



# 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, November 12, 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

Rabbi Tzvi Dechter of Chadbad of North Broward Beaches offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

#### APPROVAL OF MINUTES

[20-113](#) Special City Commission Meeting Minutes of October 22, 2019

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

20-112 Regular City Commission Meeting Minutes of October 22, 2019

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

**APPROVAL OF AGENDA**

Mayor Hardin announced the following amendments to the Agenda:

Item 17 will be postponed until the January 14, 2020, City Commission meeting.

Items 12, 21, 25, 37, 38, 39, 40, and 41 will be postponed until the December 10, 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 8, 9, 10, and 11, will be pulled for City Commission discussion.

**A. PROCLAMATIONS**20-79 **Proclamation Recognizing Hurricane Dorian Volunteers**

Mayor Hardin and Commissioner McGee recognized the following organizations and businesses who volunteered their time to help collect and sort needed supplies for the Bahamas who were devastated from Hurricane Dorian.

Shipwreck Park, Sands Harbor Marina, Offshore Anglers of Pompano Beach Fishing Club, Sea Tow Ft. Lauderdale, Big Dog Tackle of Pompano Beach, Tuppens Marine, Blitzsea Fishing of Pompano Beach, REMAX/EXPERIENCE, Better Homes and Gardens Real Estate, Hooker Electric, All My Sons Moving Company, Banyan Air Service, Michele Kerrigan and Christina Henley Pilot Training America.

Comr. McGee thanked everyone who put their time, sweat, equity, and efforts to move the pallets, water, food, desalination equipment to ensure the water is clean to be used in every day needs of the Bahamian people. In sum, she thanked everyone who helped out with the outreach in such a tragic time for the people in the Bahamas, who were devastated by Hurricane Dorian.

"Trey" on behalf of the group thanked Mayor Hardin, the City Commissioners and City Manager Harrison for recognizing the small businesses and the community. He acknowledged some extraordinary volunteers including

Big Dog Tackle team, Hooker Electric team, Tuppens Marine, Offshore Anglers of Pompano Beach Fishing Club, Jay Cooper with his Cat One company, Sands Harbor Marina, Blitzsea Fishing of Pompano Beach team, Chris from REMAX/EXPERIENCE, Better Homes and Gardens, All My Sons Moving Company, Michele Kerrigan, the Pompano Beach Fire Department, the Broward County Sheriff's Office, as well as every volunteer that donated and gave time and went to the Bahamas.

Mayor Hardin implored the community not to forget the Bahamian people who still continue to need assistance after such a major devastating experience on the island of Bahamas. He concluded by thanking everybody for doing such an outstanding job and coming together to make the Bahamas Relief a great success.

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

**20-81 Holiday Boat Parade Proclamation**

Mayor Hardin proclaimed December 13, 2019 as Pompano Beach Lighthouse Point Holiday Boat Parade Day. Jean McIntyre, President/CEO for the Greater Pompano Beach Chamber of Commerce accepted the proclamation.

Additionally, Rhonda Bunker was present to accept the proclamation along with Cameron Clark and Lee Scharf from the Special Olympics Athletes.

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

**B. 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:**

**Assistant City Managers** - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that the City Manager has a good quality group of assistant city managers. The City Manager is doing a very good job in responding to people, especially to him.

**Cost of Affordable Housing** - Mr. Phillips indicated he has some concerns with the City balancing the hometown feeling and growth. He then explained that as the growth continues the residents are feeling less and less of the hometown feeling. He is concerned with the rising of multi-family housing. With that, rental units are \$1,500 and more per month, which is not okay for the City's affordable housing demand, therefore, the City should reconsider what affordable housing should be.

**Proliferation of Light Poles** - Mr. Phillips expressed concern about the proliferation of the light poles all over the City. He understands that FP&L had a pilot program in Lighthouse Point to put some of those wiring underground. Therefore, he felt it would be nice if the City of Pompano Beach could qualify for such a pilot program.

**Community Benefit Program** - Mr. Phillips enquired about the community benefit program that was discussed when consideration was given with the increase of new developments in the City. There are schools such as Markham and Sanders Park Elementary that have needs. There are warehouses and office buildings worth millions of dollars but the City has to ask them to assist the residents in the neighborhood. Therefore, he is concerned that they are getting away from that small town feel and these builders are bringing in their own partners and the local people of the community are not benefitting.

**Development Issues** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, mentioned that people should see the "magazine pompano" which is online at pompanomagazine.com. He indicated that he did not write it; however, it mentioned there are twenty-eight development projects that the residents need to know about. He mentioned that both the past and current City Commissioners set up building parameters that are in direct indifference to the majority of the residents, except for those residents who tend to profit monetarily or rewarded with greater power. He concluded, "We have become density drunk."

**Bus Stop** - Jonathan Angel, Owner/President, Exclusive Auto Imports, Inc. 1441 S. Powerline Road, Pompano Beach, FL, commented on a bus stop number 1176 located south bound on Powerline Road and McNab Road. He bought a dilapidated property and through the City's ridiculous policy, it took him eight years to get a Certificate of Occupancy (CO) to actually open business. He complained that the bus stop is creating issues relating to security, safety, and littering. The City continually fines him for trash that makes it way to his property from the bus stop. He has reported this issue continually to the Broward Sheriff's Office (BSO) and no arrest has been made. He has asked for assistance to no avail. Therefore, he is begging the City Commission to do something to resolve this problem.

Mayor Hardin indicated he understands this has been an ongoing issue and asked if Mr. Angel had reached out to City Manager Greg Harrison.

Mr. Angel responded that he has contacted the City Attorney, Mark Berman, the public transportation group,



and others.

City Manager Greg Harrison recommended that Mr. Angel contact his office to arrange a meeting with him to discuss his issues.

**Introduction to the Xi Phi Zeta Chapter** - Gloria Bailey, President, Xi Phi Zeta Chapter of Seta Phi Beta Sorority Incorporated, P.O. Box 668502, Pompano Beach, FL, stated that on behalf of the Chapter they wanted to re-introduce themselves to the City of Pompano Beach. She then proceeded to provide background information as to when the chapter was founded and the purpose of their services in the community. They recently participated in the Collier City Fun Day at the McNair Park, the Back to School Community Back Pack Giveaway at the Apollo Park, National Senior Citizens Day Expo at the E. Pat Larkins Center, just to name a few. They are currently submitting an application to adopt a street, and on Sunday, November 17, 2019, they will be presenting at Mount Calvary Missionary Church to bring awareness about pre-mature birth, which is one of their national initiatives partnered with the March of Dimes. Additionally, members of the chapter will meet with the Pompano Beach Elementary school to begin an adopt a school program.

**Gun Violence** - Attiyya Atkins, Fed Up Movement, 771 NW 17th Street, Pompano Beach, FL, commented on gun violence in the northwest section of the City, which is not as bad as other areas; however, she is concerned and spoke briefly of the organization she is involved with called "Fed Up Movement." They offer free gun violence therapy for anybody affected by gun violence, such as losing a family member. The service is offered free of cost and will be held at the Northwest library near the Apollo Park on December 11, 2019 from 6:00 p.m. to 7:30 p.m.

**South Pompano Beach Civic Association Anniversary** - M. Ross Shulmister, 590 SE 12th Street, Pompano Beach, FL, announced that the South Pompano Beach Civic Association is celebrating thirty years of existence, which is the oldest, active voluntary civic association in Pompano Beach. They are planning their Thanksgiving dinner to celebrate this occasion on Monday, November 18, 2019 at Spanx the Hog, just south of Atlantic Boulevard on Cypress Road. He invited everybody to include the City Commission.

### **C. CONSENT AGENDA**

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that Consent Agenda items 1-7 and 12-13, be APPROVED without City Commission discussion. The motion carried unanimously.**

1. [20-14](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A BEACH STORM DAMAGE REDUCTION CONSENT OF USE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE EMERGENCY FLOOD CONTROL AND COASTAL EMERGENCY PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

**Enactment No: RES. No. 2020-50**

2. [20-74](#) Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2019.

(Fiscal Impact: \$295,613)

(Staff Contact: Erjeta Diamanti)

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

3. [20-82](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EARLY LEARNING COALITION OF BROWARD COUNTY, INC. TO PROVIDE MATCH FUNDING TO REIMBURSE LICENSED CHILDCARE PROVIDERS OF LOW INCOME CHILDREN AND FAMILIES IN THE CITY OF POMPANO BEACH ELIGIBLE FOR CHILDCARE SUBSIDIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000.00)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2020-51**

4. [20-69](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM GO ECO HOMES POMPANO LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jae Eun Kim/David Recor)

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

**The motion carried unanimously.**

**Enactment No: RES. No. 2020-52**

5. [20-70](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM GO ECO HOMES POMPANO LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jae Eun Kim/David Recor)

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

**Enactment No: RES. No. 2020-53**

6. [20-86](#) 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 AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF HEALTH IN BROWARD COUNTY AND THE CITY OF POMPANO BEACH TO ESTABLISH DISTRIBUTION CENTERS FOR STORING AND DISPENSING MEDICAL COUNTERMEASURES TO POPULATIONS AFFECTED BY A NATIONAL EMERGENCY INVOLVING BIOTERRORISM OR A NATURAL PANDEMIC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kimberly Spill-Cristiano/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. 2020-54**

7. [20-87](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 IN THE NOT TO EXCEED AMOUNT OF \$196,069.00, PURSUANT TO THE AGREEMENT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CRAIG A. SMITH & ASSOCIATES, INC. TO PROVIDE ENGINEERING AND SURVEYING SERVICES FOR PROPOSED DRAINAGE IMPROVEMENTS IN THE U.S. 1 AND NE 14TH STREET CAUSEWAY AREA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$196,069.00)

(Staff Contact: Matthew Kudrna/Tammy Good)

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

**Enactment No: RES. No. 2020-55**

8. [20-89](#) 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 PETER ANTONACCI, SUPERVISOR OF ELECTIONS OF BROWARD COUNTY, AND THE CITY OF POMPANO BEACH RELATING TO THE MARCH 17, 2020 SPECIAL MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000)

(Staff Contact: Ascelela Hammond)

Comrs. McMahon and McGee pulled the item for City Commission discussion.

Comr. McMahon indicated he pulled the item for a resident.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, commented on some ways that were used to block voting. Therefore, he requested that the City Commission stop the voter discrimination and disenfranchisement that is in the subject resolution. He mentioned that the City Commission is attempting to put three (3) charter amendments on the March 17, 2020, Presidential Preference Primary (PPP) and provided his reasons for disagreeing with this action. He concluded that all citizens should vote on important charter changes, therefore, the larger voter turnout in the November General Election should be the time considered to place the charter amendments on the ballot.

Edward Phillips, Pompano Beach, asked where the charter initiatives could be found regarding to the questions on the ballot for the March 17, 2020 election.

Mayor Hardin responded that the backup information includes Ordinance 2019-80, which contains the three charter amendment questions.

Mr. Phillips asked if someone would be going out to the neighborhoods to explain what the initiatives are as they have done in the past.

Mayor Hardin responded that City Manager Harrison has plans already on the way to put out educational pieces so people will understand the questions.

Mr. Phillips indicated that he is not too concerned with voter turnout as most people will not be staying home for the upcoming elections.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, agreed with Mr. Phillips; however, the problem with



the election being held in March is that there will not be any early voting, and in November there is early voting and more people will turn out. He opined this process is unfair and unethical.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if mailers will be sent out to educate the people, which Mayor Hardin responded yes, there would be educational information going out to the residents.

Mayor Hardin indicated for the records, any information that the City had put out to the residents regarding the G.O. Bond Issue was factual and not lies as alluded to by Mr. Skversky earlier.

Comr. McGee enquired that even though there is no early voting in the March election there will still be the mail out ballots that would go to every voter that requests one.

Asceleta Hammond, City Clerk, informed the City Commission that there is early voting planned for March 7 - 15, 2019, by the Broward County Supervisor of Elections.

Mark Berman, City Attorney, mentioned that any City resident can vote, whether they are going to vote at the PPP or not. They can still vote on the City issues. An article will come out in the City's Tradewinds magazine that will not push information but it will explain and educate what the three (3) issues are. In fact, they are currently displayed on the City's website should anyone desire to review them. In sum, the City does not advocate but educate, as the City is not allowed to push voters to vote for any item on the ballot.

Comr. Perkins indicated that she was not in support of this item because it will take place during the PPP election and there will be a number of democrats out voting, but there will not be a lot of republicans or independents coming out. She is happy to know that there will be early voting, however, she thinks the City should be cautious, and cited the voting of the G.O. Bond Issue where she felt the City stepped out of bounds to push for it. Therefore, careful consideration should be given as to how to educate the people about this item for the PPP ballot.

Mayor Hardin for the records reiterated that during the G.O. Bond issue, the City did not expend any funds to try and influence the election. However, City staff worked hard to inform the public of what questions and issues were on the ballot and they did a very good job. Therefore, the residents supported the G.O. Bond issue, not because it was sold to them but because they understood it and they saw the benefits from the projects.

**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  
Moss  
Hardin

**No: Perkins**

**Enactment No: RES. No. 2020-56**

9. [20-75](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER, TO EXECUTE ON BEHALF OF THE CITY, A TERMINATION OF DECLARATION OF RESTRICTIVE COVENANTS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND A TERMINATION OF DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE EMERGENCY REPAIR PROGRAM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact: Miriam Carrillo)**

Comr. McMahon pulled the item for City Commission discussion. Comr. McMahon stated he pulled the item for a resident.

Ed Phillips, 384 NW 19th Street, Pompano Beach, stated he was pleased to be a part of the initiative support for the G.O. Bond issue and explained his reasons and indicated that he actively campaigns for that endeavor.

Mr. Phillips enquired about the Neighborhood Stabilization Program (NSP), which was a good program for the City and primarily for Districts 2 and 4 that received most of the funds to repair a number of homes. Therefore, he asked what restrictions are being taken off from the NSP and are they positive or just an enlargement of the “pot so to speak.”

Miriam Carrillo, Office of Housing and Urban Improvement Director, explained that the item is to authorize the expediting of the process in the event the City is going for closing where a homeowner decides to sell a property, so instead of coming back to the commissioners, the City Manager will be authorized to sign the declaration of restrictive covenant.

Mr. Phillips asked if this would expand the program initially from any funds received.

Ms. Carrillo responded that once the property is sold the City receives the money, which goes into the program income.

Mr. Phillips expressed concern about the affordable housing costing \$300,000 and \$400,000. Therefore, with regard to NSP funds, he suggested a cap be placed on the amount of funds being utilized for these houses.

April Loftin, 659 NW 21st Avenue, Pompano Beach, FL, stated she became a homeowner in 2008 in the Sabal Chase homes and she took advantage of the grant money. As a single mom she thought the program was great for her. She was told that only in the City of Pompano Beach, she is not allowed to sell her home and that the grant money is forever. She indicated that she has outgrown her home but she cannot sell it and if she should sell, she would have to pay back the grant money.

Ms. Carrillo indicated she is unaware of Ms. Loften's situation. However, there was a change to twenty years.

Mayor Hardin recalled there was an effort to change the terms of all those criteria. Therefore, he suggested that Ms. Loften call City Manager Harrison for further investigation of her situation.

Ms. Carrillo indicated that Ms. Loften can contact her office and they can assist her with her situation.

Amy Walla Pierre-Louis, along with her mother Chimene Nocent, stated that they own a property at 201 SW 8th Court, which is a triplex. They have been having an issue for a few months with bulk pickup and illegal dumping.

Mayor Hardin sympathized with Ms. Pierre-Louis' issue, which is important, however, the matter is not related to the item under discussion. Therefore, he suggested that she meet with City staff on the issue so they will be able to come up with solutions with the illegal dumping that she is experiencing at her property. In fact, Mario Sotolongo, Code Compliance Manager will be able to meet with her and direct her to the right personnel to speak with about her issue.

**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. 2020-57**

10. [20-76](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE PROGRAM SUBRECIPIENT AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Public Services / \$161,091)

**(Staff Contact:** Miriam Carrillo)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins stated she pulled the item because of the Community Development Block Grant (CDBG) funds mentioned, for example, Women in Distress - \$15,000, Fire Wall Centers - \$15,000, and Habitat for Humanity - \$40,000. Comr. Perkins

indicated that she will vote for the item, but in the future, she would like to see if the City could concentrate on funding more local based organizations. The aforementioned ones are great organizations but some receive funding from different cities throughout the County. Therefore, a few more grassroot based Pompano Beach organizations could receive some of the 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. 2020-58**

11. [20-80](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN MARIA CARBAJAL RENTERIA AND JOSE G. RENTERIA AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF A PORTION OF THE PROPERTY LOCATED AT 2000 HAMMONDVILLE ROAD; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$400,000)

**(Staff Contact:** Vince Wooten)

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

Eva Renteria, 1014 Hammondville Road, Pompano Beach, FL, stated that her brother and sister-in-law all agreed on the purchase price but would like to use their own title company and to have the City Attorney to conduct the closing on the property through this program. Ms. Renteria indicated that she does not want the assigned persons who are not owners to conduct the process of closing.

Mayor Hardin mentioned that the closing is not something the City Commission handles. Therefore, City Attorney Berman and City Manager Harrison are the contacts for that, therefore, she can meet with these members of staff to talk about that process.

Miriam Carrillo stated that she has been working with Ms. Renteria and explained that they have a different person who will be involved to conduct the closing and she can get a different title company to represent her at the closing. Therefore, she will discuss this further with her tomorrow in detail.

**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. 2020-59**

12. [20-84](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MARQUIS PARTNERS, LTD. TO BUILD A 100-UNIT AFFORDABLE HOUSING DEVELOPMENT AT 1850 DR. MARTIN LUTHER KING, JR. BLVD.. TO PROVIDE FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$607,750 IN THE FORM OF A \$407,750 GRANT AND \$200,000 LOAN WITH RECAPTURE PROVISIONS AND TO ACCEPT THE DECLARATION OF RESTRICTIONS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$607,750 NSP Funds)

(Staff Contact: Vince Wooten)

**The Regular Agenda/ Resolution was POSTPONED.**

13. [20-72](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SANDS HARBOR RESORT & MARINA LLC; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz)

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

**Enactment No: RES. No. 2020-60**

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

14. [20-78](#) Consideration to designate NW 17th Street as a dual named road "Scott Street."  
(Fiscal Impact: \$500 provided by applicant)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item stating that the City Commission has been requested to consider dual naming NW 17th Street as "Scott Street." The west boundary would be set NW 7th Terrace and the east boundary would be NW 5th Avenue. There is a memorandum provided in the backup that explains justification of why the street should be dual named. Upon City Commission's approval, it will be confirmed with a resolution at the next City Commission meeting. Mr. McCaughan had invited the family members to attend the meeting, who stood up for recognition.

Comr. Perkins indicated that she could not think of a better family so deserving of the street naming. She has known the Scott family all her life and provided a brief historical background on the family who moved to Liberty Park in the 1960s.

Mayor Hardin recognized Brenda Scott, a classmate of his from Pompano Beach High School.

Comr. McGee asked what is the cost associated with the street naming and if the \$500 covers all the costs associated with the action.

Mr. McCaughan responded that sometimes the cost does and sometimes it does not. He explained that this process is established by a City resolution that mandates a \$500 payment from the person(s) requesting the dual naming of the street. If the street is short, it will cover the cost and if the street is long with many intersections typically it does not cover the costs to dual naming all the streets signs involved.

Comr. McGee enquired about how streets get renamed.

Mr. McCaughan responded that it starts with getting a memorandum to the City Manager, who reviews it and then the City Commission is asked to review. He is unaware of any specific criteria, this is done on a case by case basis for the City Commission's consideration.

Comr. McGee suggested that the City should ensure that the cost to go through this process would cover the cost of the signs being changed accordingly.

Mayor Hardin suggested that the Commission direct the City Manager to look at the process and to provide a way, in the future, to incorporate the \$500 and the cost of replacing the sign(s) would be considered as well.

Comr. Perkins indicated that she spoke with some of the residents on the street and they did not object to renaming the street.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:**

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

15. [20-56](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LED LIGHTING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE COLLIER CITY NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$607,476.65)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that several years ago, the City Commission directed staff to evaluate Collier City and determine some of the things that the community needed upgrading. In particular, in terms of the existing infrastructure to do a full analysis of what is or is not in place and what can be done to improve the community. One of the things identified was inadequate lighting coverage. Professional electrical engineers were hired by the City and they conducted a thorough analysis in 2017. Since then the City has been partnering with Florida Power and Light to try to come up with a program to supplement the existing coverage on most of the streets throughout the community. Mr. Danovich introduced Alex DaCosta with Florida Power & Light who was available to answer any questions.

Continuing Mr. Danovich explained that this project will allow supplementing existing light fixtures throughout the community, replacing some of the old outdated fixtures with new ones and provide good coverage on every street for pedestrians and vehicles. This is the first of some projects that will be brought to the City Commission's attention and support. He mentioned that the Florida Power & Light will assist the City to do this project. This will cost the City approximately \$600,000, which will be for additional cabling and connecting lines.

Mayor Hardin indicated that this was one of the focus of the Mack Report that was done sometime ago for lighting throughout the northwest section of the City.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that it was mentioned about working with Florida Power & Light and wanted to know when would the City receive a proposal from them about underground utilities. He complained that lately Florida Power & Light has been building the huge concrete poles and would prefer for them to work with the City on the underground wiring versus building the huge poles.

Mayor Hardin mentioned that the City has had discussions with Florida Power & Light regarding undergrounding and they have actually started some pilot programs. Also, they are having discussions at the

state level to increase the undergrounding. Currently, this is based on Florida Power & Light looking at neighborhoods where they are doing their projects.

Mr. Danovich clarified that none of the new poles are going to be overhead, everything is connected underground from existing sources. There will be no additional overhead lines on this particular project.

Timothy Hogans, Florida Power & Light Company, stated that there are a couple of different issues being brought up. He explained that the new concrete poles are for storm secure and hardening projects, and the purpose of the new stronger, thicker concrete poles are for hurricane purposes, which are rated to withstand up to category 5 hurricanes. The undergrounding project is something different, which is residential within the community of which they already have projects being worked on currently. The third topic was the street light, which is something totally different. Nevertheless, he hears the complaint and they are putting up those poles as a result of the 2004-5 hurricane/storms experienced in South Florida.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, enquired if the G.O. Bond funds will be facilitating this project that the residents voted on, and to ensure these projects are done without any delay in the future. He wanted it noted that it is the G.O. Bond funds that are driving this project, which is being done in a timely manner.

Comr. Eaton noticed on northeast Federal Highway a great deal of poles are in place with no lights.

Mr. Hogans explained that on Federal Highway some lights are by Florida Power & Light and some are for Florida Department of Transportation (FDOT).

Comr. Eaton indicated that on Federal Highway and 33rd Street and south to Copans Road there are no lights. In fact, there used to be lights but now there are none.

Mr. Hogans indicated that he will ensure the lights are replaced.

Comr. Eaton reported that within the residential district one section has no lighting and another has very little. The hardening was done in Cresthaven, the Highlands, etc. with new poles but yet no lights were put in, which is not logically understood. Moreover, with the lights missing it creates a public safety issue.

Mr. Hogans promised to follow-up with his hardening team to ensure those lights are replaced.

Frank Arbide, Florida Power & Light Company explained that those hardening situations where they replaced poles, the lights should also be replaced, which they will look into. He said they are already working with the City regarding residential neighborhoods where there is insufficient lighting; however, Florida Power & Light does not add light unless it is requested by the municipality.

Comr. McGee enquired if the hardening ones will have lights and asked about the undergrounding. Therefore, she requested that staff get Florida Power & Light team to come in and brief the City Commission of their plans for undergrounding.



Mr. Danovich promised to work on this effort for the Commission.

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

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

**Enactment No: RES. No. 2020-61**

16. [20-61](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LED LIGHTING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY FOR THE LIBERTY PARK NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$157,040.08)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated this is the second project that the City is systematically moving along in different communities that have a dire need for supplemental lighting and Liberty Park is the next target. He said the goal is to create coverage no further than 150 feet apart between poles, which does not currently exist, and will create a much safer community. Also, it includes LED lights and consistent with new light fixture across the community.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he resides in Kendal Lakes and wanted the “me too” concept applied.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked if it would be possible for the City or FP&L to provide him as well as the Commission a list of all the projects they are planning and a schedule of what is planned and where these schedules will be done.

Mayor Hardin replied there are other plans in the works and he is aware that Comr. Eaton has been working on getting this information. Therefore, he suggested that Mr. Terwilliger meet with Mr. Danovich and he will be able to fill him in on the schedule.

Comr. Perkins indicated that she had the same concerns that Mr. Terwilliger expressed prior and she wanted to know how the 165 locations were chosen for fixtures. Also, what is the start and completion dates.

Mr. Danovich responded that the selection of the light fixtures was done through the City's electrical engineers who reviewed the existing layout and then shared the report with FP&L, who reviewed the plan, completed the design based on the existing facilities they have in place. Subject to the Commission's approval of the item the City will send a check to FP&L and they will commence construction in the summer of 2020 and will substantially be completed by the end of next year.

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

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

**Enactment No: RES. No. 2020-62**

**QUASI-JUDICIAL PROCEEDING**

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

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

17. [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)

**POSTPONED FROM SEPTEMBER 24, 2019**

(Staff Contact: Jean Dolan/David Recor)

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

**Perkins, that the Quasi-Judicial/ Resolution be POSTPONED until January 14, 2020 City Commission meeting. The motion carried unanimously.**

18. [20-102](#) **P.H. 2020-15: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING GENERALLY AT THE SOUTHEAST CORNER OF NORTH FEDERAL HIGHWAY AND NE 16TH STREET ADJACENT TO THE EAST SIDE OF NORTH FEDERAL HIGHWAY AND NORTH OF NE 14TH STREET FROM B-3/PCD (GENERAL BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) AND M-1/PCD (MARINE BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Scott Reale)

James Hickey, Consultant Planner with City of Pompano Beach, 1800 Holly Drive, Fort Lauderdale, FL, stated the request is to rezone the property from a B-3/PCD (General Business Planned Commercial/Industrial District) and M-1/PCD (Marine Business Planned Commercial/Industrial District) to PD-1 (Planned Development -Infill). The property is 9.6 acres with a general location east of Federal Highway, and north of NE 16th Street. The road to the south is NE 14th Street Causeway, and gross acreage is 6.9.

The item was heard twice at the Planning & Zoning Board (P&Z) first on July 24, 2019 and August 28, 2019. In between the meetings some changes were made that both staff and the P&Z board had for the applicant who made those changes as reflected in the backup material. He then provided a presentation of the proposal, which is a nine-story building with 323 residential units along Federal Highway and this is between three, six and nine stories on NE 16th Street. Also, planned are a nine-story garage and 65,000 square feet of commercial, which will be a mixed-use development, and 10,000 square feet will be fronting directly on Federal Highway. There is an existing 75,000 square feet in the area. He commented on the paseo, which is the connection across NE 23rd Street. Additionally, they are requesting seven modifications and deviations of the approval. He displayed a copy of Exhibit E1, which is the master site plan and was included in the backup material. On the northside of the map is a park dedication which is on NE 16th Street, the only parcel in the development that is on the north side of 16th and that will be dedicated to the City as a park.

Continuing Mr. Hickey displayed a copy of the master site plan reflecting what the project would look like along NE 16th Street. In addition, Mr. Hickey mentioned that should the item move forward on first reading on December 10, 2019, at second reading there are other items that will be reviewed and considered by the City Commission, which will include a vacation request to remove the portion of the right-of-way where the building would be constructed, an air rights agreement, a public access dedication, as well as a unified control document to bind all the parcels together. A site plan approval will be presented to the City Commission and they must receive an air obstruction permit from the City and the Federal Aviation Association (FAA).

Finally, Mr. Hickey mentioned that there is one minor discrepancy in Exhibits H and J and upon second reading before the Commission they will be changed and corrected.

Graham Penn, Esq., Bercow Randell Fernandez & Larkin, 200 S Biscayne Boulevard, Miami, FL, provided an overview presentation of the project. He indicated that the existing uses of the property east of 23rd Avenue there is the existing marine building, and on the northside of the canal there is the boat yard, which will be untouched in the mixed-use development process. The immediate neighbors to the project location are multi-family two and three-story buildings, with the buildings getting taller as you go along 14th Street. The waterway is an important element of the application. The density level has been reduced from 440 units to 300 units. He briefly recapped the land use plan amendment and the City's suggestion regarding mixed-use development. In addition, Mr. Penn indicated that they are obligated to use all commercially reasonable efforts to utilize the local business community as well as the local workforce in the development, which will include awarding at least 10% of the construction contracts to minority businesses to the extent permitted by law.

Continuing, Mr. Penn commented briefly on the current scope of the development. To the northside of 16th Street there is a park and then the existing marinas, which will not be touched. Therefore, the actual scope is limited to the Federal triangle and the boatyard on the north side of the canal. The PD-I is designed for this type of project to provide for in-fill development in existing neighborhoods that encourages high quality mixed-use development on small sites.

Please see attached **Exhibit 1** for further details of Mr. Penn's presentation.

George Platt, Esq., 1512 East Broward Boulevard, Fort Lauderdale, FL, stated that he is working with the owner of the property, Andrew Sterner, Principal and his team. They have been working with the City and the Community, as well as a team of professionals to include Mr. Graham. He thanked everybody that came forth in the process. Many meetings were held with the community and he indicated that approximately 628 letters were submitted to the City Clerk in support of the project. Many good ideas came from people but not all were accepted but they have changed the original concept dramatically, which is often times in response to comments, questions and suggestions from each person who thought the team could improve on it. This is a great mixed-use project with recreation, commercial, residential and marine uses. This was envisioned in the original corridor study and they are proud of the aqua marina for this particular area. They look forward in working with the City, and indicated they will be returning to the Commission for additional improvements. He reiterated his thanks to the City Commission and the Community for the input they have received.

Mayor Hardin announced that he had ex-parte communication with the developer and their representatives concerning many aspects of the project as it relates to the number of units, the design, and the height along various corridors.

Vice Mayor Moss announced that he has had ex-parte communication over a period with the developer. In addition, Comr. Eaton indicated that she also had ex-parte communication regarding the same issues.

Comr. McGee announced that she had multiple meetings with the developers, residents and people interested in the design, density and most of what is under discussion. In addition, Comr. McMahon announced that he



has had a meeting with the developer in reference to the item prior to the meeting.

The following persons spoke either in Support or Against the subject project and provided their respective reasons.

- 1) Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL - **Support**
- 2) Tom Drum, 2700 NE 8th Street, Pompano Beach, FL - **Against**
- 3) Joe Negron, 2301 NE 16th Street, Pompano Beach, FL - **Against**
- 4) Frank Daniel, 2650 NW 3rd Street, Pompano Beach, FL - **Support**
- 5) Lewanda Harris, 2180 NW 18th Avenue, Pompano Beach, FL - **Support**
- 6) Carole Fielder, 2708 NE 12th Street, Pompano Beach, FL - **Against**
- 7) Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL - **Support**
- 8) Alex Mattinson, 2639 N. Riverside Drive, Pompano Beach, FL - **Against**
- 9) Jeff Scott, 2600 NE 16th Street, Pompano Beach, FL - **Support, but desires height reduction**
- 10) Orla Troy, 3201 SE 10th Street, Pompano Beach, FL - **Inquired about affordable housing**
- 11) Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL - **Against**
- 12) Alex Borman, 2600 NE 19th Street, Pompano Beach, FL - **Against**
- 13) Nick Damasceno, 2381 NE 14th Street, Pompano Beach, FL - **Support**

Mayor Hardin responded to Ms. Troy's question on affordable housing. He stated that there is an available mechanism where a developer does not have to build the affordable housing. They can pay a fee per unit, which is approximately \$2,400 per unit, paid to the City, which the City would utilize that money for affordable housing elsewhere.

Mr. Penn offered a rebuttal and the answer to the question regarding affordable housing. Mr. Penn stated that they made it clear that they will be funding into the affordable housing trust fund as their affordable housing share, which would be \$700,000 from the development into the trust fund.

Mr. Penn indicated that there were many comments regarding traffic and at the P&Z level there is a significant traffic study requirement that will be applied prior to site plan approval. It focuses on the intersection of 14th and 23rd Avenues. First, he has to satisfy the City's consultants and the requirement under the terms of the ordinance is that if deficiencies are identified the applicant shall construct improvements to address the deficiencies. In addition, Mr. Penn indicated that 628 letters were received in support since September, all coming from Pompano Beach residents, with 79 coming from District 1. The comment about the park and the homeless issues, as well as to answer the question earlier, they are not allowed to put up a permanent fencing solution because initially it was suppose to be a parking lot. The development of the park will allow them to secure the area and they will ensure it is secured at night with a gate that can be closed. They will be able to set hours for the park and the public promenade to avoid the external safety impacts. The promenade will be opened with low barricades to avoid people running into the water in order to allow for the view, which is the biggest part of the access to the water issue that was recognized in the transformation plan. He said they met with Ms. Fielder and communicated to her that there is no change to the size of the waterway in the plan. They are not removing any ability for boats to get in and out of the marina. The intent is to maintain the marina and its utility as it exists today. The only thing that they will be losing is the open boatyard on the north side of the

waterway.

Comr. McGee stated that this was one of the first projects that was brought to her attention when she got elected, and she has since spent many hours with people in the different neighborhoods. She grew up in Harbor Village and frequently visits 23rd Street, so a lot of developers have been trying to relay what she is hearing from the community. Also, she is very happy to see the number of units decreasing and following more the Eastern Transit Overlay Corridor (ETOC) protocols with the tier down developments. Some of the things brought to her attention have been addressed but it is important that they ensure all is done, especially the concerns with the park as it relates to safety and security. She is happy to hear that they will be looking into the US-1/14th Street and 23rd intersections. Currently, it is extremely busy with people trying to get through to turn right at the light on red with a boat and hampering the intersection. Therefore, the study will be beneficial to the entire neighborhood.

Comr. McGee enquired about the commercial parking in the parking garage and asked if they will house commercial as well as marina parking.

Mr. Penn responded that is correct. He explained the lower levels will be for commercial parking and above it there is the residential parking. Each residential floor residents will be able to park on that floor and then walk directly into the hallway.

Comr. McGee agreed with a few of the previous speakers that there is a gap in the available market for luxury rental and well-kept places for young professionals to move in, and to discover Pompano Beach, and to find an affordable place to suit their lifestyle and personality as to where they want to live and invest. She has been speaking in the local market place around the area, people are taking notice of Pompano Beach. She has received positive feedback and people are excited for what is being done in the City. Therefore, she commended the developers for working with the City, even though it has been a long road with a lot of back and forth in trying to do things. She encouraged any developer to work with the City and the community to make the best project possible on any piece of land.

Comr. McMahon asked how many parking spots are planned.

Mr. Penn responded that it would be 562.

Comr. McMahon indicated that his calculation without the parking garage comes out to 159 units per acre with the acreage available to build. So, he cannot support this as there is no need for it. In sum, 159 units per acre is too dense for that small lot, which does not make much sense to him. While he supports development in the City, he believes this project is too large and the 90 letters he received, 30 are around the property, 47 are next to St. Coleman and the other 500, which he has not counted comes from the northwest area and areas substantially far away from the project. It is a beautiful building, and with more acreage it would fit, but the way it was presented, it is hard for him to understand fitting this on such a small property. Therefore, he cannot support it.

Comr. Eaton pointed out that there is little growth in Pompano Beach in comparison with other cities such as Sunrise and Fort Lauderdale whose skyline is much different from the City of Pompano Beach. In sum, Comr.

Eaton indicated with some of the recent developments in the City has caused people to actually have somewhere to go, the City is on the map and people are coming to visit. It is a beautiful project which may seem dense but they have done a great job in moving this project forward and they have been working on this for a long time. Moreover, she would like to see something replace the slum and blight that is along Federal Highway near 14th Street.

Vice Mayor Moss asked if Mr. Penn could address Comr. McMahon's concern regarding the number of units per acre and how that was calculated.

Mr. Penn indicated that because they are a unified development per the land use plan amendment, this property does not have a density number; it has a unit count number. Therefore, the overall development is entitled to be 323 units. So, when the County approved the land use plan amendment and the City approved the property as a unified development for 323 units. The appropriate way for calculating in a unified development site, the density would include the entire property. He understands Comr. McMahon's point but the bottom line is the proper way is to take the entire site and calculate the density that way, so this is how they arrived at the overall density. A mixed-use development contemplates that portions of it will be used for non-residential purposes. Additionally, it is the City's directive to maintain the marina.

Vice Mayor Moss stated that he has been reading the P&Z minutes and over the years there has been a lot of debate regarding the garage, and the developer has taken numerous steps and approval processes, so the garage they have decided on is the garage that they had to negotiate with the various boards.

Mr. Penn indicated that they were encouraged to ensure the garage look fantastic because no one wants it to look like a big slab of a concrete.

Vice Mayor Moss concluded that change is difficult for most people and the only constant is change and people are coming to Florida and we cannot build a wall to keep them out. Many need to come to the City to improve the City and its tax base. He understands that there will be increase in traffic because of the development but there are people who live in single-family homes that have more than two cars but people living in apartments will not have that many cars. Finally, he said it is a beautiful project that is needed and he will support it.

Mayor Hardin commented on the parking garage and understands that once it leaves the City Commission, if it passes, it passes through other hands. However, in Pompano Beach we do not want our garages to look like parking garages, so there will be other boards that they will go before and he hopes the developer is hearing this loud and clear. He then asked how they came up with the number of 100 units per acre for Fairfield.

Mr. Penn responded that Fairfield is about 3 acres total and its 328 units approximately.

Mayor Hardin asked how many units were planned when they first started the land use phase.

Mr. Penn responded that when they first started they were looking for mixed use residential high, which is 50 units per acre and if you apply that to the entire property, it would be 443 units. The department did not support that, and by the time they got to the City Commission for first reading it was 343 maximum. They went

through the County that tested for traffic, etc. and they were in agreement with the number and when they reappear before the Commission out of that number they reduced it to 323, and they will resubmit the site plan at 300 units.

Mayor Hardin recapped that they started out as something different and during the process they came up with a reduced size. He expressed appreciation for the developer working with the City and everybody else who worked and was involved with the project. This has been quite a project that the City has gone through, it is different from when it first started, and the developer has shown that he is willing to compromise on this. In sum, there are projects that will not go forward because they are just not feasible, and if the developer elect to cut it in half, it is just not feasible economically. Therefore, those developers should be told at the very beginning that it will not work, it is too big, and to decrease the size. Of course, this does not work all the time because people will not do things where they will lose money and could just let it sit as is.

Vice Mayor Moss enquired about what kind of calculations this will contribute to the tax base in connection to this project. There was no response to this question.

### **Meeting went into Recess**

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

**Yes:** Eaton  
McGee  
Perkins  
Moss  
Hardin

**No:** McMahon

19. [19-649](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO DECLARATION OF RESTRICTIONS BETWEEN POMPANO BEACH LIVING, LLC AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 10, 2019, OCTOBER 7, 2019 & OCTOBER 22, 2019**

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



**Meeting Reconvened**

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating that it goes back to 2010, when there was a rezoning to RPUD (Residential Planned Unit Development) for 138 townhouse units. As part of the rezoning request, they made a voluntary commitment in the form of a declaration of restrictive covenants (DRC), which stated that the units could not be rented for less than a one year period and they were to be owned for one year prior to transferring to another ownership. The applicant originally requested that the City released those use restrictions and they have since revised the request to remove only the provision that would prohibit any use from being rented for one year following acquisition. There will not be any vacation rentals for less than one year. In addition, they have added to the declaration a requirement to include an HOA (Homeowners Association) prior to sales of the units. Finally, Ms. Gomez stated that the item was postponed at the October 22, 2019, City Commission meeting to allow more time for community discussions.

Dennis Mele, Esq. 200 East Broward Boulevard, Fort Lauderdale, FL, presented a slide displaying at the top, the original proposal was to eliminate the rental restrictions, which they have revised as displayed on the lower portion of the slide. He indicated that the same information on the slide was made available in the backup material. Continuing, it states, "No lease terms will be less than one year and they will create a homeowners' association." This is a townhome development fee simple for sale but if there is someone who desires to buy a unit and want to rent it to someone else, can do that and will have to rent for a minimum of one year.

Mr. Mele pointed out they are not building anything yet and before they build, they will reach out to the community and have neighborhood meetings to ensure everybody knows what is going on.

Mayor Hardin announced that he had ex-parte communications with the developer's representatives concerning the issue dealing with the rental restrictions and the homeowners' association documents.

Comr. Eaton announced that she had ex-parte communications with the applicant, who provided her with information on the project.

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

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

**Enactment No: RES. No. 2020-63**

**END OF QUASI-JUDICIAL PROCEEDING****20. [20-66](#) P.H. 2020-05: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DIVITO ENTERPRISES LIMITED PARTNERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,000.00 per year)

**FIRST READING: OCTOBER 22, 2019**

**(Staff Contact:** Horacio Danovich/Jeff Lantz)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that Jeff Lantz, Parking Manager will be leading this project moving forward, as he will be the one overseeing all the agreements for parking management.

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

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

**Enactment No: ORD. No. 2020-07**

**21. [19-487](#) P.H. 2019-89: (PUBLIC HEARING 2ND READING)**

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

(Fiscal Impact: N/A)

**POSTPONED FROM JULY 9, 2019, JULY 23, 2019, SEPTEMBER 24, 2019 & OCTOBER 22, 2019**

**FIRST READING: JUNE 25, 2019**

(Staff Contact: Jennifer Gomez/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

22. [20-106](#) **P.H. 2020-16: (PUBLIC HEARING 1ST READING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTIES LOCATED AT 2700 GATEWAY DRIVE AND 1441 SW 27TH AVENUE, POMPANO BEACH, FLORIDA, IDENTIFIED BY FOLIO NUMBERS 4942-04-00-0391 AND, AND 4942-04-09-0010, RESPECTIVELY, AS BROWNFIELD AREAS PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chris Clemens)

Chris Clemens, Manager Economic Development, presented the item and stated it is the first reading of a Brownfield resolution. Staff has utilized a different statute provision with this review, which he briefly explained.

Belmont Porten Properties, LLC, approached the City two years ago with a regular review pursuant to Section 376.802(c), F.S. the applicant must satisfy five criteria, ownership and control the site, economic productivity that is job creation, consistency with local land use and zoning, public notice, and reasonable financial assurance. At the time, the City could not determine that they could create the jobs being required which is at least five jobs. In the meantime, they have returned and have hired new counsel Goldstein and Environmental Law. After discussion among Mr. Goldstein, Assistant Attorney Fawn Powers and he, all felt under the provision Section 376.802(a), F.S. this could be brought back to the City Commission for consideration.

Continuing, Mr. Clemens indicated that they did satisfy three of the criteria under Section 376.802(c), F.S. One, the owner controls the site and he wants to redevelop it. Two, it is consistent local land use and zoning as shown from the map. It is on the southwest end of the City with McNab Road, Powerline Road and Gateway Drive. Three, it is all industrial land use and zoning. For public notice, they have posted a sign at the site, they advertised in the Sun Sentinel newspaper and the community section of Craig's List, as well as they held a community meeting.



Pursuant to Section 376.802(a), F.S., the City Commission must consider four different factors. One, whether the brownfield area warrants economic development and has reasonable potential for such activities. It already has a 45,000 square foot facility on it, which is to develop the vacant 2-acre parcel to the south of it. In the industrial area, last year, the City finished its vacancy rate on 28.5 million square feet which was 1.9%, as well as there is 2.2 million square feet of industrial being developed. Therefore, when prospects come looking for land, there is not much available, because the City has less than ten developable parcels left. Two, whether the proposed area to be designated, which represents a reasonably focused approach and is not overly large in geographic coverage. Combined, this is 4.37 acres and the vacant parcel south is 2 acres, so it is reasonably focused. Three, whether the area has potential interest in the private sector, to include interest in participating in rehabilitation. The owner has already started remediation activities and he wants to keep working on it, which is a great idea to get it back to a productive functional industrial site. Four, whether the area contains sites or parts of sites suitable for limited recreation and open space for cultural or historic preservation purposes. Staff would prefer to have this back as an industrial piece, as it is in the middle of an industrial district.

Mr. Clemens indicated that staff recommends approval of the brownfield designation based on the applicant meeting three or four factors in this new provision. However, they have met three of five in the last provision. Making the designation would not fiscally cost the City anything or expose it to any liability but it allows Belmont Porten Properties to take advantage of the brownfield tax incentives, for financial, regulatory and technical assistance incentives listed in Section 376.84 (1-3) F.S.

Michael Goldstein, Esq., 2100 Ponce de Leon Boulevard, Coral Gables, FL, stated that staff presented the information very well. However, he emphasized a few points. The designation is discretionary on the part of the City Commission under the second option for designating a brownfield area. They are seeking the designation because of a serious environmental need. The site was acquired by his client after the contamination occurred. The site is burdened by chlorinated solvents contamination in the soil and the ground water. The contamination is not only on site but it has migrated off site, so to remediate the contamination and restore the property to full productive use will likely cost in excess of \$1 million. There was a previous purchaser that was interested in acquiring the site and putting at least \$10 million into the property to expand its capacity to bring in more jobs and increase the tax revenues for the City. However, they had to terminate the contract because there was no appropriate vehicle in place to ensure that liability would be managed and that the cost for remediation would not become overly excessive. The designation allows the responsible party to enter into a cleanup agreement with Broward County and apply for tax credits that come from the state. There is no adverse financial impact on the City and tax credit returns between 67.5% and 90% of the cost for cleanup goes back to the party conducting the cleanup, which then allows the party conducting the cleanup to finish it.

Vice Mayor Moss indicated this is in his district and if it is badly contaminated then they want to clean it up. He asked if the parcel to the north will be demolished and have one large parcel.

Mr. Goldstein responded that this is very possible and provided an explanation.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be APPROVED FIRST**



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**READING. The motion carried by the following vote:**

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

23. [20-68](#) **P.H. 2020-10: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MASTER SUBSCRIPTION AND SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$35,100)  
  
(**Staff Contact:** Suzette Sibble/Karen Santen)

Suzette Sibble, Assistant City Manager, presented the item and stated that it is requesting the City Commission's approval of a three year agreement with Ecivis, Inc. They provide the City with its grants management software and even though it has many functions the most valuable tool is the ability to notify the City of grant opportunities as they become available, whether it is federal, state, local, or private sources. This is a very valuable tool, which has assisted the City with applying and receiving grants. In addition, Karen Santen, the City's grants coordinator was successful in renegotiating this agreement. Although the City has used this software over many years, she was able to get them to reduce the annual fee from \$13,000 per year to \$11,700.

Comr. Perkins asked about where the funding will be taken from, which Ms. Sibble responded that it will come from the General Fund.

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

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

24. [20-83](#) Approval to purchase Neptune Water Meters, Parts, and Accessories, as needed, from Neptune Technology Group. Neptune Technology Group is the manufacturer and sole source

provider of the specialized equipment.  
(Fiscal Impact: Estimated cost \$700,000)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director of Utilities, presented the item and stated that the purchasing department established a streamlined process where the City can standardize some of its equipment through a standardization process. The water meter system in place is over 20,000 units not including the 18 towers and software that goes along with it. This is a great opportunity to standardize and continue to use Neptune meters.

Mayor Hardin cautioned that staff needs to be careful and mindful when working with standardization, but he understands this situation.

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

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

25. [20-93](#) **P.H. 2020-11: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR CAPACITY ALLOCATION IN PHASE 1 OF THE C-51 RESERVOIR BETWEEN THE CITY OF POMPANO BEACH AND PALM BEACH AGGREGATES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$9.2 Million State Revolving Fund)

(Staff Contact: A. Randolph Brown)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

26. [20-90](#) **P.H. 2020-12: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.03, "WATER TARIFF," TO PROVIDE FOR INCREASES TO RATES AND CHARGES

FOR WATER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

Mayor Hardin requested a motion to take items 26, 27 and 28 out of order.

**MOTION: A motion was made by Vice Mayor Moss, seconded by Comr. Perkins to take items 26, 27 and 28 out of order. The motion carried unanimously.**

After the reading of the item, Mayor Hardin announced that he received a request to postpone the item until the next City Commission meeting, which will be December 10, 2019. The City Manager had indicated that there would not be a problem to postpone according to the request.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be POSTPONED until December 10, 2019 City Commission meeting. The motion carried by the following vote:**

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

27. [20-91](#) **P.H. 2020-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 51, "SEWERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 51.05, "WASTEWATER TARIFF," TO PROVIDE FOR AN INCREASE IN THE MONTHLY RATES AND CHARGES FOR SEWER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

After the reading of the item, Mayor Hardin announced that he received a request to postpone the item until the next City Commission meeting, which will be December 10, 2019. The City Manager had indicated that there would not be a problem to postpone according to the request.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be POSTPONED until December 10, 2019 City Commission meeting. The motion carried by the following roll call vote:**

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

28. [20-92](#) **P.H. 2020-14: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 54, "REUSE WATER AND CROSS-CONNECTION CONTROL," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 54.05, "CONNECTION CHARGES AND RATES," TO PROVIDE FOR INCREASES IN CERTAIN RATES AND CHARGES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** A. Randolph Brown)

After the reading of the item, Mayor Hardin announced that he received a request to postpone the item until the next City Commission meeting, which will be December 10, 2019. The City Manager had indicated that there would not be a problem to postpone according to the request.

Mayor Hardin requested the three items 26, 27, and 28, that were postponed should appear at the beginning of the agenda for discussion as some people who were in attendance to speak on these items had to leave because of the lateness of the reading of the items.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be POSTPONED until the December 12, 2019 City Commission meeting. The motion carried by the following vote:**



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

29. [20-108](#) **P.H. 2020-09: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 30, "CITY COMMISSION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 30.02, "MEETINGS," TO MODIFY THE METHOD TO DETERMINE THE TIME OF DAY WHEN REGULAR MEETINGS SHALL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Mark Berman, City Attorney, presented the item and stated that this is per the City Commission's request to amend the ordinance setting the times for the Commission meetings to provide for a one-day meeting being held at 1:00 p.m. at the first meeting of each month. He originally modified the times. Subsequently, in conversation with the City Manager, he understands that majority of the Commissioners' desire that the time be completely removed from the ordinance. This has been done but he has substituted in the ordinance a provision that the real times would be set by resolution. Consequently, should the passage of this ordinance prevail at second reading, it would remove the time from the ordinance, but on the same agenda there will be a resolution to set the times that the City Commission will consider.

Lenoard Ogle, 370 SE 7th Street, Pompano Beach, FL, understands that this will change the meetings to days instead of nights.

Mayor Hardin responded that it would only be the first meeting of the month, which would mean one meeting will be in the day and the other will be at night.

Mr. Ogle indicated this will cut off quite a bit of residents that work during the day and who would have time to attend the meetings at nights. Therefore, since he works in the day, he would not support meetings during the day.

M. Ross Shulmister, 560 SE 12 Street, Pompano Beach, FL, stated that he has been attending Commission meetings for forty-two years and this is not new. When he first started attending meetings this was done in alternating date time and evening. The public wanted to be able to attend the meetings, but now this current Commission wants to go back to what the prior Commissions had figured it would not be a good idea. He agrees that people work and the majority of citizens do not have the luxury of self-employment that would allow them flex time. In sum, he thinks this is a bad idea and urged the Commission not to change the time.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that he missed three meetings in five years, but he said he as well as other citizens would not be able to attend meetings during the day. He felt that meetings during the day will reduce the attendance of citizens. The 6:00 p.m. is better than the 7:00 p.m. time that was in place previously. Therefore, he urged the Commission not to do the afternoon or morning meetings.

Vice Mayor Moss indicated that there are a large amount of retired people in the City and he represents a large amount and they do not like to come out to drive at night to attend the meetings, so he is happy that alternate times are being considered. These retired residents would like to have the opportunity to attend meetings as well.

Comr. McGee indicated that there is pros and cons for the times of the meetings, which she has not yet considered. There are retired residents that do not want to drive at night to attend meetings and there are residents that have different work schedules which allow them the convenience to come to the meetings during the day. Therefore, she would agree to the idea to try changing the meetings and if it is not working then use a less restrictive means to get the times changed.

Comr. McMahon indicated that the intent was not to discourage people from attending the meetings or not have input. This was a way to get additional people to come to the meetings and provide their input. There are two meetings each month and there are people who work at night, there are single parents that do not want to bring their kids to sit through a meeting that at 10:00 p.m. items are still being voted on. Therefore, this would be a way to get more people to come to the meetings. Also, as indicated by Vice Mayor Moss there are a number of retired citizens that may want to attend the meetings but are unable to drive at night but would attend if one is done during the day. He suggested that the Commission tries the proposed change in time and if it is not working then it can be changed.

Comr. Eaton understands that the ordinance is to remove the times for the meetings and then "plug in" by resolution the times.

Mr. Berman replied that is correct and explained how the ordinance and resolution would set the dates of the meeting, which is every second and fourth Tuesdays and the times set, which can be changed from time to time.

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

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

30. [20-105](#) **P.H. 2020-07: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THREE YEAR LABOR AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$999,731)

**(Staff Contact:** Ed Beecher/Bobby Bush)

Ed Beecher, Director, Human Resources Department, presented the item stating this is for a three-year labor agreement between the Pompano Beach Professional Firefighters Local 1549 of the IAFF and the City. Recently, the City and the Fire negotiating teams came to a tentative mutual agreement, which was subsequently ratified by the IAFF membership in October 2019. Mr. Beecher thanked the Mayor and City Commissioners for the work and guidance during the executive sessions with the management team. In addition, he thanked the executive members, Assistant City Managers Brian Donovan, and Suzette Sibble, and Budget Manager Erjeta Diamanti for their guidance and assistance during the negotiations over the past six months. As well as, members of the City's negotiating team Chief John Jurgle, Assistant Chief Chad Brocato, Human Resources Senior Analyst Bobby Bush, Human Resources Analyst Vincent Marchione and members from the City Attorney's Office, Deputy City Attorney Tracy Lyons and City Attorney Mark Berman and outside legal counsel Paul Ryder. Finally, he thanked the Fire Union team and their President Steve Hudson, for their professionalism during the negotiations.

In conclusion, Mr. Beecher requested that the ordinance be approved as an emergency second reading due to circumstances beyond staff's control to avoid any further delay in executing the agreement.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that the union appears to work hard to get their favorites elected into office, and provided his reasons for his statement. He alleged that the fire union gave all the members on the commission over 1,000 hours of their time except Comr. Perkins. In sum, he indicated that with most of the increased benefits awarded in the contract to include 20% pay increase, health care, tuition reimbursement, and guaranteed pension, it will cost the taxpayers and they deserve better.

Vice Mayor Moss asked if anyone of the City Commission members were involved in the negotiation process on this contract.

Greg Harrison, City Manager responded no sir.

Comr. Eaton indicated that prior to her election as a commissioner she found out quite some interesting facts about the City's firefighters, which included the amount of calls they process on a daily basis is two to three times greater in comparison with a City that is similar in size. In sum, they are doing a great job so she will support the item.

Comr. McGee indicated that when consideration is given to the services provided, which is oftentimes a life or death situation, they deserve the best, which is what the City has done to retain their services.

Comr. McMahon echoed what the previous Commissioners stated earlier about the City's fire department doing an incredible job and the amount of calls they have to process every day, if anybody within the City deserves a raise it is definitely the first responders. Every day they are out fighting for the residents' lives and handling situations that some people could not handle. We have an award winning fire department and he would support this item completely.

Mayor Hardin stated that the City's fire department is the best. However, when the agreement process is negotiated, there is no, "We want the pie in the sky so give it to us." The City pays its employees within reason compared with other surrounding areas. We do have great firefighters and EMS personnel and the City wants to pay to keep them in the City or lose the experienced personnel, which will cost the taxpayers "mightily" not just in dollars for training but also for people who drop on the ground with a heart attack.

Mr. Harrison corrected the records where Mr. Terwilliger mentioned a 5% per year increases, which is incorrect.

Mr. Beecher stated that the Cost of Living Allowance (COLA) increase is 1% per year for three years. Currently, sixty percent of the fire fighters are maxed out and do not receive any merit increase. As a result, the contract provides for two additional 4% merit increases in years 1 and 2 of the contract.

**MOTION: A motion was made by Vice Mayor Moss, seconded by Commissioner McGee to declare an emergency second reading of the item. The motion carried unanimously.**

**Emergency 2nd Reading**

Ed Beecher, Director, Human Resources Department, presented the item and stated that there has been no change since the first reading.

**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 Perkins, that the Regular Agenda/ Ordinance be Declared an Emergency second reading. The motion carried unanimously.**

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



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

**Enactment No: ORD. No. 2020-08**

31. [20-88](#) **P.H. 2020-08: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.045, "DEFINITIONS," SECTION 34.057, "DISABILITY," AND SECTION 34.058, "PRERETIREMENT DEATH," TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2019-21, LAWS OF FLORIDA; PROVIDING FOR CLARIFICATION TO EXISTING METHODOLOGIES AND PRACTICE FOR BENEFIT CALCULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Ed Beecher)

Ed Beecher, Director, Human Resources Department, presented the item and stated it is at the request of the Police and Firefighters' Retirement System. This is the first reading of an ordinance that provides for administrative change to the definition section, and further to amend the disability and pre-retirement death sections to be in compliance with recent changes by the Florida legislature effective July 1, 2019. This relates to coverage benefits for firefighters diagnosed with certain cancers. The retirement board retained the services of the Nyhart Company, an actuarial firm who has opined that the net effect on the changes, liability, and contribution is zero. In addition, Debra Tocarchick, as Executive Director, of the Police and Firefighters' Retirement Board.

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

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

32. [20-94](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CLAUDIA MAZZOCCHETTI TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF MONA SILVERSTEIN, ALTERNATE 2; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Carlton Gillespie - District 1  
Claudia Mazzocchi - District 1  
Carmen Jones - District 4  
Jazzman Lesane - District 4  
Marguerite K. Luster - District 4  
Quenton Thompkins, Sr. - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name CLAUDIA MAZZOCCHETTI. Vice Mayor Moss nominated Claudia Mazzocchi and Commissioner Perkins nominated Jazzman Lesane. The motion carried by the following roll call vote:**

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

**Enactment No: RES. No. 2020-64**

33. [20-95](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JERRY BOWMAN, SR. TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 9, 2022; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: Enter dollar amount or N/A, if not applicable.)

**APPLICANTS:**

Jerry Bowman, Sr., **Incumbent** - District 3  
Sharon Tamayo, **Incumbent** - District 3

Claudia Mazzocchetti - District 1  
Veronica Thomas - District 4  
Kelly Ann Maguire - Fort Lauderdale

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name JERRY BOWMAN, SR. Vice Mayor Moss nominated Jerry Bowman, Sr. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2020-65**

34. [20-97](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHARON TAMAYO TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 9, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 20-95 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2020-66**

35. [20-98](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CLAUDIA MAZZOCCHETTI TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF THOMAS DENNIS ; SAID TERM TO EXPIRE JUNE 26, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 20-95 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2020-67**

36. [20-99](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING VERONICA THOMAS TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CONNIE L. TIDWELL ALTERNATE 2; SAID TERM TO EXPIRE JULY 1 2022; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 20-95 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2020-68**

37. [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 , SEPTEMBER 24, 2019 & OCTOBER 22, 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 McDougale, 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 Perkins, that the Regular Agenda/ Resolution be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

38. [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 , SEPTEMBER 24, 2019 & OCTOBER 22, 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 Perkins, that the Regular Agenda/ Resolution be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

39. [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 , SEPTEMBER 24, 2019 & OCTOBER 22, 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 Perkins, that the Regular Agenda/ Resolution be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

40. [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 , SEPTEMBER 24, 2019 & OCTOBER 22, 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 Perkins, that the Regular Agenda/ Resolution be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

41. [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 , SEPTEMBER 24, 2019 & OCTOBER 22, 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 Perkins, that the Regular Agenda/ Resolution be POSTPONED until December 10, 2019 City Commission meeting. The motion carried unanimously.**

42. [20-101](#) Discussion and consideration item for the annual performance evaluation of the City Attorney, Mark E. Berman.  
(Fiscal Impact: To be determined by City Commission)

(Staff Contact: Ed Beecher)

Ed Beecher, Director, Human Resources Department, presented the item stating that at the City Commission's direction, each Charter officer reporting directly to the City Commission will be evaluated annually on their established hire date anniversary. The annual performance evaluation of Mark Berman, City Attorney has been

placed on the agenda for discussion and consideration. Last month Mr. Beecher indicated that he provided the Commission with a suggested performance evaluation that they could use to assist them with the evaluation process. A performance evaluation data worksheet is included in the agenda packet showing the established suggested increases that all the general employees and management are eligible for ranges from 1%-3%.

Mayor Hardin indicated that Mr. Berman has done a great job for the City of Pompano Beach. His department takes care of issues and there is a treasure trove of information in the backup indicating what he has done over the past year.

**MOTION: A motion was made by Mayor Hardin, seconded by Commissioner McGee to approve a 3% increase in Mr. Berman's salary.**

Vice Mayor Moss echoed Mayor Hardin's comments and indicated that the City Attorney does an outstanding job for the City Commission.

Comr. McGee indicated that she has found him to be accessible, knowledgeable and available whenever she needs him.

Comr. McMahon echoed everybody's comments where Mr. Berman does an incredible job and he has a great team of attorneys, as well as for a City of this size, they are lucky to have the legal counsel expertise inhouse.

Comr. Eaton concurred with all the other members of the Commission and indicated that he has done a fantastic job with a lot of complicated issues.

Comr. Perkins commented that as the Commission has done with the City Attorney, she hopes the same would be done with the City Clerk, the Internal Auditor and the City Manager individually, because the last time they were all put together.

**A motion was made by Mayor Hardin, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED to increase Mark Berman's salary by three percent (3%). The motion carried by the following vote:**

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

#### **E. REPORTS**

**Gregory Harrison, City Manager - Holiday Sentiments** - Mr. Harrison wished everyone a nice

Thanksgiving, a good time with families, and pause to thank the good Lord for everything He has provided for all of us.

**Mark Berman, City Attorney - Expressions of Appreciation** - Mr. Berman thanked the City Commission for their kind words and the confidence they have shown in him. It is a pleasure and privilege for him to continue to provide advice, counsel and legal services to the Commission.

**Holiday Sentiments** - Mr. Berman wished everybody a Happy Thanksgiving. He reiterated his thanks to the Commission for their vote of confidence in him.

**Asceletha Hammond, City Clerk - Holiday Sentiments** - Ms. Hammond wished everybody a Happy and Healthy Thanksgiving.

**Commissioner Rhonda Eaton - Cresthaven Civic Association meeting** - Comr. Eaton announced that the Cresthaven Civic Association meeting will be held on Thursday November 14, 2019, at the Moose Lodge, located at NE 33rd Street and Dixie Highway.

**District 2 Street Lighting Plan** - Comr. Eaton was pleased to report that they will be commencing an illumination plan for District 2. There are some sections that have no street lights. Earlier the Commission approved several lighting agreement items, so they will be getting lighting even though it is long coming, the process has begun. She thanked City Staff for working on the lighting project with Florida Power & Light (FP&L).

**Safe Neighborhood Improvement District** - Comr. Eaton reported that for the Safe Neighborhood Improvement District a pilot program will be done for traffic calming, which will be launched at the end of January 2020. This will be a public outreach meeting to determine how the City can quickly and economically calm the traffic in the communities, particularly in District 2. More information is forthcoming.

**Holiday Sentiments** - Comr. Eaton wished everybody a Wonderful and Happy Thanksgiving.

**Commissioner Andrea McGee - Broward County Coastal Dune Restoration Grant** - Comr. McGee reported that they were successful in acquiring one of the projects she has been assisting the City to get, the Broward County Coastal Dune Restoration Grant. They will be putting one in at the Sonata Beach Club on the beach, and they will be planting there this weekend. In addition, she has been working with staff to try and get a comprehensive plan of where there are holes in the dune system and where the City can plan ahead as grants and opportunities come up to reinforce the beaches, fight erosion, etc. Hurricanes can do a lot of damages where there is not a reinforced beach system in place.

**Visit to Washington, D.C.** - Comr. McGee reported on her visit to Washington, DC, together with the Florida League of Cities. It was a very productive and good meeting. They met with Congressional and Senate members locally to discuss the national flood insurance program to ensure this is continued. Cyber Security needs; ADA compliance where cities are having issues; small businesses with website compliance; federal small wireless infrastructure deployment, to ensure cities have a voice as to how they are installed and not just anywhere a company wants to put them. In addition, investing in infrastructure to ensure thoughts for



transportation and water supply and quality; to ensure attention is given to the salt water creep, and to do things now to fortify the water supply for generations to come. As well as, to continue to pursue getting free funding on municipal bonds. There was also a request to have supplementary emergency declaration for Hurricane Dorian, which was accomplished.

**Pier Annual Pass** - Comr. McGee indicated that she has been receiving many calls and emails on the opening of the pier. People are asking about an annual pass or some allowance that would enable local residents to more cost effectively enjoy the pier, which could be opened up for discussion.

Greg Harrison, City Manager stated that to date staff has projected the numbers and discussed with the City Commission, during the annual budget process, what the City would receive based on a \$2 pier entry fee and a \$5 fishing fee on the pier for one year. However, staff has not returned to the Commission for a complete approval of that policy. Therefore, the Commission can discuss the options. Staff could try and forecast what the best options might be and compare the difference within the budget.

Mayor Hardin thought the City Manager was investigating what was done with the Jacksonville's pier.

Mr. Harrison replied yes, they are in conversation with the same firm that would manage the pier for the City of Pompano Beach on contract, which was approved by the Commission.

Comr. McGee indicated she just wanted to ensure there is consideration being given to allow those taxpaying residents who walk the beach every day are allowed the accessibility to the pier in a cost effective manner.

Mayor Hardin commented on the fact that the City cannot grant any discounts to residents for the Alsdorf Park boat launching because the property is owned by the Florida Inland Navigation District. So, in this case staff must ensure a discount can be given to residents for the pier, taking into consideration that it is on submerged land with the State. Therefore, he instructed Mr. Harrison to return to the Commission with some ideas.

**Holiday Sentiments** - Comr. McGee wished everybody a Happy Thanksgiving.

**Commissioner Tom McMahon - Pier Sponsorship** - Comr. McMahon indicated that a few people have contacted him about the pier and sponsorship opportunities. He is aware of the sponsorship program that Assistant City Manager, Suzette Sibble has in place with the company responsible for the maintenance of the entire pier. However, there are fishermen who have utilized the pier during their entire life and they would like to be able to sponsor a bench or a cleaning table or something of that nature on the pier. Therefore, if staff could check into this, which would be similar to a memorial of the pier to include new furniture, name plates, etc. of people who historically fished over the years from the pier.

**South Pompano Beach Civic Association Anniversary meeting** - Comr. McMahon reiterated what Mr. Shulmister mentioned earlier regarding the Homeowners' Civic Association celebration to be held on November 18, 2019, at the Spanx Hog Restaurant, located immediate south of Atlantic Boulevard on Cypress Road.

**Educating Residents on Safety Measures** - Comr. McMahon mentioned that on Wednesday, November 13, 2019, he will be at the Lyons Park along with the Broward Sheriff's Office (BSO), passing door flyers to assist residents of reminders not to leave things of importance such as car fobs, keys or bags on their car seats, turn lights on in the house, which are all safety measures. There have been a number of car thefts in the district and most are due to carelessness of people leaving things like keys in their car.

**Holiday Sentiments** - Comr. McMahon wished everybody a Happy Thanksgiving and a blessed day.

**Commissioner Beverly Perkins - Illegal Dumping** - Comr. Perkins reminded everybody that there is still a reward in place for those who see illegal dumping taking place in the community. So, if "You see something, say something."

**Community Benefits** - Comr. Perkins requested that the City Manager look into community benefits because a few people have been coming to her to ask about this matter as it relates to developers. Therefore, if he could provide a report at the next meeting, on what the other cities are doing around the United States with their community benefit ordinance.

**Thanksgiving Event by Hopewell Missionary Baptist Church** - Comr. Perkins announced that on Saturday, November 16, 2019, the Hopewell Missionary Baptist Church will be having a Thanksgiving event where they will be feeding the community. This will start at 10:00 a.m. and will be held at 890 NW 15th Street.

**Acknowledgement for Bahamas Relief** - Comr. Perkins reported that there was a Bahamas relief that took place at the Bethel AME Church sometime ago. Therefore, they wanted her to acknowledge some of the churches that came together in the City of Pompano Beach. Bethel AME Church opened its doors to house the supplies and a lot of people boxed up the supplies given and sent them to the Connor Neil Church in Hollywood, where they had direct contact with getting the supplies to the people in the Bahamas. Comr. Perkins acknowledged Pastor Eddie Mohese, Tony Manuel, and Frederick Ford along with Reverend Stanley of Hopewell Baptist, the Antioch Missionary Church and several churches that participated in the Bahamas Relief, and special thanks to everybody that helped with this effort.

**Vice Mayor Barry Moss - Collier City Civic Association Meeting** - Vice Mayor Moss announced that the Collier City Civic Association meets on the last Wednesday of every month and they will be meeting at the Jan Moran Learning Library, in Collier City.

**Direct family connection with Plymouth and the Mayflower** - Vice Mayor Moss stated that he has been spending a great deal of time working on Ancestry.com and he found that he was born in a town that was part of the Plymouth colony in 1620. In addition, he discovered this through ancestry.com last week that his tenth great grandfather George Soule arrived on the Mayflower in November 1620. Therefore, if anybody wants to have a real heir at their Thanksgiving table that was born in Plymouth colony and has a great grandfather who came over on the Mayflower, he is accepting invitations.

**Mayor Rex Hardin - Local Hall of Famer** - Mayor Hardin reported that a local resident, Jesse Vassallo was recognized and inducted into the Broward County Sports Hall of Fame in October 2019. Mr. Vassallo is the coach for the Pompano Piranhas Swim Team and was inducted as the swimming designee sponsored by

the Greater Fort Lauderdale Convention Business Bureau. He was inducted along with O.J. McDuffie for football and Dr. Guy Harvey for fishing.

**New Champions for Hoops for a Cure Basketball** - Mayor Hardin reported that the City of Pompano Beach puts on a fantastic basketball team game. There was a Hoops for a Cure basketball challenge recently and the City took on Blanche Ely High School to raise funds for breast cancer awareness month. Special thanks to Blanche Ely High School and Principal Karlton Johnson who always participated in things of this nature. In addition, he acknowledged Human Resources/Risk Management Department who plan the event and do this every year for a worthy cause, as well as thanks to the City employees for coming out and participating. He happily announced that the City's Hoops for a Cure basketball team brought home the trophy this year. Mayor Hardin indicated that he did not play, however, Dr. Johnson commented that in all their years they never lost to Mayor Fisher's team, so there is a new trend going and encouraged the team to keep it going. Congratulations to the City of Pompano Beach and thanks to Blanche Ely High School for participating.

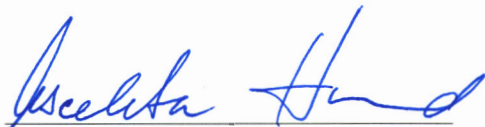
**Habitat for Humanity Spirit of Humanity Award** - Mayor Hardin announced that the City received recognition recently in October by the Habitat for Humanity and was awarded with the Community Re-investment Spirit of Humanity award. For many years dating back since 1995 the City has partnered with Habitat in a lot of regards and has helped to build approximately 121 homes, which are more homes in the City than any other homes in the County. This year nine lots were slated in the Collier City and seventy-seven homes were being built at Rick Case. City Manager Harrison has been very generous to allow City staff to participate in this and they go out to work at the construction sites. He is proud that the City is honored by this award. He has talked about Habitat for a long time and they do a tremendous job. He is happy that they recognized the City's efforts.

**Holiday Sentiments** - Mayor Hardin wished everybody a happy, safe and blessed Thanksgiving.

**City Commission Meetings** - Mayor Hardin reminded everybody that there is no second meeting this month and there will be only one meeting in December.

#### **F. ADJOURNMENT**

The meeting adjourned at 10:23 p.m.



Asceletha Hammond, City Clerk

  
Rex Hardin, Mayor



# Exhibit 1



## HIDDEN HARBOUR

APPLICATION FOR PLANNED DEVELOPMENT (PD-1)

MAY 22ND, 2019

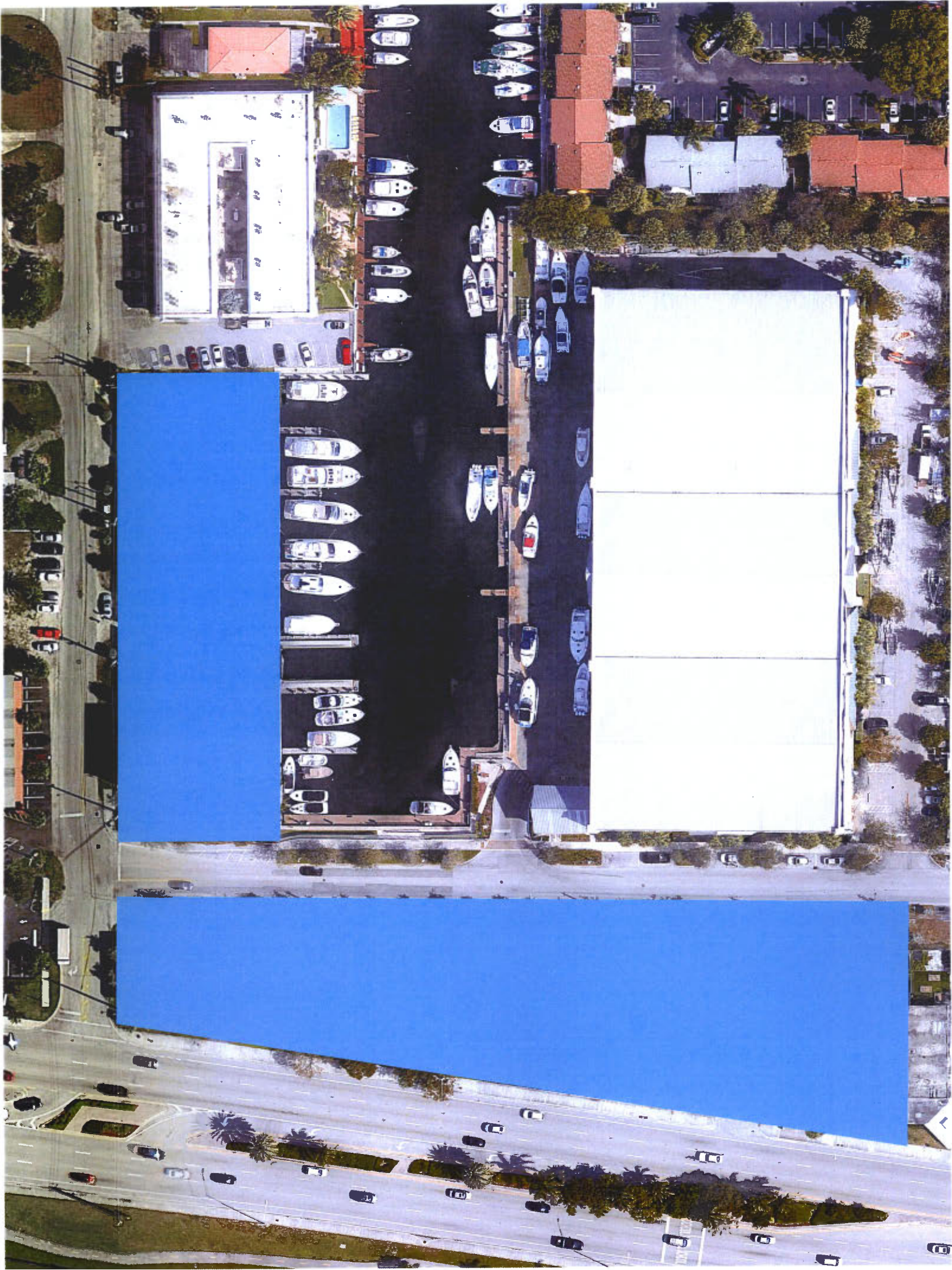




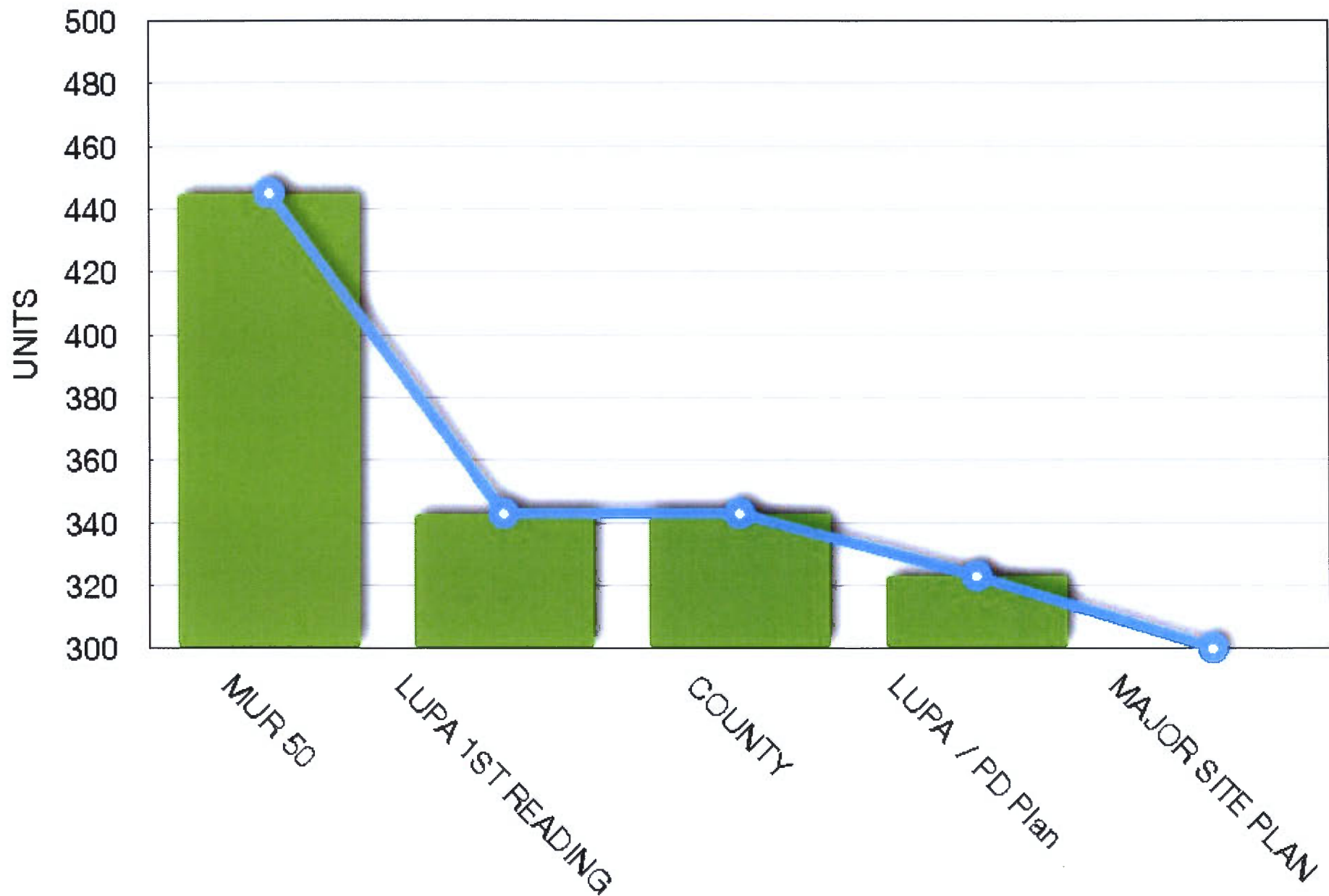
**NE 23 Avenue**

**NE 16 Street**





# DENSITY REDUCTIONS DURING PROCESS





**Fairfield at  
Pompano**

**Harbourside  
Major Site Plan**

**Over 100  
Units Per  
Acre**

**44 Units Per  
Acre**





# Fairfield at Pompano



[I]ntended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure.

## Land Use Plan Limits

**323 Residential Units**

**510,000 sq. ft. Commercial**

**75,000 sq. ft. Marina / 15 slips**

## Land Use Plan Requirements

## Proposed Plan

**Retention of Marina**

**Yes**

**10,000 sq. ft. Vertical  
Commercial**

**Yes**

**Park or Parking North  
of 16 Street**

**Park**

**Compliance with  
Design Guidelines**

**Yes**



Design Guidelines

Proposed Plan

**Minimal Setbacks**

**Yes**

**Direct Federal  
Access**

**Yes**

**Encourage  
Pedestrian Activity**

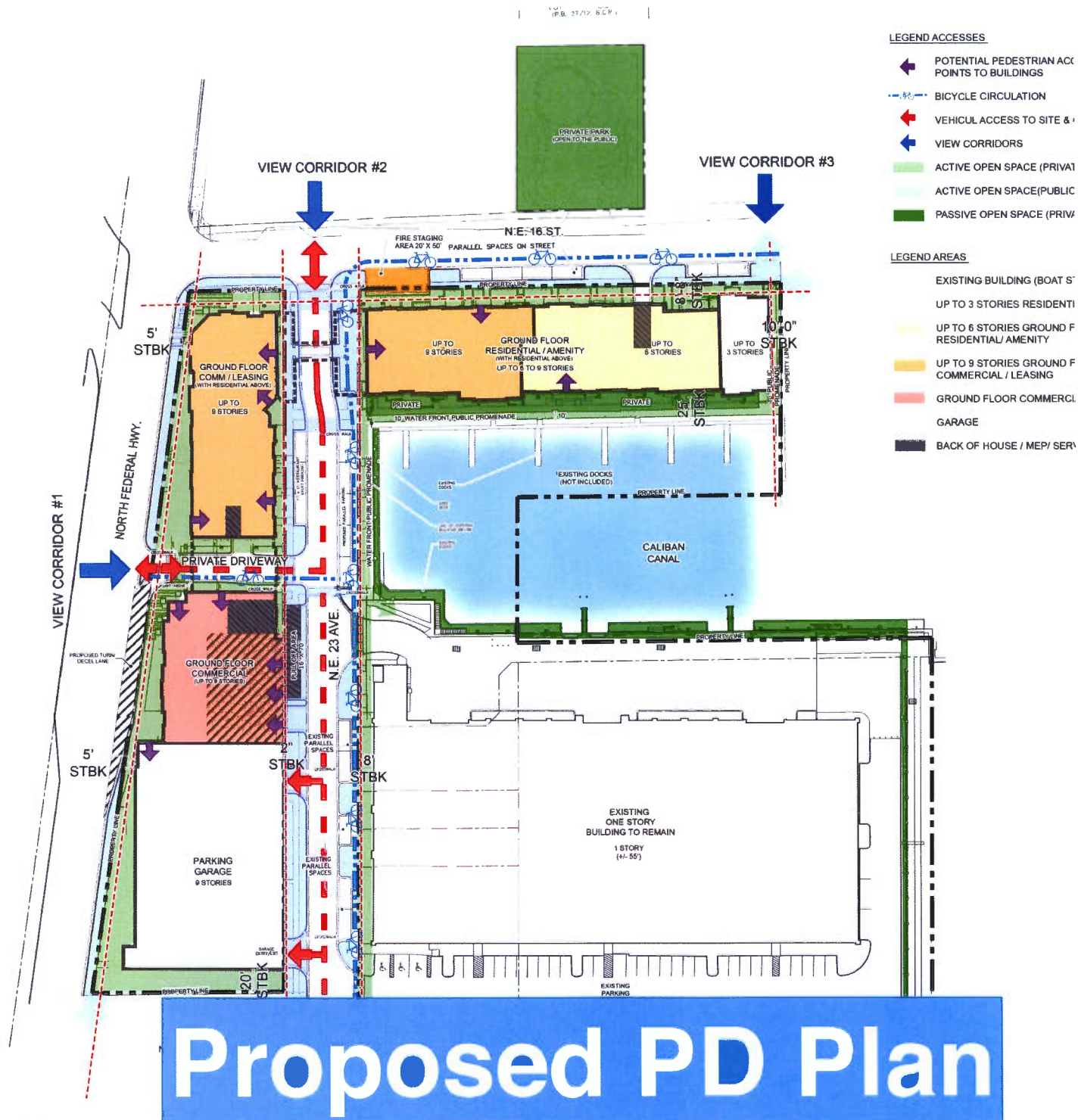
**Yes**

# Local Workforce Hiring

The Owner shall use all commercially reasonable efforts to (i) utilize the local business community as well as the local workforce in the development of the Property; (ii) recruit and retain qualified community based small businesses; (iii) hire and ensure the retention of qualified employees regardless of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation, and (iv) **achieve an aspirational goal of awarding at least 10% of the construction contracts (based on the total construction costs of the project) to minority businesses to the extent permitted by law.** The Owner agrees to hire a consulting firm with expertise in this area to manage and assist with the development and administration of the ongoing programming, as a good faith effort to guarantee its overall success.

# PD PLAN

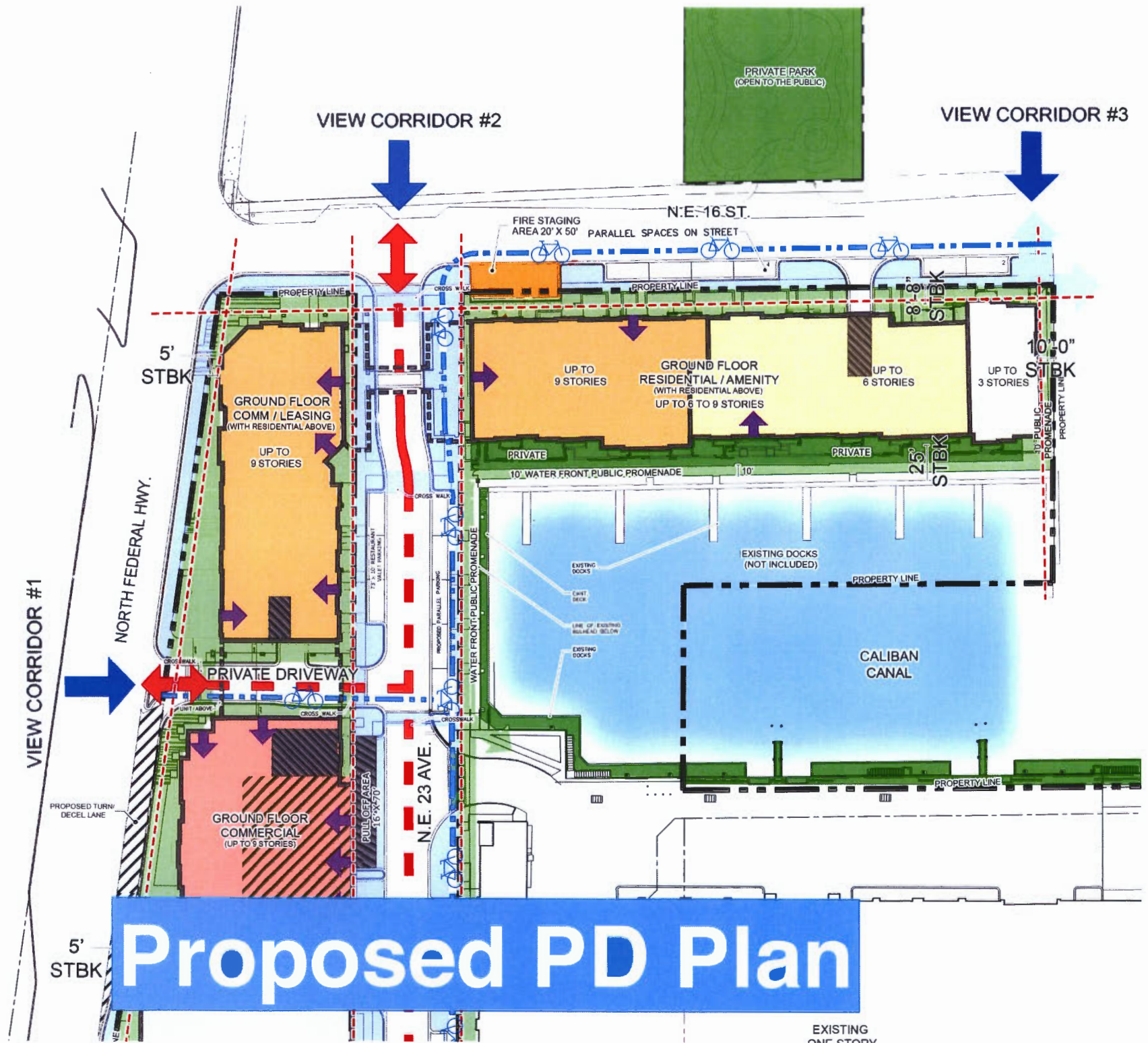




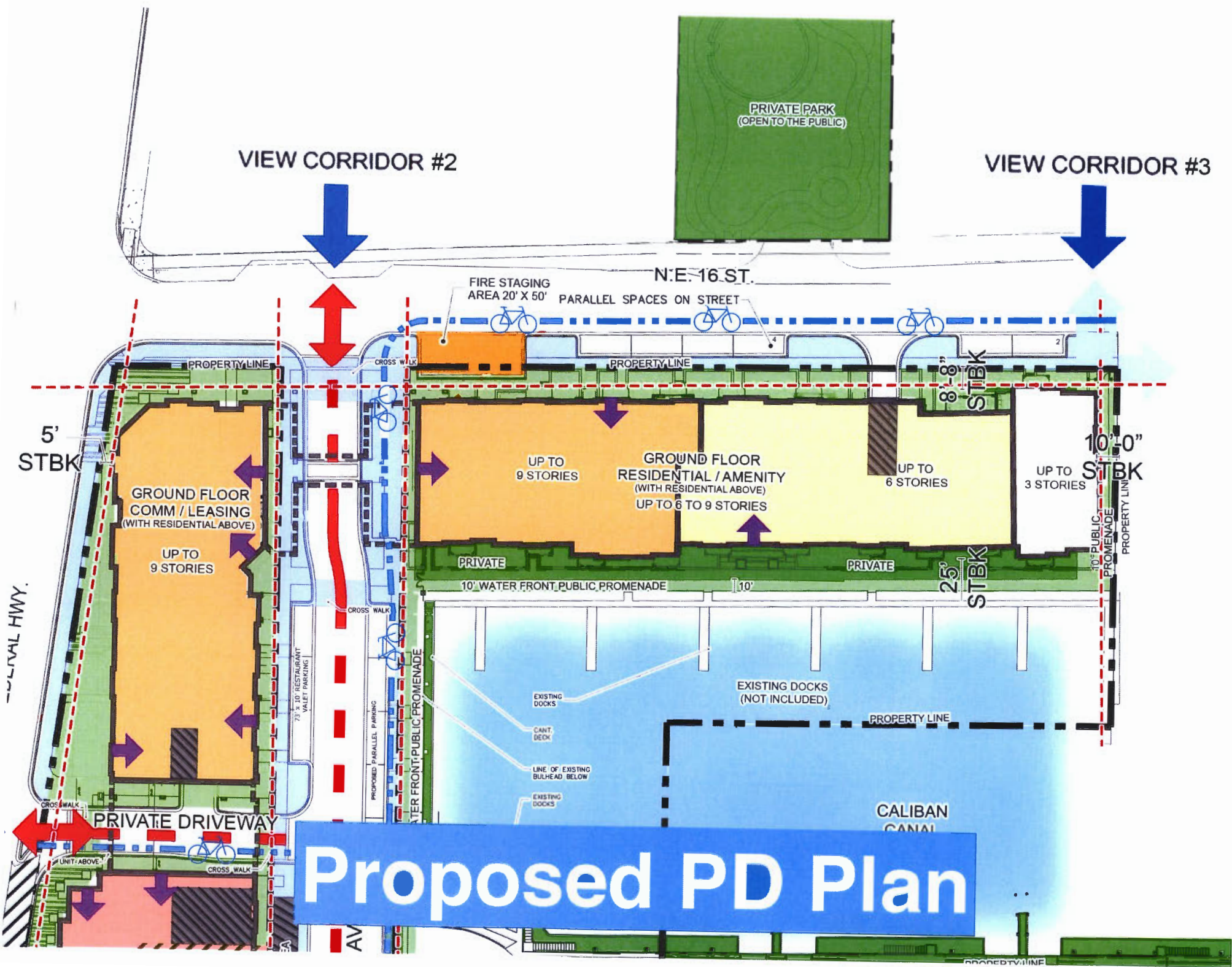
PD I MASTER PLAN

SCALE: 1" = 40'











VIEW CORRIDOR

NOR

PRIVATE DRIVEWAY

GROUND FLOOR  
COMMERCIAL  
(UP TO 9 STORIES)

PULL OFF AREA  
16'x70'

N.E. 23 AVE.

CALIBAN  
CANAL

PROPOSED TURN/  
DECEL LANE

5'  
STBK

2"  
STBK

8'  
STBK

PARKING  
GARAGE  
9 STORIES

EXISTING  
ONE STORY  
BUILDING TO REMAIN  
1 STORY  
(+/- 55')

GARAGE  
ENTRY/EXIT

EXISTING  
PARKING  
TO REMAIN

Proposed PD Plan

NOT IN

PROPERTY LINE

**BOAT LOADING**



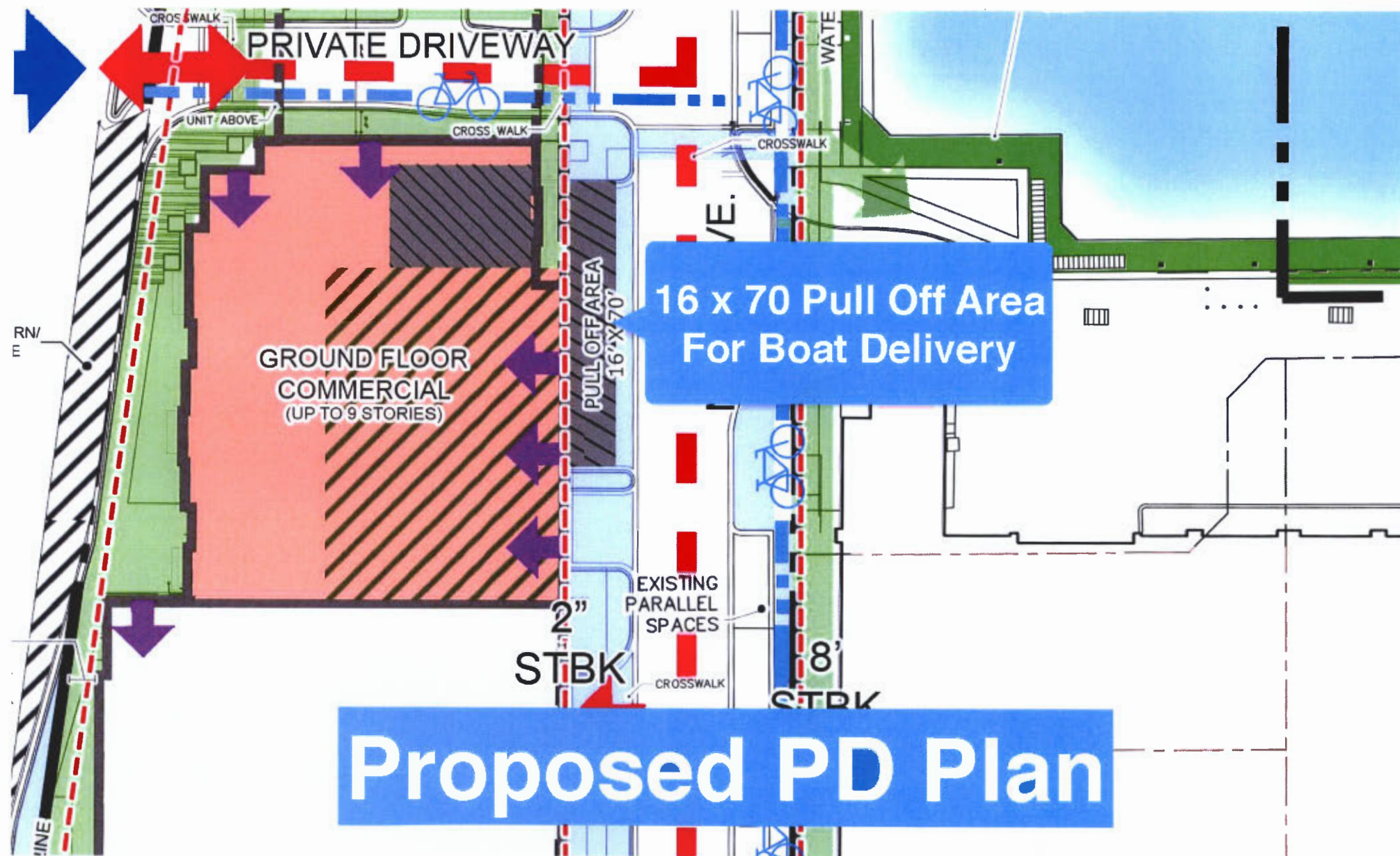


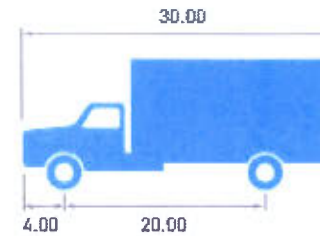
Existing Display  
Area

This aerial photograph shows a waterfront area. On the left, a multi-lane road with several cars runs vertically. To the right of the road is a grassy area with some trees. Further right is a paved area where several boats are parked. A blue speech bubble points to this area. To the right of the paved area is a large, light-colored rectangular area, possibly a boat ramp or loading zone. At the bottom of the image, a blue banner with white text reads 'BOAT LOADING'. The background shows a body of water with more boats and a building with a blue roof.

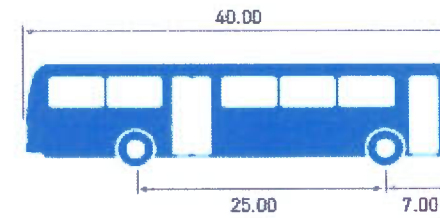
**BOAT LOADING**



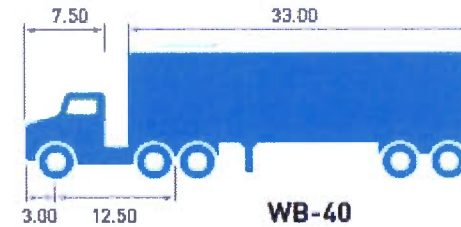




**SU-30**



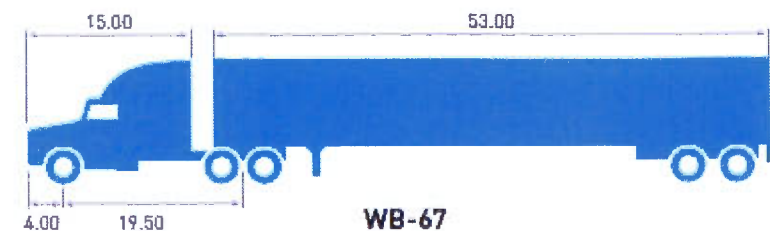
**CITY-BUS**



**WB-40**



**WB-50**



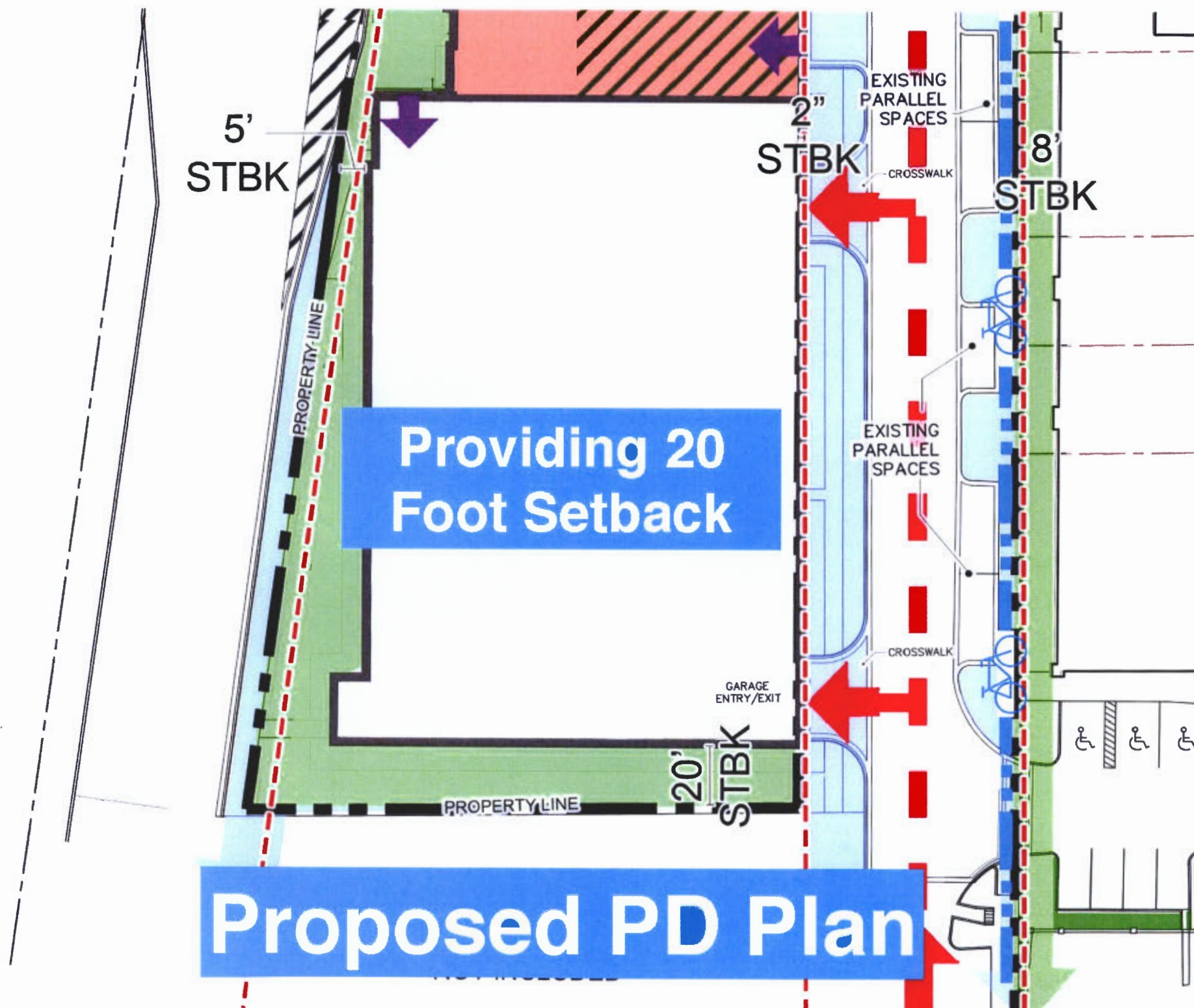
**WB-67**

Tractor Trailer Can  
Be Accommodated

# Vehicle Sizes

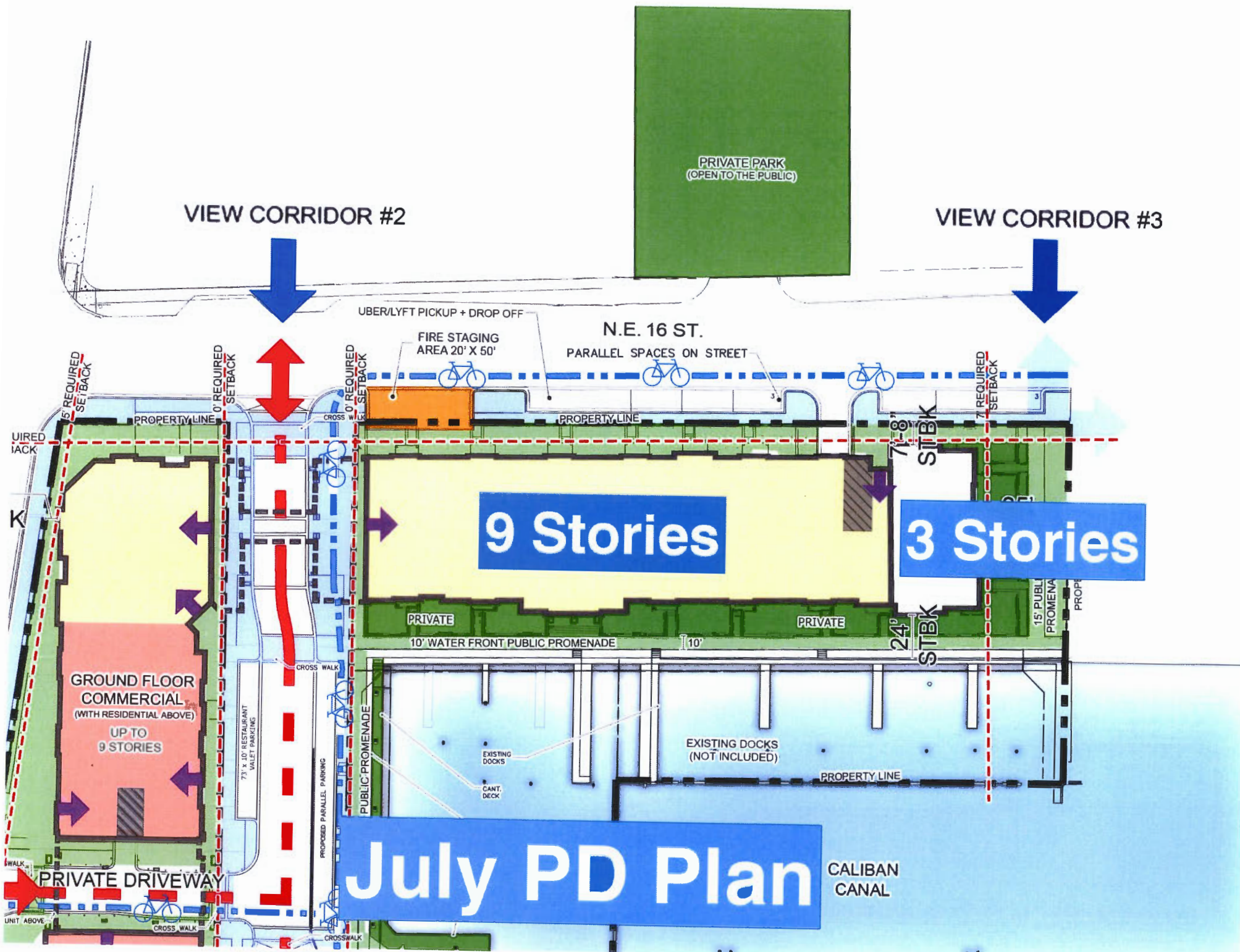
**GARAGE SETBACK**



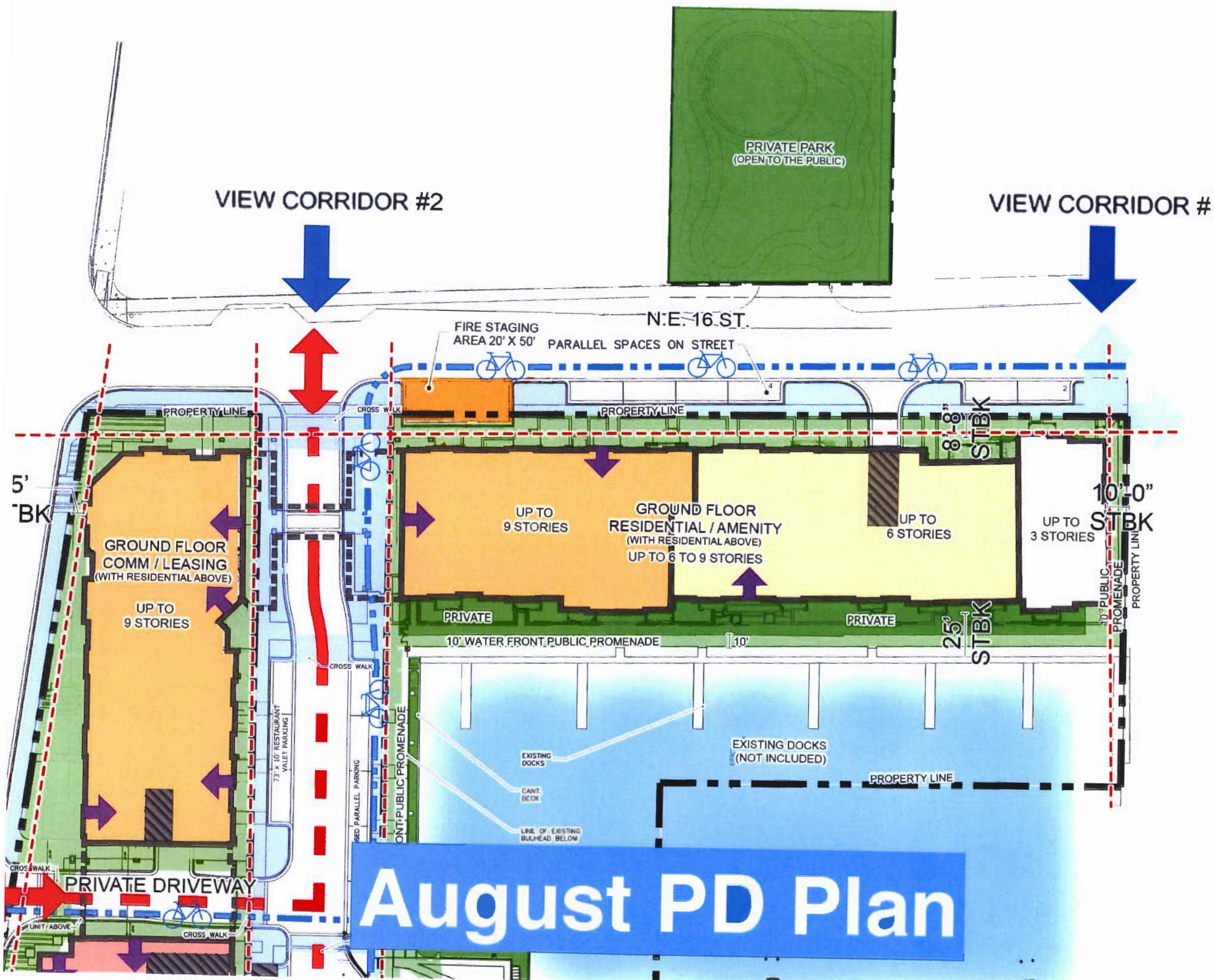


**HEIGHT TRANSITION  
16 STREET**











PRIVATE PARK  
(OPEN TO THE PUBLIC)

VIEW CORRIDOR #2

VIEW CORRIDOR :

N.E. 16 ST.

FIRE STAGING  
AREA 20' X 50' PARALLEL SPACES ON STREET

9 Stories

6 Stories

3 Stories

GROUND FLOOR  
COMM / LEASING  
(TH RESIDENTIAL ABOVE)

UP TO  
9 STORIES

PRIVATE

PRIVATE

10' WATER FRONT PUBLIC PROMENADE

25'  
STBK

40' PUBLIC  
PROMENADE

EXISTING DOCKS  
(NOT INCLUDED)

PROPERTY LINE

EXISTING  
DOCK

LINE OF EXISTING  
BULHEAD BELOW

August PD Plan

PRIVATE DRIVEWAY



# Height Transition Along 16 Street

**First 55 Feet**

**Three Stories**

**55 Feet to 200 Feet**

**Six Stories**

**Beyond 200 Feet**

**Nine Stories**



## **Percentage of Site East of 23rd Avenue**

**Three to Six Stories**

**60% of Frontage**

**Nine Stories**

**40% of Frontage**





**Mixed-Use Building**

An aerial photograph of a waterfront area. In the upper left, a large, rectangular building with a corrugated metal roof is labeled 'Mixed-Use Building'. To its right is a green, rectangular area labeled 'Park'. Below the building and park is a street with several cars. In the lower half of the image, a large blue rectangle contains the text 'Start of 9 Story Element'. To the right of the blue rectangle is a boat marina with several white boats docked. Further right is a parking lot with many cars. The bottom of the image shows more boats docked in a canal or harbor.

**Park**

**Start of 9 Story  
Element**







# Previous Design





A photograph of the Villa Rio Condominium building. The building is a two-story structure with a light-colored metal roof and grey stucco walls. It features large arched openings on the ground floor, some of which are filled with brickwork. A central entrance is framed by a stone archway. A red car is parked in the foreground on the right, and a silver car is partially visible on the left. The sky is blue with some clouds, and tree branches are visible in the upper left corner.

# Villa Rio Condominium



PRIVATE PARK  
(OPEN TO THE PUBLIC)

VIEW CORRIDOR #2

VIEW CORRIDOR :

N.E. 16 ST.

FIRE STAGING  
AREA 20' X 50' PARALLEL SPACES ON STREET

9 Stories

6 Stories

3 Stories

ROUND FLOOR  
COMM / LEASING  
(H RESIDENTIAL ABOVE)

UP TO  
9 STORIES

PRIVATE

PRIVATE

10' WATER FRONT, PUBLIC, PROMENADE

25'  
STBK

10' PUBLIC  
PROMENAD  
PROPER

EXISTING DOCKS  
(NOT INCLUDED)

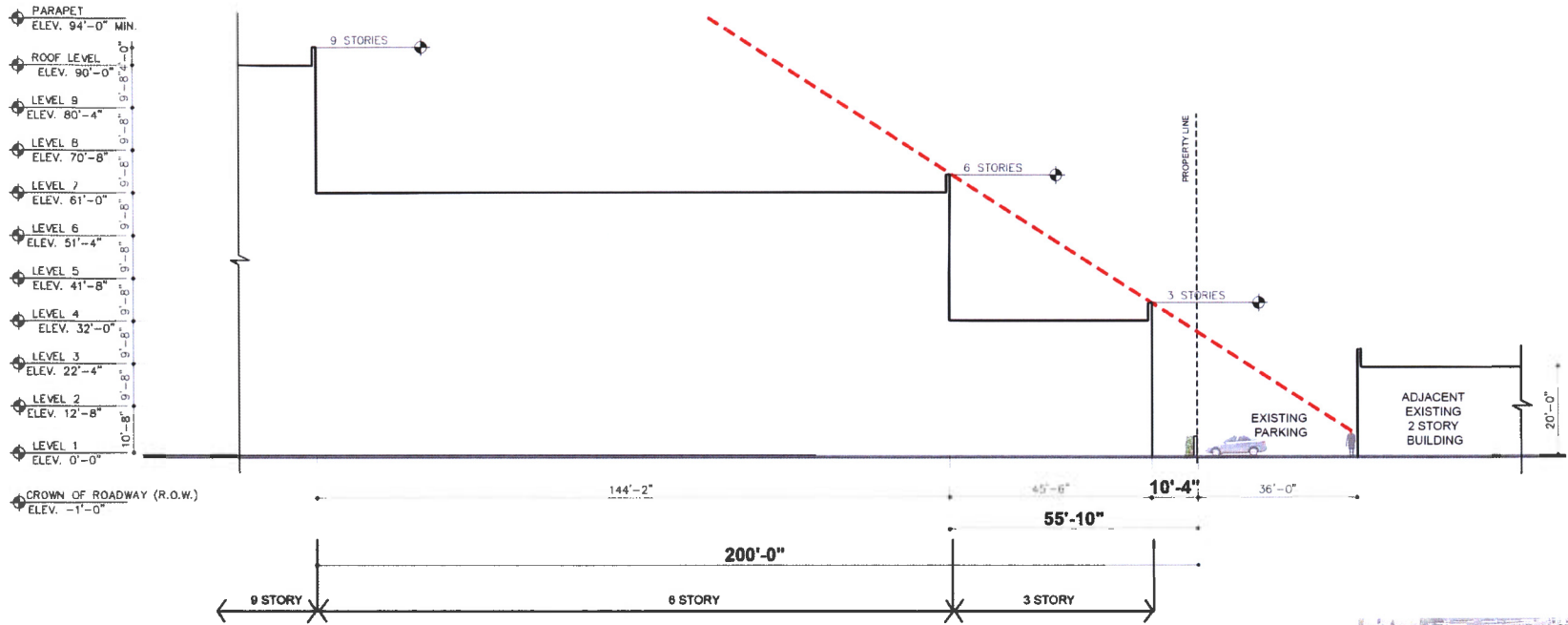
PROPERTY LINE

EXISTING DOCKS  
CANT. DECK  
LINE OF EXISTING  
BLUHEAD, BELOW

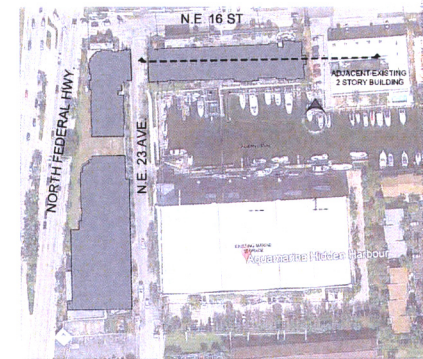
August PD Plan

ATE DRIVEWAY



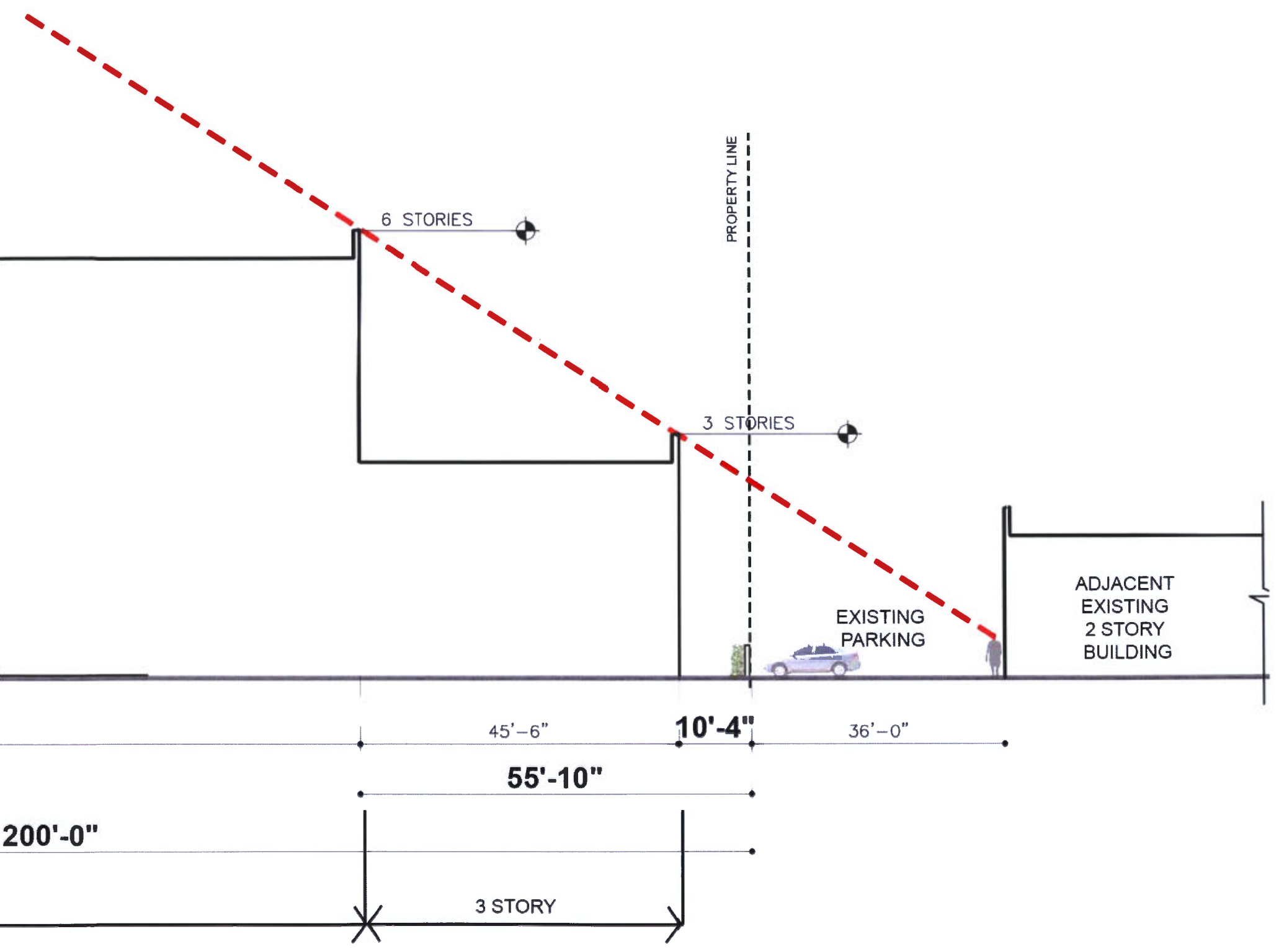


SITE LINE DIAGRAM



SITE LINE EXHIBIT

BY	
HARBORSIDE AT HIDDEN HARBOUR AMP V-HIDDEN HARBOUR, LLC POMPANO BEACH, FLORIDA	
MSA ARCHITECTS, INC. ADDRESS	
DRAWN DATE SCALE JOB NO. SHEET TITLE:	SITE LINE SHEET NUMBER: <b>EX - J2</b>



# **LICENSE / AIR RIGHTS AGREEMENT**



5'  
STBK

GROUND FLOOR  
COMM / LEASING  
(WITH RESIDENTIAL ABOVE)

UP TO  
9 STORIES

FIRE STAGING  
AREA 20' X 50' PARALLEL SPA

CROSS WALK

UP TO  
9 STORIES

RES

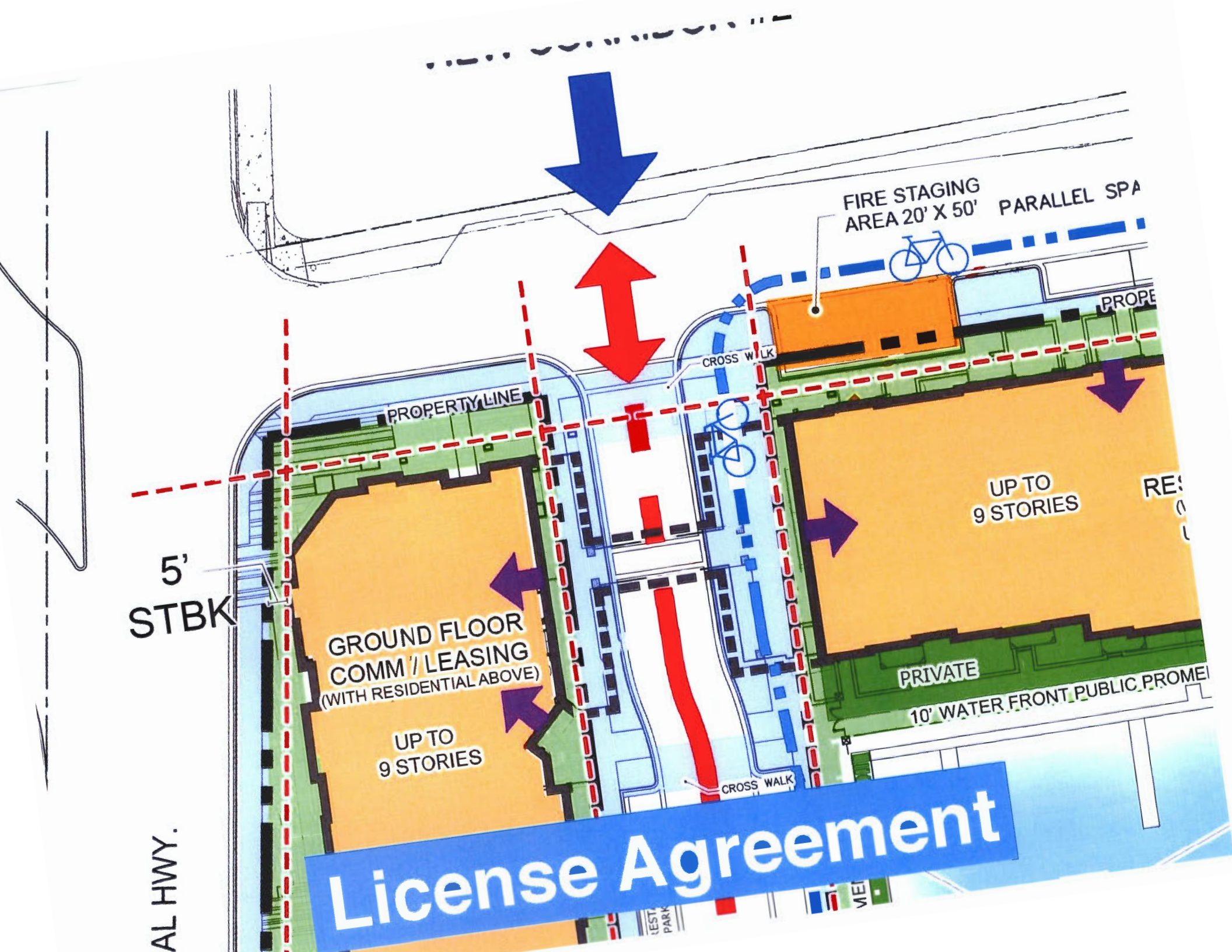
PRIVATE

10' WATER FRONT PUBLIC PROMENADE

CROSS WALK

License Agreement

AL HWY.





FIRE STAGING  
AREA 20' X 50' P.

Pedestrian Bridge

UP TO  
9 STORIES

GROUND FLOOR  
COMM / LEASING  
(WITH RESIDENTIAL ABOVE)

UP TO  
9 STORIES

PRIVATE

10' WATER FRONT F

License Agreement

3K

PROPERTY LI



FIRE STAGING  
AREA 20' X 50' P.



Pedestrian Bridge

Arcade with Units Above

Arcade with Units Above

COMM / LEASING  
(WITH RESIDENTIAL ABOVE)

UP TO  
9 STORIES

PRIVATE

10' WATER FRONT F

License Agreement

3K

PROPERTY LI

LK



**Pedestrian Bridge**

**Arcade**

**License / Air Rights  
Agreement**

**Perpetual  
Easement for  
Public Replacing  
Dedication**



# HIDDEN HARBOUR

APPLICATION FOR PLANNED DEVELOPMENT (PD-1)

MAY 22ND, 2019