by the City.

Mr. Lochrie confirmed that a shadow study was done for the building and was included in the backup. There is no additional shadow on the south of the property.

### Meeting went into Recess

**A motion was made by Commissioner Perkins, seconded by Commissioner McGee, 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**

22. [19-709](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HARDRIVES OF DELRAY, INC. DBA HARDRIVES, INC. TO PROVIDE ANNUAL CONCRETE PAVING SURFACING; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$810,000)

(Staff Contact: Robert McCaughan)

### Meeting Reconvened

Robert McCaughan, Public Works Director, presented the item and stated that the item is requesting the City Commission to approve reinstating the contract with Hardrives of Delray, Inc., and upon approval of reinstating the contract, to allow for approval of a first amendment to that contract. He then provided the reason for the reinstatement. The amendment will establish a new termination date of a one-year term, which will be July 23, 2020, and it will add two - one-year options to the contract.

Mayor Hardin enquired whether it is the Annual Concrete Surfacing or is it paving.

Mr. McCaughan confirmed it is just terminology, because it is asphalt concrete but it is not concrete it is black asphalt for the repaving of the streets.

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

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

**Enactment No: RES. No. 2019-289**

23. [19-650](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG BROWARD COUNTY AND PARTICIPATING MUNICIPALITIES REGARDING A COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Unknown at this time.)

(Staff Contact: Russell Ketchem)

Russell Ketchem, Solid Waste Manager, presented the item and stated that this is a proposed Memorandum of Understanding from Broward County and it pertains to a countywide solid waste system for future studies.

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

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

**Enactment No: RES. No. 2019-290**

24. [19-633](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SEA TURTLE LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE



DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019 & SEPTEMBER 24, 2019**

(Staff Contact: Horacio Danovich)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

25. [19-632](#) **P.H. 2019-120: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.02 "PROHIBITED ACTS," TO PROVIDE ADDITIONAL RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 10, 2019**

(Staff Contact: Mark Beaudreau)

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

**Yes:** Eaton

McGee

McMahon

Perkins

Moss

Hardin

**Enactment No: ORD. No. 2019-109**

26. [19-684](#) **P.H. 2019-118: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," BY AMENDING SECTION 100.01, "MINIMUM RIGHT-OF-WAY, FOR CONSISTENCY WITH BROWARD COUNTY REQUIREMENTS; AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.61, "REDEVELOPMENT AND

FLEXIBILITY UNITS," TO MODIFY REQUIREMENTS AND CORRECT A SCRIVENER'S ERROR; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY FEE SCHEDULE; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO REFERENCE THE FEE AMOUNT PER UNIT, DEED RESTRICTIONS, AND PERIOD OF TIME; BY AMENDING SECTION 155.2101., "SUMMARY TABLE," SECTION 155.2202., "CITY COMMISSION," SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)," AND BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2207., "CITY STAFF," SECTION 155.2301., "PRE-APPLICATION CONFERENCE," SECTION 155.2304., "STAFF REVIEW AND ACTION," AND SECTION 155.2305., "PUBLIC HEARING SCHEDULE AND NOTICE," TO MODIFY PROCEDURES AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2307., "DECISION-MAKING BODY REVIEW AND DECISION," SECTION 155.2308., "POST-DECISION ACTIONS AND LIMITATIONS," AND SECTION 155.2401., "OVERVIEW," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2402., "TEXT AMENDMENT," TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2403., "GENERAL ZONING MAP AMENDMENT (REZONING)," SECTION 155.2404., "SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)," SECTION 155.2405., "PLANNED DEVELOPMENT," SECTION 155.2406., "SPECIAL EXCEPTION," AND SECTION 155.2407., "SITE PLAN," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2409., "CERTIFICATE OF APPROPRIATENESS," SECTION 155.2410., "PLAT," AND SECTION 155.2411., "TREE PERMIT," TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," SECTION 155.2414., "ZONING USE CERTIFICATE," SECTION 155.2415., "INTERIM USE PERMIT," AND SECTION 155.2416., "MASTER SIGN PROGRAM," TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO CLARIFY THAT ADJUSTMENTS SHALL NOT BE USED TO CORRECT UNAUTHORIZED WORK, AND CLARIFY PROCESS FOR APPROVAL OF A MAJOR ADMINISTRATIVE ADJUSTMENT CONCURRENT TO A MAJOR SITE PLAN, AND REMOVE OR MODIFY INACCURATE REFERENCES, AND PRIORITIZE SUPERIOR DESIGN AND OBJECTIVES OF EACH APPLICABLE ZONING DISTRICT; BY AMENDING SECTION 155.2422., "AIR PARK OBSTRUCTION PERMIT," TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2423., "INTERPRETATION," SECTION 155.2424., "APPEAL," SECTION 155.2427., "PLACEMENT ON LOCAL REGISTER OF HISTORIC PLACES," AND SECTION 155.2428., "DEVELOPMENT

AGREEMENT," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2430., "RIGHT-OF-WAY OR EASEMENT DEDICATION ACCEPTANCE," TO AUTHORIZE THE CITY MANAGER TO ACCEPT DEDICATIONS AND MODIFY REFERENCES; BY AMENDING SECTION 155.2431., "RIGHT-OF-WAY EASEMENT VACATION OR ABANDONMENT," SECTION 155.2432., "REASONABLE ACCOMMODATION," SECTION 155.2433., "NONCONFORMING CERTIFICATE," AND SECTION 155.2434., "COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE," TO MODIFY REFERENCES; BY CREATING SECTION 155.2435., "PUBLIC PURPOSE ADJUSTMENT," TO PROVIDE A MECHANISM TO PROVIDE FOR RELIEF TO PUBLIC PROJECTS THAT COMPLY WITH THE PROVIDED ADJUSTMENT STANDARDS; BY CREATING SECTION 155.2436., "COMPREHENSIVE PLAN MAP AMENDMENT," TO PROVIDE PROCEDURES AND REFERENCES; BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," AND SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," TO MODIFY EXAMPLES; BY AMENDING SECTION 155.3501., "TRANSIT-ORIENTED (TO)," TO MODIFY REFERENCES AND BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.3502., "PARKS AND RECREATION (PR)," SECTION 155.3503., "COMMUNITY FACILITIES (CF)," SECTION 155.3504., "PUBLIC UTILITIES (PU)," AND SECTION 155.3505., "TRANSPORTATION," TO MODIFY REFERENCES; BY AMENDING SECTION 155.3507., "LOCAL ACTIVITY CENTER (LAC)," TO CREATE A PROCESS FOR THE APPROVAL OF MASTER PLANS AND SITE PLANS SPECIFIC TO THIS ZONING DISTRICT; BY AMENDING SECTION 155.3603., "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)," TO ADD PARKING DECK OR GARAGE DESIGN STANDARDS TO MODIFICATIONS PROHIBITED; BY AMENDING SECTION 155.3604., "PLANNED COMMERCIAL/INDUSTRIAL (PCD)," SECTION 155.3605., "PLANNED DEVELOPMENT - TRANSIT-ORIENTED (PD-TO)," AND SECTION 155.3607., "PLANNED DEVELOPMENT - INFILL (PD-1)," TO PROHIBIT ADDITIONAL MODIFICATIONS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY REFERENCES AND STANDARDS, AND TO REMOVE REQUIREMENTS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPAÑO BEACH (DP) OVERLAY DISTRICT," TO CLARIFY REQUIREMENTS; BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO CLARIFY THE DISTRIBUTION OF DENSITY WITHIN A DEVELOPMENT PARCEL, AND MODIFY REFERENCES AND REQUIREMENTS IN THE USE TABLE TO THE PR ZONING DISTRICT, AND TO INCLUDE FAMILY COMMUNITY RESIDENCE AND TRANSITIONAL COMMUNITY RESIDENCE WITHIN THE RM36 USE AREA, AND TO REMOVE AND REPLACE THE STREET NETWORK CONNECTIVITY REGULATING PLAN, AND TO REMOVE AND REPLACE THE STREET DEVELOPMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD LIVING USES," TO ADD PERMITTED USES AND STANDARDS; BY AMENDING SECTION 155.4204., "INSTITUTIONAL: COMMUNICATION USES," TO CLARIFY

SCREENING REQUIREMENTS; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY DEFINITIONS AND STANDARDS FOR CONSISTENCY WITH STATE REQUIREMENTS AND THE CITY'S CODE; BY AMENDING SECTION 155.5101., "ACCESS AND CIRCULATION," TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND TO RELOCATE STANDARDS TO ARTICLE 5, PART 10; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND SIMPLIFY CODE LANGUAGE, TO ADD USES AND REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO ADD MISSING ZONING DISTRICTS AND SIMPLIFY CODE LANGUAGE AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.5301., "SCREENING," TO CLARIFY SCREENING REQUIREMENTS AND SIMPLIFY CODE LANGUAGE; BY AMENDING SECTION 155.5302., "FENCES AND WALLS," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.5401., "GENERAL EXTERIOR LIGHTING STANDARDS," TO CLARIFY APPLICABILITY; BY AMENDING SECTION 155.5509., "UTILITY LINES LOCATION," TO AUTHORIZE PARTIAL COMPLIANCE WHERE PRACTICABLE; BY AMENDING SECTION 155.5602., "COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS," TO PROVIDE FOR ADMINISTRATIVE DISCRETION; BY AMENDING SECTION 155.5605., "PARKING DECK OR GARAGE DESIGN STANDARDS," TO APPLY DESIGN STANDARDS TO ALL PARKING GARAGES; BY AMENDING SECTION 155.51003., "STANDARDS," TO INCLUDE LANGUAGE REMOVED FROM ARTICLE 5, PART 1; BY AMENDING SECTION 155.7502., "APPLICABILITY," TO MODIFY REQUIREMENTS FOR CONSISTENCY WITH ADOPTED LANDSCAPE CODE AMENDMENTS; BY AMENDING SECTION 155.9402., "EXCEPTIONS AND VARIATIONS," TO REORGANIZE STANDARDS AND CLARIFY EXCEPTIONS; BY AMENDING ARTICLE 9, PART 5, TERMS AND CONDITIONS," TO MODIFY DEFINITIONS; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO ADD PERMITTED USES; BY AMENDING APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS, TO MODIFY REFERENCES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO REFLECT ALL AMENDMENTS; AMENDING CHAPTER 156, "SIGN CODE," BY AMENDING SECTION 156.03, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 156.08, "OVERLAY DISTRICTS," AND SECTION 156.12, "PROHIBITED SIGNS," TO MODIFY REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 10, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

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



a second reading of an ordinance adopting text amendments to streamline the City's codes and policies primarily to Chapter 155 Zoning. However, there are some corresponding amendments associated with Chapter 100, 154, and 156. The majority of the revisions are to modify cross references, footnotes, headings, preferences/terms, and clarify current policy. It also includes new and revised procedures related to building design reviews, right-of-way dedications, public purpose adjustments, the Local Activity Center (LAC) zoning district, allowable locations of single-family, and two-family dwellings. This has been reviewed through the P&Z Board, the Economic Development Council, and City staff as well as it received Commission approval at first reading.

Staff has submitted Memorandum 19-281, since the first reading and staff is recommending that one line of the code be removed.

Currently, there is a minor administrative adjustment process, which allows provision of zoning relief in cases that meet certain criteria. The amendments currently propose to eliminate the City's ability to use the process when there are structures that were constructed without a permit. Prior to second reading, if allowed by the Commission, staff would like to remove that limitation to allow use of that process when it is appropriate and meets the criteria within the code.

Mark Berman, City Attorney, advised that the record would show approved as amended.

**Motion was made by Comr. McGee, seconded by Comr. Eaton to approve the item as amended.**

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

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

**Enactment No: ORD. No. 2019-110**

**27. [19-487](#) P.H. 2019-89: (PUBLIC HEARING 2ND READING)**

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

“GENERAL,” TO CLARIFY GENERAL STANDARDS FOR ACCESSORY USES IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM JULY 23, 2019 & JULY 9, 2019**

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

28. [19-720](#) **P.H. 2019-132: (PUBLIC HEARING 1ST READING)**

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

(Staff Contact: David Recor/Jean Dolan)

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, expressed concerns regarding the fifteen private property sites within the innovation district. He wanted to know what if one or more of those parcels or property owners choose not to sell, how would that affect the land use and what will the City do and what is the worst case scenario for the private property owners.

Mayor Hardin responded that people have the choice to either sell or not sell but they are entitled to keep their property. The City will have to work out the best way to encourage people to take advantage of the resources for purchasing the properties. Of course, the City cannot force anyone to sell. Eminent Domain does not factor into this situation.

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

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

29. [19-704](#) **P.H. 2019-128: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY TO PROVIDE COMMUNITY SHUTTLE SERVICE AND AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT'S TERM UP TO TWO ADDITIONAL ONE YEAR RENEWAL PERIODS UNDER THE SAME TERMS AND CONDITIONS WITHOUT FURTHER CITY COMMISSION APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$339,568.20 estimated for FY 2020)

**(Staff Contact:** Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated that this is the first reading of an ordinance to continue providing the Community Shuttle Service for the City of Pompano Beach. This program started sometime in 2014, and since then the City has expanded the services, which is free for the residents. The existing contract expires late September 30, 2019, and the new interlocal agreement will expire on September 30, 2022, which is two years with additional one-year renewal periods. In addition, the ordinance provides the City Manager the authority to renew the contract under the same terms and conditions.

Continuing, Ms. Diamanti indicated that the program would be funded by the Broward County Surtax at the established rate of \$41.10, for eligible services that include maintenance and the operations of the buses. The City may enter into a lease with the subcontractor to provide the service as well. Ms. Diamanti stated that she requested that more information be provided about the community bus service, as well as the ridership information,

Finally, Ms. Diamanti requested that the second reading will have to be done at this meeting because of the term of the contract that expires at the end of September. Exhibit B has been updated and fully executed by the subcontractor. She explained in the next fiscal year the program will be paid from the Broward County Surtax.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that this is the third year he has asked about the percentage usage utilizing this service and whether within the prior fiscal year the volume has increased or decreased.

Ms. Diamanti responded that she does not have all the data for 2019, but the data for 2018 is available. The data as published by Broward County until March 2019. This reflects approximately 21,000 passengers. For 2018, the overall for the four routes is 78,000 passengers.

Mayor Hardin suggested Mr. Terwilliger contact Ms. Diamanti for the up to date information from Broward County that he is asking for regarding the data on the ridership.

Ralph Daniels, 630 NE 35th Street, Pompano Beach, FL, asked if the service has any benefit for his neighborhood or the St. Elizabeth Gardens area because most of the residents hardly have a way to get around. Mayor Hardin indicated that the service is on set routes scheduled by Broward County based upon the usage they project. It is not a point to point service but it is a bus route.

Ms. Diamanti responded that there is a stop on the orange route that goes through St. Elizabeth Gardens.

Comr. McGee mentioned in the effort to get more mass public transit taking place, she asked staff to work with Broward County to see how the City can market this better, so people know the routes and the stops. She indicated that the ones that the City have now looks like a hotel/airport shuttle, which makes people wonder if they should get on. Also, to have a direct contact so people can find out about the routes and schedules and this perhaps would increase the ridership.

Ms. Diamanti stated she will contact Broward County to find out what the City can do to market the bus stops and providing the routes information. Any changes the County will have to approve them.

Comr. Eaton understands that the service is now paid for by the County.

Ms. Diamanti responded yes, at the particular route that has been established for the eligible services that are mentioned within the contract.

Mayor Hardin asked for a motion to declare an emergency second reading of the item.

**MOTION: A motion was made by Vice Mayor Moss, seconded by Comr. McGee to declare the item an emergency second reading. Upon Roll Call the Ordinance was adopted on second reading. The motion carried unanimously**

Ms. Diamanti had no changes from the first hearing.

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

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



**McGee, that the Regular Agenda/ Ordinance be DECLARED EMERGENCY for Second Reading. The motion carried unanimously.**

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

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

**Enactment No: ORD. No. 2019-111**

30. [19-526](#) **P.H. 2019-91: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," BY MODIFYING PROCEDURES AND SETTING SPECIAL SERVICE FEES FOR SPECIAL COLLECTIONS; AND BY AMENDING SECTION 96.22, "REQUIREMENTS FOR RECOVERED MATERIALS HAULERS," TO MODIFY REQUIREMENTS FOR RECOVERED MATERIALS HAULERS OPERATING IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM JULY 9, 2019**

**(Staff Contact:** Russell S. Ketchem)

Russell Ketchem, Solid Waste Manager, presented the item and stated that this is a two-part item. The first part is an overall plan to combat litter and to implement a special service fee, which will target containers that are overflowing, dumpsters specifically. In 2018, Waste Management took over 52,000 photos of dumpsters that were overloading, which spill material to the ground that attracts vermin as well as the containers rip causing blight and a litany of issues. In addition, the addendum will provide for a path for due diligence of appeal.

The second part is a proposal that requires haulers that haul recovered materials to register with the City and that helps the City or require a hauler to prove that they are hauling recovered materials. He then explained what is currently in place. However, with this measure in place it will provide a recourse for the City to "step in" and to ensure that people hauling recovered materials are indeed recovering/recycling.

Comr. McMahon stated he understands the purpose of what staff is trying to accomplish, however, he feels the fee for \$175 is steep. He mentioned that someone may have a dumpster and at night someone comes in and fill up the dumpster with their garbage consequently that owner gets a bill for \$700 monthly because of this. Therefore, he cannot see how fining the business owner is the way to solve the problem. He believes a better solution is to have the dumpster enclosures secured and Code Compliance going out to check the dumpsters for issues is a better solution. A private company making \$175 fee off every dumpster enclosure that is overfilled is a lot of fees, and the Code Compliance should be the department handling this. Also, he does not see the need to register haulers, and provided his reasons. In sum, he feels this is an unnecessary regulation and unfair business practice and a burden is being placed on business owners, and for those reasons he will not support the item.

Mr. Ketchem explained that the \$175 fee is intended to be steep, if the container is correctly sized the customer will get refunded. It is not a money "grab" to Waste Management. It is intended to get the customer to right size or correct the frequency to eliminate the overflowing situation. Code Compliance goes after this but the number of places that minimize or undersize their containers is great. There is a cap and they do understand that people get billed once per month. He then provided a detailed explanation of the practice by owners and how it is taxing the City to keep the areas clean. In the instance that the haulers are creating the issue there is a part that will address the hauling issues.

Mark Berman, City Attorney, stated this is a special service fee that is supposed to be related to the actual cost of performing the service. He understands that the amount of \$175 is the cost for time and manpower, and wanted to know how the amount was determined. If it is not related to the actual cost then it is an illegal tax.

Mr. Ketchem responded that the City and the Hauler met and discussed the cost to pick up the additional material, the effect on the service, the routing, and the impacts to the hauling company, which is how the amount was determined at \$175.

Comr. McMahon asked what other cities have this ordinance.

Luigi Pace, Waste Management, responded that the program is in place in the cities of Parkland, Cooper City, Lighthouse Point, also it was just approved in Plantation, Lauderdale Lakes and Wilton Manors is in the process of getting this approved.

Comr. McMahon asked how many times people have been fined.

Mr. Pace is unsure because he does not have a report on each City; however, he provided an extensive explanation on the purpose of getting such an ordinance established, which continued into a discussion with the Commission.

Vice Mayor Moss indicated that he met with Mr. Ketchem about the issues they have been experiencing and found out that the worst offenders are located in District 5, his district. This has become a major problem in the Palm Aire and Collier City neighborhoods and has become more of an health issues with overflowing dumpsters from these commercial dumpsters.

Comr. Eaton is also aware of some of the blight that comes from some of the apartment complexes that utilizes dumpsters, in her neighborhood.

Mayor Hardin enquired if by requiring registration of the recyclable haulers, would that conflict with the state law that states anybody can recycle.

Mr. Ketchem responded no it does not.

Mayor Hardin and Mr. Ketchem had an extensive discussion on how registration will or will not deter poachers, as well as determining or policing frequent versus infrequent overflowing dumpsters.

Comr. Perkins stated that letters should be sent out to the communities to inform them about this new process. In addition, she believes a warning should be done prior to a fine, as well as extensive efforts be made to educate the public regarding the new process. She asked if the other cities are basically paying the same rate.

Mr. Ketchem responded that \$175 is the normal charge, however, some cities are charging more. In addition, he stated that all dumpster users would be notified of this implemented program. A notice will go to those who have no track record of overflowing. The fine will not go in place because that owner is not habitual.

Vice Mayor Moss reiterated that something needs to be done due to the infestation of rats in certain neighborhoods.

Mayor Hardin recommend in the education process that people are provided the options available such as, placing a lock on their dumpster to avoid illegal dumping, or lock up the enclosures of the dumpster.

Comr. McMahon indicated that he would not have any issue with the program if another company could be selected to handle the issues.

Greg Harrison, City Manager explained that when the Commission went through the thought process for setting the rates for residential garbage collection, most of the Commissioners were not in place. He then explained the reason for the exclusivity in the contract.

Comr. McGee asked if there would be a grace period for when education will take place prior to implementation, to provide the businesses with enough time to comply prior to the program going into full effect.

Mr. Ketchem replied yes and stated that the educational piece will go out before they implement the program.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, commented on the City's poor service received from Waste Management in the past to the point of considering litigation. He enquired when the contract will be up and it may seem premature should the contract expires, it would open up for other contractors to bid to have an equal chance of getting the business that Waste Management currently has.

Mr. Ketchem responded that the contract with Waste Management would expire in 2022. He then provided clarification on the litigation that had commenced with a company named Reuters Recycling, which was bought

by Waste Management. In addition, he provided a brief overview of how the changing of the companies affected the City's litigation process and a subsequent settlement with the City, and currently a viable contract with Waste Management to date.

Ralph Daniels, 630 NE 35th Street, Pompano Beach, FL, noticed some dumpsters in places such as a Laundromat, there is not much garbage but rather recyclables. He wants to know why businesses gets charged to recycle.

Mayor Hardin explained how commercial recycling works and that it is a choice by the individual commercial establishment, who contracts with whatever company they want.

**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  
Perkins  
Moss  
Hardin

**No:** McMahan

31. [19-643](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MOLLY MOOR** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MONA SILVERSTEIN AS ALTERNATE #1; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Molly Moor - District 1  
Mary C. Antoine - District 1  
Patricia DeSanctis - District 1  
Rafal Dradrach - District 1  
Brooke Johnston - District 1  
Bruno Munoz - District 1  
Corey Staniscia - District 1  
Sarahca Peterson - District 3  
Hazel K. Armbrister - District 4  
Monifa Aruwajoye - District 4  
Lucretia Hicks - District 4  
Marie Goodrum Johnson - District 4  
Marcus A. McDougale - District 4



Shelton Pooler - District 4  
John Reed - District 4  
Janice A. Simmons - District 4  
Veronica Thomas - District 4  
Bettye A. Walker - District 4  
Andy Cherenfant - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, and Vice Mayor Moss nominated Andy Cherenfant and Mayor Hardin nominated Molly Moor. Upon Roll Call the name MOLLY MOOR prevailed to be inserted and that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Eaton

McGee

McMahon

Perkins

Hardin

**No:** Moss

**Enactment No: RES. No. 2019-291**

32. [19-651](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019**

**APPLICANTS:**

Willie Ruth Heath, *Incumbent* - District 4  
Carmen Jones, *Incumbent* - District 4  
Gary McLamore, *Incumbent* - District 4  
Woodrow Poitier, *Incumbent* - District 4  
Carolyn Rhone, *Incumbent* - District 5  
Latoya T. Almonord, District 1  
Lisa Ferreri, District 1  
Michelle Rhoulhac, District 2  
Charles H. Bechert, III, District 3

Monifa Aruwajoye, District 4  
Marcus A McDougle, District 4  
Mary S. Phillips, District 4  
Shelton Pooler, District 4  
Joseph Wells, District 4  
Andy Cherenfant, District 5  
Doreen L. Malcolm, District 5  
Clovis B. Nelson, District 5  
Wayne Vereen, District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

33. [19-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)\

**POSTPONED FROM SEPTEMBER 10, 2019**

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

34. [19-653](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019**

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

35. [19-654](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019**

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

36. [19-655](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019**

**PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until October 22, 2019 City Commission meeting. The motion carried unanimously.**

## **G. REPORTS**

**City Manager, Gregory Harrison - Trash Cleanup Sign** - Mr. Harrison displayed a copy of the new sign that will be used in the campaign against illegal dumping of trash. The sign has a number posted for Crime Stoppers to call in and if a subsequent arrest is made, the caller could receive up to \$3,000 in reward. This

new sign will replace the old signs throughout the City.

Mayor Hardin asked if previously, the person who had a video on an actual illegal dumping was rewarded.

Mr. Harrison is unsure about the status but he will try to get an answer on this for the Commission.

Comr. McGee enquired if a business owner wanted to be proactive and install a system that could video their dumpster and record illegal dumping activity and reported on it, could they be rewarded.

Mr. Harrison responded yes.

**City Attorney, Mark Berman - OPIOID Litigation** - Mr. Berman mentioned that the City has joined with other municipalities and counties throughout the country in litigation against the OPIOID manufacturers. This is continuing and the City is involved and grouped with Cleveland in federal court. The Purdue Pharma and the Sacklers, who were the family that owned Purdue Pharma have declared bankruptcy. The next few months will be interesting and he will keep the Commission informed. He does not want to talk about strategy, litigation or anything publicly. However, he wanted to inform the Commission that after months of discussions and negotiation there was a tentative agreement entered with Purdue and the Sackler family by which their inevitable bankruptcy filing would include a pre-negotiated proposal for the structure of a settlement with states, counties, municipalities, and others. The agreement was initially entered into by twenty-two states for territories and the MDL plan of executive committee. Agreement is used loosely and there is no term sheets, no construction agreement or any detail documents. There is only an outline of an agreement of what it is going to be or the amounts. He wanted to assure the Commission that he will continue to monitor the situation and to get information as it comes up. Unless he hears from the Commission to the contrary, this defendant will be in bankruptcy, which means it will be difficult to get anything. The prospects of joining in with whatever settlement would probably be beneficial as to this defendant at this time. The City will pursue unless the majority of the Commission says contrary. Therefore, at this time, it is not worth it to sit in a closed session to have a discussion. Nevertheless, he will pursue everything that he can do to make this situation palatable to the City.

**City Clerk, Asceletha Hammond** - Ms. Hammond reminded everyone that the next City Commission meeting will be on Monday, October 7th instead of Tuesday, October 8, 2019.

**City Commissioner, Rhonda Eaton - Northwest Community Redevelopment Agency (CRA) Meeting** - Comr. Eaton mentioned that she attended the residential advisory board meeting last night at the E. Pat Larkins Center for the Northwest CRA, chaired by Broward County Mayor Bogen. It is exciting to see some of the funds coming in for the City and she is interested to see some of the ideas to come from the residents as to how they see that moneys can be best spent to effectively clean up slum and blight in the area. The meeting was interesting and good.

**City Commissioner, Andrea McGee - Bahamian Hurricane Dorian Support** - Comr. McGee commented on the Bahamian Hurricane Dorian support that has been happening at the Sands Harbor in Pompano Beach. There are pallets with thousands of pounds of supplies that they have been moving out. People are still bringing trucks full of pallets of supplies, and she has been assisting with sorting. Therefore, if



anyone is interested in getting involved, there is a lot to do and to move heavy items. The Ship Wreck Park, Sands Harbor, and many other organizations, as well as Association Bahamas are all working together to make sure the items are going through the proper channels to get through customs and to get to the people as quickly as possible.

**City Commissioner, Tom McMahon - Driveway Initiative with Broward Sheriff's Office** - Comr. McMahon stated that Sherrie was unable to come to the meeting. She is a resident who worked with Captain Granville to do a driveway initiative. She has had several meetings with the Broward Sheriff's Office (BSO), and wanted to attend to commend BSO. She is happy with what BSO is doing with the driveway initiative. Consequently, she would like to get it expanded to other areas and other communities that like it. This initiative also works as a good way to connect with BSO, which is the City's police department.

**City Commissioner, Beverly Perkins - March of Dimes** - Comr. Perkins stated that the March of Dimes assists mothers and babies with their health. They will be honoring her and a few other women on December 6, 2019, at a "Women of Distinction Legacy" event at the Signature Grand. Therefore, she wanted to know if the City would be willing to purchase a table of ten for \$1,200 and purchase a full page advertisement for \$250.

**MOTION:** A motion was made by Comr. Perkins, seconded by Comr. McGee to purchase a table for \$1,200 and a full page Ad for \$250 for the "Women of Distinction Legacy" event. The motion carried unanimously.

**Broward County Advisory Meeting** - Comr. Perkins stated that she attended the Broward County Advisory meeting and received numerous calls after she left the meeting. She clarified that at the meeting she stated that she thought it was not fair to organize such a committee and not include one of the District Commissioners. She said she watched the meeting and a decision was made for none of the Commissioners from the Districts to serve on the Board. She has seen the backup and the explanation as to why she could not serve on the Board, but she wanted to make it clear that she felt that she or somebody from her district should be on that particular committee. She was aware of it but at the meeting last night, they took a little longer time to explain it.

**Neighborhood Meeting with Mayor Hardin** - Comr. Perkins stated that a number of the community members would like to know when Mayor Hardin would have another meeting. As he had stated, he would have another meeting in four months and they would like to get a date for this. She is looking forward to that date when available.

Mayor Hardin stated that he is working on a meeting date.


**Vice Mayor, Barry Moss - Collier City Association Meeting** - Vice Mayor Moss announced that the Collier City Civic Association meets on Wednesday, September 25, 2019 at 7:00 p.m. at the Jan Moran Learning Library in Collier City.

**Mayor, Rex Hardin - Piano Competition** - Mayor Hardin stated he received a thank you card in the mail which he read in its entirety. "You are terrific, thank you for sponsoring the 2019 Pompano Beach Piano

competition. Your generosity has given many others and me the opportunity to have fun and compete for scholarship money. So, I am very grateful for your donation to make the competition possible. Thank you. Matthew Kyle.”

**H. ADJOURNMENT**

The meeting adjourned at 10:03 p.m.

  
\_\_\_\_\_  
Rex Hardin, Mayor  
\_\_\_\_\_  
Asceleta Hammond, City Clerk

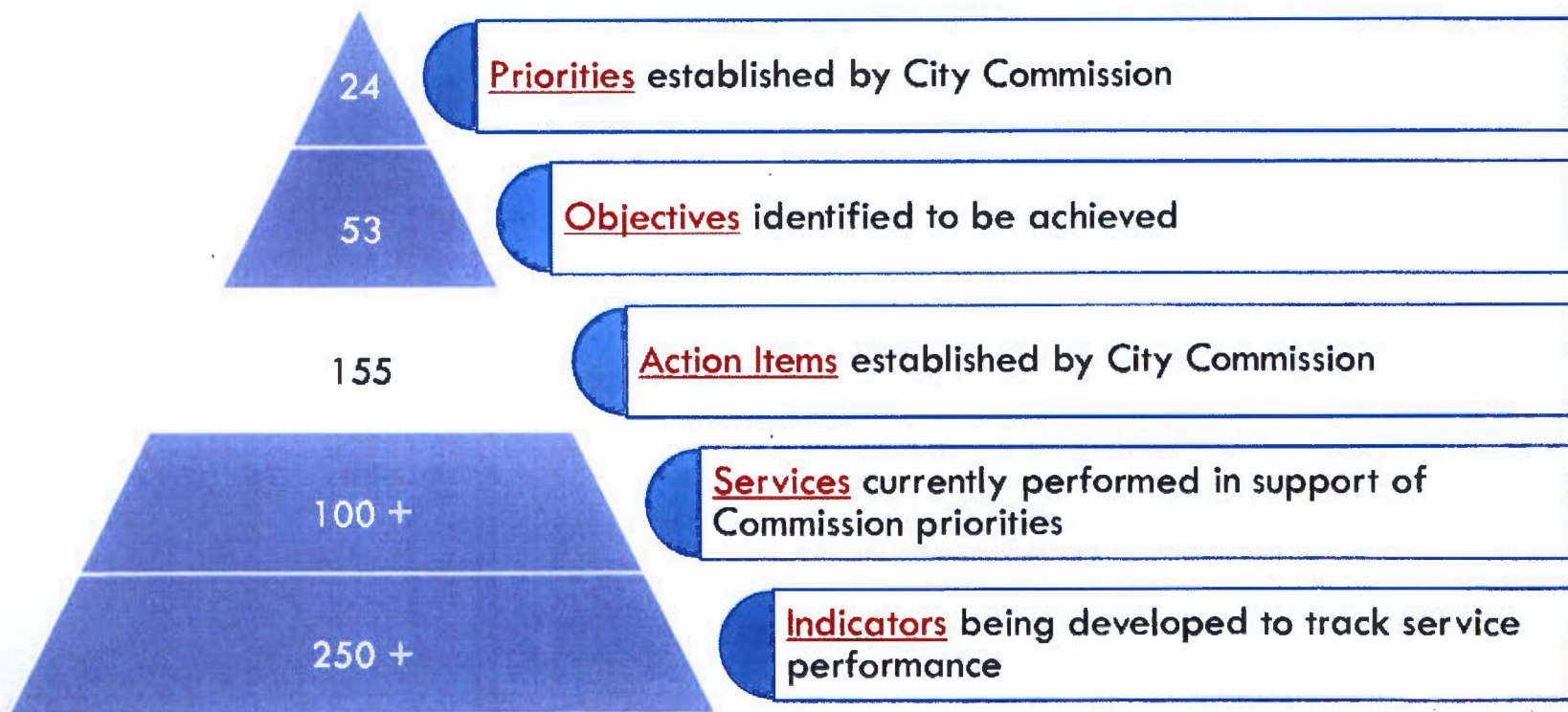
# PERFORMANCE REPORT

**3<sup>RD</sup> QUARTER (APRIL 2019 – JUNE 2019)**

**5 YEAR STRATEGIC PLAN FY 2018 - 2023**



# 3<sup>RD</sup> QUARTER CITYWIDE PERFORMANCE REPORT





## POMPANO BEACH VISION:

By 2033, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

### 3<sup>rd</sup> Qtr. Progress Report

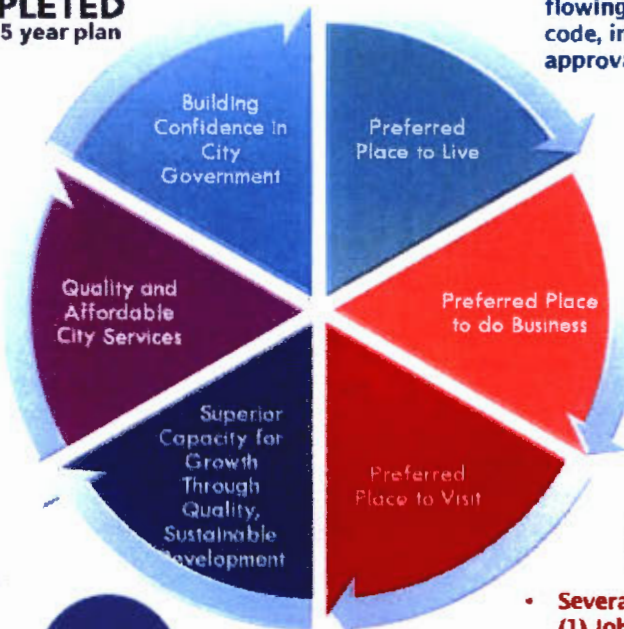
66%

**COMPLETED**  
Based on 5 year plan

- On May 28<sup>th</sup>, 2019, six new Road Patrol Community Service Aides started their Public Safety Officer Academy classes and are scheduled to graduate in July, 2019. Upon graduation, all six CSA's will be assigned to specific road patrol duties during peak time of the day.
- Four of the remaining 22 new bicycles were delivered in June. On June 10<sup>th</sup>, 2019, 13 Pompano District deputies attended a police bicycle certification course. The Pompano District now has 25 deputies who are trained and certified to ride police bicycles.
- The City's General Services department provided Building Maintenance and Fleet Garage training on P-Card usage.
- Code amendments to establish minimum seawall height at 4 NAVD were drafted by the Marine Advisory Board. MAB met on April 25<sup>th</sup> and provided staff with draft language to review and on June 27<sup>th</sup> Engineering met with MAB to review latest draft. Final draft was submitted in July and is being reviewed by City Legal prior to presenting to City Commission in August, 2019.
- Purchasing issued a solicitation in May, developed by Utilities and Engineering Staff, for a study that is needed to relocate existing water wells on the Air Park property.

100%

**COMPLETED**  
Based on 5 year plan



- OHUI staff is working with the City's Attorney's Office and Development Services on drafting an Affordable Housing Trust Fund Policy.

- The Solid Waste Department is looking into the feasibility of implementing a pole mountable camera system to decrease the level of illegal dumping. Moreover, in an effort to combat over flowing dumpsters staff drafted changes to Section 96.12 of the code, in anticipation of bringing an agenda item for Commission approval in September.

52%

**COMPLETED**  
Based on 5 year plan

- As of the end of June, Staff has commenced working on Construction Management at Risk agreements. Also, the design team assisted in 23 introduction presentations to receive public input and design ideas.

57%

**COMPLETED**  
Based on 5 year plan

- The City and FPL are working on a LED Street Lighting agreement to authorize upgrading all with LED fixtures and transitioning ownership and maintenance to FPL.

- Several hosting events occurred during the 3<sup>rd</sup> quarter. Including (1) Job Seeker Orientation Workshop and Toolkits with (2) employers, (2) Job Seeker Resources, (1) Apprenticeship and (7) job seekers, and a Construction Business Development event with County and City Officials.
- A service agreement between the CRA and Co-Work Operator was approved by the CRA Board in May, 2019.

36%

**COMPLETED**  
Based on 5 year plan

50%

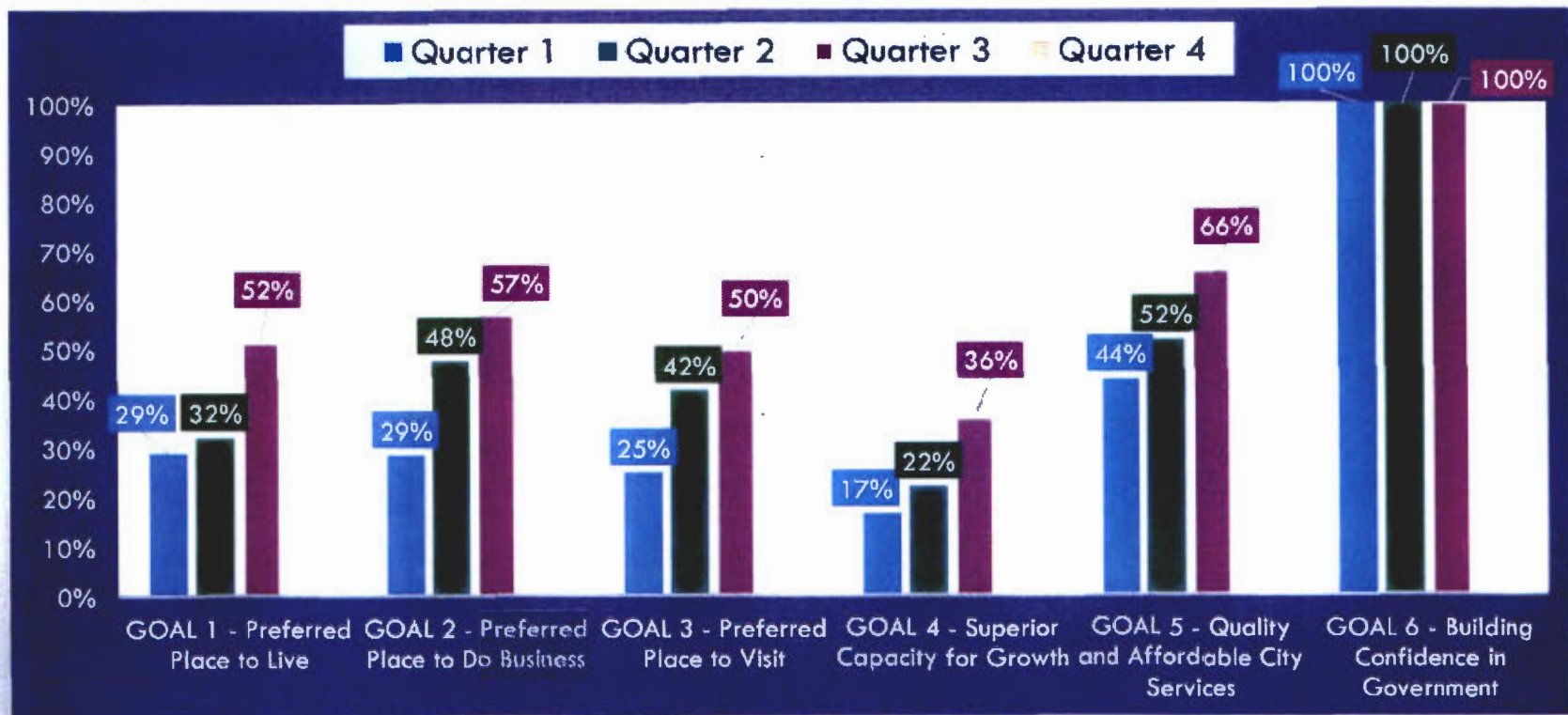
**COMPLETED**  
Based on 5 year plan

- CRA Issues a RLI for a master developer for the Innovation district, responses due in July, 2019. Hilton hotel - DRC review completed and Site Plan submitted for permits. Permits were issued for vertical construction of the Hilton Hotel.
- New contractor has commenced working on the sewer tie in for the NYC Harbor project.



# ACHIEVED ACTION ITEMS, BY GOAL

## APRIL 2019 – JUNE 2019





Florida's Warmest Welcome

# PERFORMANCE REPORT



# **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 Downtown Pompano TOC

Exhibit B.  
City Adopted Future Land Use Map of Amendment Area



Map Updated: February 20, 2019

## Legend

- L- Low 1-5 DU/AC
- LM- LOW-MEDIUM 5-10 DU/AC
- M- MEDIUM 10-16 DU/AC
- MH- MEDIUM-HIGH 16-25 DU/AC
- IRREGULAR
- C- Commercial
- T- TRANSPORTATION
- CF- Community Facilities
- DPTOC
- ETOC
- OR- Recreation Open Space
- W- Water
- CRA Boundaries
- Amendment Area

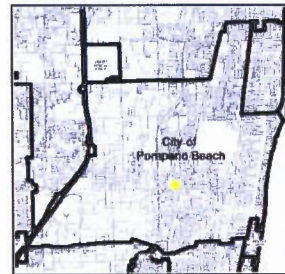


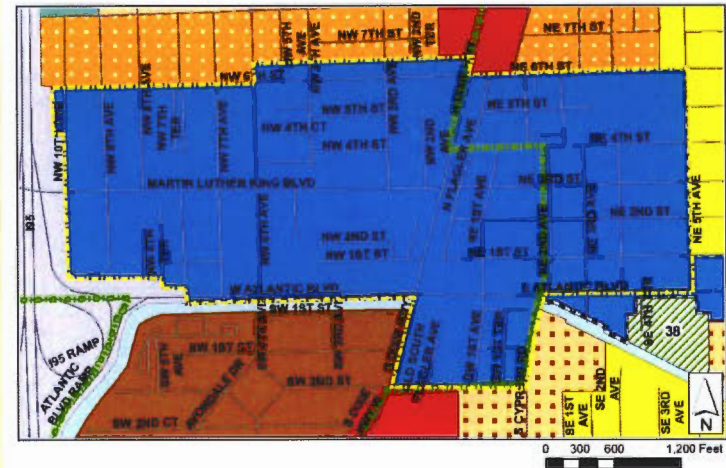
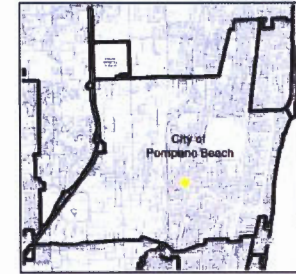
Exhibit C.  
County Adopted Land Use Map of Amendment Area



Map Updated: February 20, 2019

## Legend

- Water
- Recreation and Open Space
- Low (5) Residential
- Low-Medium (10) Residential
- Medium (18) Residential
- Medium-High (25) Residential
- Commerce
- Transportation
- Activity Center
- Irregular Residential
- CRA Boundaries
- Amendment Area



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

<b>Type of Use</b>	<b>Current Entitlements (from 2012 LUPA)</b>	<b>Built and Committed Development</b>	<b>Remaining Entitlements</b>	<b>Proposed Entitlements</b>	<b>Net Change in Entitlements</b>
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	---



## NET CHANGE - IMPACT ANALYSIS

Infrastructure	Net Impact At Buildout	Primary Explanation
Water	+0.58 MGD	Additional Residential increases demand
Sewer	+0.58 MGD	Additional Residential increases demand
Solid Waste	-5.7 tons per day	Reduction in Commercial reduces demand
Parks and Recreation	+23 acres	Additional Residential increases demand
Schools	TBD by School Board	Additional Residential increases demand
PM Peak Hour Trips	-197 Peak Hour Trips	Reduction in Commercial reduces trips
Mass Transit	Positive Impact	Improves Jobs-Housing Balance and Destination
Hurricane Evacuation	Not in Evacuation Zone - Positive Impact	Additional Hotel Rooms for Evacuees
Historic Resources	No Impact	Historically registered structures will continue to be protected and private property owners continued to be encouraged to register and preserve their private structures
Affordable Housing	Positive Impact	Min. of 300 Affordable Housing Units or in lieu fees



# City/County LUPA Timeline

## City of Pompano Beach LUPA Process

- P&Z August 28, 2019
- City Commission 1<sup>st</sup> Reading September 24, 2019
- Broward County LUPA Process Oct. 2019 – June 2020
- Second Reading Post Broward LUPA Approval June 2020
- DEO Compliance Period July 2020
- BCPC Recertification Aug. 2020
- City Land Use Plan becomes effective Aug. 2020

## Broward County LUPA Process

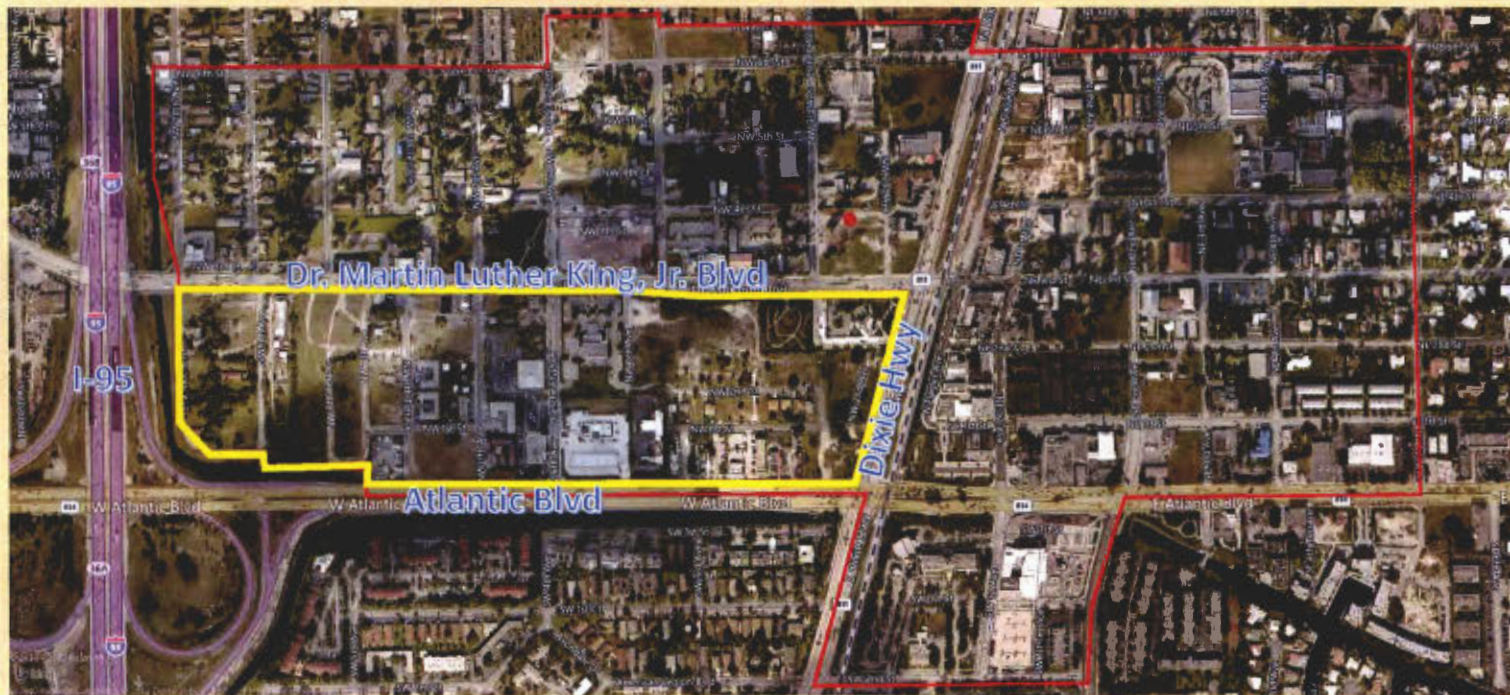
- County Receives Application Oct, 2019
- County Staff Review Oct-Jan. 2020
- BC Planning Council Hearing January 23, 2020
- County Commission 1st Reading February 11, 2020
- DEO Joint Review of City/County Amendments March, 2020
- BCPC Second Reading April 23, 2020
- County Commission 2nd Reading May 26, 2020
- DEO Compliance Period for County Amendment July 2020
- County Land Use Plan effective July 2020

# Estimated Timeline for Innovation District Developer Selection and Negotiations

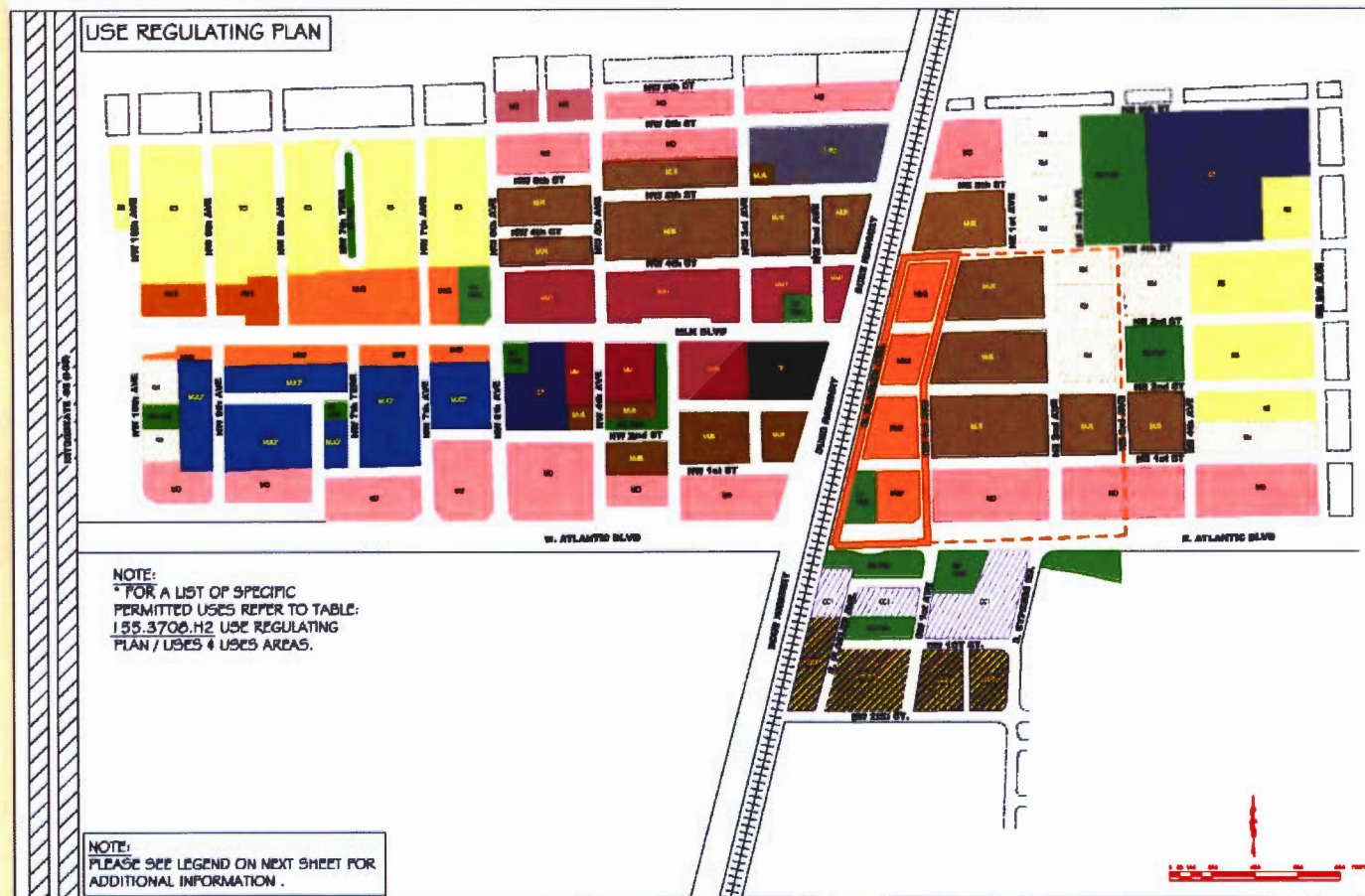
Issued Step 1 RFQ	May 2019
Selection Evaluation Committee ranked Step 1 RFQ proposals	August 2019
Issue Step 2 RFP	September 2019
Selection Evaluation Committee to rank Step 2 RFP proposals	November 2019
City Commission to approve Step 2 RFP ranking	December 2019
Master Developer contract negotiations	January - March 2020
City Commission to approve Master Developer contract	April 2020
Design process – Commission/public input	May - September 2020
Master Plan, Site Plan and Construction process	TBD



# Location of “Innovation District” Target Area for Additional Units



# TO-DPOD Zoning Use Area Regulating Plan





# Single Family and Duplex Within Innovation District Boundary



\* Proposed for Demolition as unsafe structure.

# NWCRA Relocation Policy

## Resolution 2015-45

Renters: Relocation assistance plus first, last and security with 9-months of “gap” rent payments.

Owners: Proceeds from the sale of the property plus up to \$15,000 in relocation assistance.

The agreement negotiated with the Innovation District Developer will include relocation policies to be approved by the City Commission.



# Comprehensive Plan

## Goals, Objectives and Policies

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

01.01.02 Review all proposals for development or redevelopment and base the approval of same on the continued maintenance of all adopted Level of Service Standards.

01.04.00 Support and promote the intermix of residential and commercial uses along major traffic corridors.

01.07.02 Continually review and amend new land use designations for Residential, Mixed Use, Transportation Oriented Districts.

01.07.03 Evaluate and revise the land use regulations to conform to current development practices as to housing types and mixed use developments.

01.07.16 Through ongoing updates to the land development regulations provide criteria/ performance standards regulating hotel intensity and incentives for hotel development.

01.08.00 Amend the Land Use Plan map and Zoning map to support new development and redevelopment in the Community Redevelopment Areas.

01.08.01 Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings.

01.11.00 Identify Urban Infill Areas and Community Redevelopment Areas, adopted pursuant to Chapter 163, Part III, Florida Statutes within the existing urban service area of the City of Pompano Beach.

01.11.03 Redevelopment activities in the Community Redevelopment Areas shall be guided by their respective Community Redevelopment Plans, adopted pursuant to Chapter 163, Part III, Florida Statutes.

01.12.00 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

01.12.01 Designated Urban Infill Areas and Community Redevelopment Areas, adopted pursuant to Chapter 163, Part III, Florida Statutes shall be exempt from any applicable transportation roadway concurrency requirements.

01.12.02 Continue to support the allowance of mixed use land uses at strategic locations within Urban Infill, Urban Redevelopment and Downtown Revitalization Areas.

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

01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials

# Strategic Plan Directives

## City of Pompano Beach Policy Agenda 2019 – 2020 Targets for Action

### TOP PRIORITY

#### **Innovation District Development**

Commuter Rail Stations: Downtown and Isle Area  
Homeless City Strategy & Action Plan  
Business Attraction and Development Leases  
Major Community Destination Events: Development  
Cut-through Traffic Analysis and Direction

### HIGH PRIORITY

Street Lights Policy and Expansion  
Panhandling Ordinance Review  
NW 31<sup>st</sup> Avenue Improvements  
Code Enforcement/Compliance Enhancements  
City Charter Review  
City Brand and Marketing Program  
Citywide Banner Program  
Public Areas Landscape Maintenance Service Level and Funding

## GOAL 2

## PREFERRED PLACE TO DO BUSINESS

### ACTION: INNOVATION DISTRICT DEVELOPMENT

#### Key Issues

#### Activities/Milestones

1. Phase 1: Issue RFQ for Master Developer
2. Phase 1: Review Developer Qualifications
3. CITY/CRA Board Decision: Approval of Recommended Qualified Firms
4. Phase 2: Issue RFP for Qualified Firms
5. Phase 2: Technical Team to Evaluate and Rank Proposals
6. CITY/CRA Board Decision: Ranking Approval and Authorization to Negotiate
7. CITY/CRA Board Decision: Contract Approval with Master Developer

#### PRIORITY Policy - Top

Time
5/19
8/19
9/19
9/19
1/20
2/20
5/20-9/20

Responsibility: City Manager Greg Harrison,  
CRA Director Nguyen Tran

### ACTION: COMMUTER RAIL STATIONS: DOWNTOWN AND ISLE AREA

#### Key Issues

#### Activities/Milestones

- Rail Costs (SFRTA, Howard MPO, FDOT)
- Key Purchased Properties
- Additional Population Density and Infrastructure
- Private Sector Driven

- A. Downtown (Brightline)
- B. Isle Area (Tri Rail)

#### PRIORITY Policy - Top

Time
Ongoing
Ongoing

Responsibility: Economic Development Manager  
Chris Clements



# 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 First Reading  
September 24, 2019