

MINUTES

BROWARD COUNTY PLANNING COUNCIL

December 12, 2013

**MEMBERS
PRESENT:**

Anne Castro, Chair
Commissioner Bobby DuBose, Vice Chair
Tim Bascombe
Mayor Vincent Boccard
Neal de Jesus
Beam Furr
Mary D. Graham
Dan Hobby
Lynn Kaplan; present via telephone
Commissioner Rita Mack
Mayor Michael J. Ryan
Nicholas T. Steffens
Mayor Daniel J. Stermer

**MEMBERS
ABSENT:**

Commissioner Richard Blattner
School Board Member Patricia Good
Commissioner Martin D. Kiar
Commissioner Michele Lazarow
Commissioner Michael S. Long

**ALSO
PRESENT:**

Barbara Blake Boy, Planning Council Executive Director
Andy Maurodis, Legal Counsel
Mayor Lamar Fisher, City of Pompano Beach
Henry Sniezek, Director, Broward County Planning and
Redevelopment Division
Richard Tornese, Director, Broward County Highway Construction
and Engineering Division
Dennis Mele, Esquire
Tom Terwilliger, Pompano Beach
Jean Dolan, City of Pompano Beach, Applicant
Horacio Danovich, Pompano Beach CRA
Barbara Gordon, Pompano Beach
Ross Shulmister, Esq., Pompano Beach
Sharon Valhams, Pembroke Pines
Leslie Del Monte, City of Hollywood
Peter Dokuchitz, City of Plantation
Heather Tribou, Pompano Beach CRA
Ed Stanton, Pompano Beach
Phyllis Franklin, Pompano Beach

Jeff Banning, Pompano Beach
John Petrone, Pompano Beach
Giovanni Moss, Town of Davie
Marcie Nolan, Esq., Becker, Poliakoff
Virgil Niederriter, Riverland Civic Association
Frank Gatlin, Gatlin Development Company
Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, December 12, 2013.

(The following is a near-verbatim transcript of the meeting.)

CALL TO ORDER

Chair Anne Castro called the meeting to order.

CHAIR CASTRO: This meeting of the Broward County Planning Council regular meeting for December 12th is called to order.

PLEDGE OF ALLEGIANCE

CHAIR CASTRO: Let's stand for the Pledge of Allegiance, please.

(THE PLEDGE OF ALLEGIANCE WAS LED BY MAYOR LAMAR FISHER, CITY OF POMPANO BEACH.)

OPERATOR: Thank you for attending the conference. You are the first participant. Please hold.

CHAIR CASTRO: Ms. Kaplan is joining us by phone. Ms. Kaplan, are you there? She will be joining us. Real quick, typically the Council doesn't do this, but I'm going to ask everybody, if you don't mind, just to bow your heads for a moment of silence.

The holidays are here. We just passed Thanksgiving. We had a lot of troops, public safety people, other people, teachers and everybody who goes out and works every day to help our community. All of you are here serving our community. We have residents here today who are passionate about issues and are here to serve our community. So if we can bow our heads for just a moment of silence and recognize and appreciate all that, I thank you.

MOMENT OF SILENCE

CHAIR CASTRO: Thank you.

ROLL CALL

CHAIR CASTRO: Now we'll go ahead and do the roll call.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Here.

THE REPORTER: Commissioner Richard Blattner. Mayor Vincent Boccard.

MAYOR BOCCARD: Present.

THE REPORTER: Mr. Neal de Jesus.

OPERATOR: Thank you for attending the conference. You are the first participant. Please hold.

MR. DE JESUS: Here.

CHAIR CASTRO: Okay. Ms. Kaplan, are you there? Okay. Just continue. When you get to her name, she may call out from above, so.

THE REPORTER: All right. Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Here.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Here.

THE REPORTER: School Board Member Patricia Good. Ms. Mary Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Dan Hobby. Ms. Lynn Kaplan. Commissioner Martin Kiar. Commissioner Michelle Lazarow. Commissioner Michael Long. Commissioner Rita Mack.

COMMISSIONER MACK: Here.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Present.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Present.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Here.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Here.

REAPPOINTMENT: SCHOOL BOARD MEMBER PATRICIA GOOD AND COMMISSIONER MARTIN D. KIAR

CHAIR CASTRO: Again, we have School Board Member Good, Commissioner Kiar have both been reappointed, so we want to congratulate them on their continued service with us.

CONSENT AGENDA

AGENDA ITEM C-4 - Excused Absences

CHAIR CASTRO: They are both also, though, absent today (Commissioner Kiar and School Board Member Good), along with Commissioner Michael Long, Commissioner Richard Blattner, as well as Commissioner Lazarow. Am I missing one more?

MS. BOY: I think you got them all.

CHAIR CASTRO: Got them all?

May I have a motion for excused absences?

MR. STEFFENS: So moved.

CHAIR CASTRO: Second?

MAYOR BOCCARD: Second.

CHAIR CASTRO: All in favor? Seeing no objections, carries unanimously.

Thank you. And then we should have Ms. Kaplan, if technology's working, on the phone. Ms. Kaplan, have you joined us yet? Lynn, you there? Okay. Well, she's supposed to be here, and we're going to give her credit.

UNIDENTIFIED SPEAKER: We'll keep our ears open.

CHAIR CASTRO: -- yeah, we'll just keep our ears open, and you might hear something

come through. Okay? Now I'd like to take a moment of personal -- oh, Lynn, you there?

MS. KAPLAN: Good morning from Vermont.

CHAIR CASTRO: Good morning. Snow on the ground?

MS. KAPLAN: Three inches and we're expecting more today and tomorrow.

CHAIR CASTRO: Oh, that's good to hear.

MS. KAPLAN: I love it.

CHAIR CASTRO: Okay. Good.

CERTIFICATE OF APPRECIATION: MAYOR LAMAR FISHER

CHAIR CASTRO: I'm going to go ahead and step down. We have a presentation to make to Mayor Fisher, and I'm going to go down and do that now, if you all don't have any objections. Thank you. I wanted to get you a wood plaque. I got overruled (inaudible) by you.

As you all know, about a meeting or two ago, we all put some notes on the record because Mayor Fisher, who's our previous Chair, resigned from the Council after several years of wonderful service.

And then we were going to go down to a Pompano meeting and present him this award or this recognition. Instead, he decided to come up here for this meeting, so we're going to do it here today. And I know all of you join me in this, because I think everybody was ready for the road trip to go to Pompano's Commission meeting.

MAYOR FISHER: I saved you a trip.

CHAIR CASTRO: It would have probably scared the Commission and the residents of Pompano, but it is what it is. But it's a Certificate of Appreciation in recognition of your dedication to our community and the public service that you have voluntarily provided to benefit the people of Broward County, presented to the Honorable Lamar Fisher for serving on the Broward County Planning Council. So thank you.

MAYOR FISHER: Thank you. Thank you so much.

CHAIR CASTRO: And if you'd like to say a few words.

MAYOR FISHER: Thank you, Madam Chair. I told her it was not necessary, and it's definitely still not necessary, but I'm so honored to be here and to have served for seven-plus years, and two years as your Chair.

And it was probably one of the greatest times in my political career to be able to serve on this board, especially with my colleagues, as well as those who are not elected.

It's really a great opportunity for you to get involved in Broward County and its operation and planning and zoning and land use, and it really is just a once in a lifetime opportunity.

Things have changed in my life, and my work was getting busier, and so I thought, you know, that it's time to step down and let someone else serve. But on behalf of myself and -- I just really from the bottom of my heart thank you for this appreciation. God bless.

CHAIR CASTRO: Let the record reflect that Mr. Hobby is here. To continue on in the family tradition, we have one other announcement that I'm going to now recognize Commissioner Bobby DuBose to bring to our attention.

COMMISSIONER DUBOSE: I am actually very excited to deliver this announcement. On November 6th at approximately 11:01 a.m., the good Lord decided to bless me and my family with a new baby boy. Jacob Emmanuel DuBose is doing well. Mommy's doing well. And let's see what else I've got to give. Six pounds, 11 ounces, 19 and a half inches. I got it right.

CHAIR CASTRO: And big brother's doing okay?

COMMISSIONER DUBOSE: Oh, yes. Big brother's doing great. Ethan actually even named Jacob, so family's doing well, and we're just really excited and on Cloud 9, so.

CHAIR CASTRO: Congratulations.

CONSENT AGENDA

AGENDA ITEMS C-1 - C-3

CHAIR CASTRO: Okay. Now we're going to go ahead and move on to the Consent Agenda. Are there any items that anybody wants to pull or ask questions about?

MAYOR STERMER: Move the Consent Agenda.

CHAIR CASTRO: Second?

MR. DE JESUS: Second.

MAYOR BOCCARD: Second.

CHAIR CASTRO: All in favor? Any objections? Seeing none, carries unanimously.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - LOCAL PLANNING AGENCY REVIEW: PROPOSED TO THE BROWARD COUNTY OF ORDINANCES, CHAPTER 5, ARTICLE IX "LAND DEVELOPMENT CODE" REGARDING "TABLE XIII TRAFFICWAYS CORRIDOR CRITERIA

CHAIR CASTRO: Okay. We're going on to R-1. This is the Local Planning Agency Review of proposed revisions to the Code of Ordinances, R-1. And I believe Ms. Blake Boy's going to give another quick presentation -- we have a lot -- on the Trafficways Committee.

MS. BOY: Good morning. This item was considered by the Land Use Trafficways Committee at this morning's meeting. You're serving as the local planning agency making a recommendation on whether or not the proposal is consistent with the Broward County Land Use Plan, and staff is recommending that it is consistent.

The proposed change is a change to the minimum engineering standards for trafficways in Broward County if they're contact sensitive corridors. And County staff -- I'm sorry -- the Land Use Trafficways Committee also recommended approval of the item. The County staff is here if you have any questions regarding the engineering side or anything like that.

CHAIR CASTRO: Any questions? Mr. Sniezek is here, too. He's one of the proponents, so I'm pretty confident, considering his previous history, it's consistent with the Land Use Plan. I'd be shocked if it wasn't. Just, you know, an FYI for the record. Are there any questions? Yes, Ms. Graham. You got it?

MS. BOY: The face.

MS. GRAHAM: Thank you, Madam Chair.

MS. BOY: There you go.

UNIDENTIFIED SPEAKER: The face.

CHAIR CASTRO: Mr. Bascombe --

UNIDENTIFIED SPEAKER: There you go.

CHAIR CASTRO: There you go.

MS. GRAHAM: Thank you, Madam Chair. Just one question. I'm not on Trafficways

Committee. Does the County ever lower the speed limit on the roads, maybe by five miles an hour, for whatever reason they see justified? I'm just curious. Pedestrians being hit or something like that. Thank you.

MR. SNIEZEK: Good morning. Henry Sniezek, Director of Planning and Redevelopment Division for Broward County. Ms. Graham, yes. I mean, actually, this proposal could lead to lowering of speed limits. I mean, that's one of the features, where necessary, for context sensitive corridors is to lower the speed limit. So, yes, the County does lower the speed limit. They usually coordinate that with the municipalities, though.

MS. GRAHAM: I understand. Thank you.

CHAIR CASTRO: Any other questions? Any other issues? Do I have a motion?

COMMISSIONER DUBOSE: So moved.

CHAIR CASTRO: Second?

MR. STEFFENS: Second.

CHAIR CASTRO: Any other questions?

UNIDENTIFIED SPEAKER: No.

CHAIR CASTRO: All in favor. Any objections?

MS. KAPLAN: (Inaudible.)

CHAIR CASTRO: Sorry, Ms. Kaplan, was that a yes?

MS. KAPLAN: Yes.

CHAIR CASTRO: Yes. Thank you. It carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2 - REQUEST FOR SIX MONTH EXTENSION OF PLANNING COUNCIL PROVISIONAL RECERTIFICATION (CITY OF PLANTATION)

CHAIR CASTRO: R-2.

MS. BOY: R-2 is a request for a six month extension for a provisional recertification for the City of Plantation's text. They were provisionally approved by the Planning Council last December, and they actually are just preparing now to take the item that the

Planning Council provisionally recertified through the Public Hearing Process.

So they're asking for a six month extension, which is consistent with your rules, and staff has no objection to it.

CHAIR CASTRO: Any questions?

MR. STERMER: Move the item.

CHAIR CASTRO: Discussion?

COMMISSIONER DUBOSE: Second (inaudible).

MR. STEFFENS: I just am curious as to why -- did they ever explain why they needed to -- just to get everything in order with the issues that were raised by the community previously, or is it that they just weren't able to get their ducks in a row in time?

MS. BOY: The City staff is here, but I do believe, just from working with them, that it's taken this long to kind of get through -- get a draft of what they wanted to propose to their -- their local planning agency, their planning -- you know, Planning and Zoning, and to their City Commission. And they've been working very closely with that. I don't know if the City has anything to add to that.

MR. STEFFENS: That's fine.

MR. MAURODIS: The process does take some time, so it's not unusual.

CHAIR CASTRO: Does the city want to come up and comment, or no?

MR. STEFFENS: I'm satisfied with that answer.

CHAIR CASTRO: Okay. You're good? Thank you.

Okay. May I have a motion?

MAYOR STERMER: Move R-2.

MAYOR BOCCARD: Second.

CHAIR CASTRO: Second? All in favor? Any opposed?

MS. KAPLAN: Aye.

CHAIR CASTRO: Thank you, Ms. Kaplan. Carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-3 - COUNSEL'S REPORT

MR. MAURODIS: No Counsel's Report today.

CHAIR CASTRO: Thank you.

AGENDA ITEM R-4 - EXECUTIVE DIRECTOR'S REPORT

MS. BOY: For the Executive Director's Report, in your backup materials, I added in some of the -- I wanted to give you an update on affordable housing and what's been happening and what the Planning Council staff is working with County staff on.

First, after the last meeting, Anne Castro signed a letter to the League of Cities and to the County Commission inviting them to participate in a workshop.

I actually just heard back from the League of Cities a couple of days ago. It kind of got lost in their correspondence. So they're interested in it. We haven't heard back from the County Commission yet, so I was going to check with them over the holidays to see what their interest level is.

And, of course, we'll keep everyone advised of that situation. The second piece of this is that in November, the County Commission voted to initiate two amendments to the County Land Use Plan and the Administrative Rules Document, basically establishing rules to implement Affordable Housing Policy 1.07.07.

Right now, when an amendment is subject to that policy, Planning Council staff forwards it to County Planning staff and says, hey, this is subject to the policy, and they provide comments back. Sometimes the municipality provides a study, sometimes the applicant's proposing something.

So the proposal for this rule is to really set up guidelines so that when applicants are coming through the process, they know what the expectation is on the County staff side for their review.

We have a workshop, actually, this Tuesday, December 17th at 2:00 o'clock p.m., inviting all the municipalities and interested parties that we've been working with on this process.

We sent out a draft yesterday. I can forward that to you. I think you might find it interesting, so I think I will forward that out to you so you can see what's being proposed. We hope to get the part of the rule change back to you for your January Public Hearing for consideration, to get to the Commission in February. The second piece of this isn't going to be able to happen so quickly, but that's -- the second part is the implementation of a bonus density rule change.

So if a property owner is actually building actual affordable housing units, how they can get bonus density. That's going to take a little bit longer, because we need to think about what policies in the plan need to be changed to address that increased density, and then figure out what the real ratio is, if it's low, very low, how many market rates, you know, we're going to be working with builders and developers and interested parties on figuring that part of it out. So that'll come along a few months after that. The first piece, you'll be seeing in January. I just wanted to give you an update on that. And the Commission agenda item is in your backup as Attachment 2.

CHAIR CASTRO: Does anybody have any questions for staff on this? Okay. Mayor Stermer.

MAYOR STERMER: Executive Director Blake Boy, the issue of the bonus density program is one thing, and if the County's moving towards the bonus density in changing the rules and the policies that relate to the bonus density problem -- program, I think that's one issue.

Is the County also changing or looking to bring forward any rules or changes with regard to the whole issue of affordable housing and the cities' review of it as applicable to an amendment compared to their review of it? Is that contained in anything --

MS. BOY: Well, I think that's part of the review of 1.07.07 is to various -- when the applicant or the municipality is coming in for a land use change, they'll know what the -- what the County Commissions' expectation is as far -- and also staff, when they're -- County staff, when they're reviewing that application. So I think that those are definitely pieces of that proposal.

MAYOR STERMER: The only reason I raise those questions is it dovetails back to the Chair's letter to the League and to the County Commission that it appears, to at least this person, that the County, irrespective of this board's recommendation with regard to the text change amendment and with regard to comments made at workshops, the County's moving forward to change, or at least further impose their view of how 1.07.07 should be used.

I will again come back to 1.07.07 was a negotiated agent between Broward County and its municipalities. And I will again state fervently that, should the County wish to change how it is used or applied, there should be a gathering among those people who agreed to the creation of 1.07.07 and the tools in the work -- in the work box.

I don't believe it's in the spirit of how it was created to have one party to that agreement change how it's going to be used without everyone's participation and understanding. So I would again emphatically state that whatever this board can do to state its displeasure with the change of it, you go for it. Thank you.

MS. BOY: Just to add to that, one of the things is the Policy 1.07.07 is not proposed to be changed as part of this review. This would be an administrative rules description of

how the programs and policies are described by the municipality. So just to add to that.

CHAIR CASTRO: I think, to Mayor Stermer's point, if you don't mind, if you see the County going ahead to move with the changes that he was just discussing with the actual reviews coming back around twice, and we still have not met with the County and the League and other people to get a consensus, I think what I would like is, if you don't mind, is to definitely clue me in. And I will pay attention, as well as every member does.

And at that point, I would ask this Council's permission to draft a letter to the County Administrator to voice our concern that they seem to be making decisions in a vacuum and not including all the stakeholders, including this Council, if you don't mind. Am I seeing any objections?

UNIDENTIFIED SPEAKER: No objections.

CHAIR CASTRO: No. Okay. Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. So at these upcoming workshops and meetings, Barbara they will discuss the bonus for the affordable housing, and then will it also be decided, if the County grants that, does the City Commissions or Planning and Zoning ever get overridden as they would review site plans with the increased density for the bonus, or will there be some coordination ahead of time, so before these particular developers and their properties even start at the city/municipal level, they will already have all of these agreements in place?

MS. BOY: Well, I think there's two parts to that. One is that the bonus density piece isn't moving forward yet. We're going to briefly discuss it at the workshop on Tuesday, but the focus of the workshop is Policy 1.07.07 and implementation.

The idea that -- I'm going to be working with Henry Sniezek at the workshop. We'll be, co-hosting it. So the majority of the workshop is going to be focused on this change to -- not change to 1.07.07, but the implementation side for the administrative rules segment.

And then we're -- I'm just going to briefly mention the bonus density, and see how we're going to start figuring out drafting, what's proposed for that. As far as the cities go, the city plans can always be more restrictive. So if the County plans -- so if we get to this bonus density part for affordable housing, the County -- I'm sorry -- the cities do not have to allow that, because they can be more restrictive.

So it's really -- but that's why we need to focus on what policies are in the plan because -- to address that additional density that could come up with the bonus density. So that is definitely part of our consideration.

MS. GRAHAM: So the Home Rule at the municipal level will trump the County and 1.07.07, regardless of what might be decided, you know --

MS. BOY: Well, we're talking about two different things. We're talking about Policy 1.07.07 and the implementation of that, that's one piece.

The second piece is coming down the road -- or going down the road, if there's a -- if you're -- you are actually building affordable housing units, and it meets the criteria and it meets the percentages and it meets all those things, do you get a bonus density for that, and what's the amount.

So understanding that that may be above the density that's permitted by the Land Use Plan, we'll be thinking about goals, objectives, and polices that need to be implemented into the plan to address facilities and services and schools and all the things that go along with that.

But they're really -- it's -- although they were initiated at the same time, they are two separate proposals. 1.07.07 is a policy that, if you're adding more than a hundred units, you are subject to. You -- the cities cannot trump that or -- because of Home Rule.

They can be more restrictive than that policy, but they have to address -- that policy has to be addressed during the Land Use Plan amendment process if you're subject to the policy.

MS. GRAHAM: Thank you.

CHAIR CASTRO: And just to take that a step further, part of that is if you have either met or not met your affordable housing mechanisms in order to provide and have sufficient affordable housing. And that's the part that's sticking in everybody's heads right now, because they're basically limiting what choices a city may have as far as affordable housing opportunities.

In other words, they're insisting that it actually be units versus, let's say, a mortgage assistance program or something when it's a hundred -- a hundred or more development; is that correct?

MS. BOY: Right. There's the menu of options to meet the --

CHAIR CASTRO: Right.

MS. BOY: -- the amendment.

CHAIR CASTRO: The menu of options. That's a good term for it. Thank you. And that's going to be restricted. And, to his point, normally Home Rule trumps, but this was a settled agreement the cities agreed to based on an agreement before, and now the agreement's getting changed without (inaudible).

MS. BOY: Right. The policy is going to remain the same. So this is an implementation -
-

CHAIR CASTRO: Understood.

MS. BOY: -- of that.

CHAIR CASTRO: Yes. Okay.

MAYOR STERMER: Sometimes the devil's in the details.

CHAIR CASTRO: Yes, it is. Yeah, we found that last month in the weeds. You've got to get down in the weeds, sometimes. Okay. Any other comments, questions? No? We're good?

AGENDA ITEM 5 - CORRESPONDENCE

CHAIR CASTRO: Okay. Any other correspondence?

MS. BOY: No.

CHAIR CASTRO: Okay.

PUBLIC HEARING

CHAIR CASTRO: Okay. We're going to move on to the Public Hearing agenda. We have PH-1, obviously. PH-2 has two speakers. I understand they're in favor of it, so if you want to hear from them. If it looks like it's going to go on Consent, we're fine. PH-4 we're going to pull because we have several speakers. So I have PH-4 definitely pulled. And then after that, what does anybody else want to pull?

AGENDA ITEMS PH-1, PH-2, PH-3, PH-5, AND PH-6

MAYOR STERMER: Move the balance of PH-1, PH-2, PH-3, PH-5, and PH-6.

COMMISSIONER DUBOSE: Second.

CHAIR CASTRO: Second? Is there discussion? All in favor? Any objections? Seeing none, it carries.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-4 - AMENDMENT PC 13-10 – SECOND PUBLIC HEARING ON SMALL SCALE AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN – CITY OF POMPANO BEACH

CHAIR CASTRO: Okay. We're to PH-4.

MS. BOY: PH-4 is the second Public Hearing for a proposed land use change in the City of Pompano Beach. It's approximately 5.4 acres, and the proposed change is from recreation/open space to commercial. This is your second Public Hearing.

Your first Public Hearing was at the October meeting. Planning Council staff analysis finds sufficient public facilities and services available. The one exception to that was transportation. There was one adverse link that was identified during the transportation analysis, and that was to Atlantic Boulevard between Federal Highway and A-1-A, State Road A-1-A.

As a result of that analysis, the City has proposed that they do a contribution into the signalization program for the County. County staff has reviewed that proposal and has found that it would adequately mitigate the projected impact to Atlantic Boulevard between Federal Highway and State Road A-1-A. It's about \$106,000.

An interesting piece of that proposal is that the City and CRA has asked that, if by the time they start having to charge for per trip kind of thing for the project, if that signalization project has already been funded and it's fully -- sorry -- implemented, that they would ask the County to shift that funding to A-1 -- to A-1-A to help with the signalization on A-1-A.

The City and its consultant have provided detailed information. It's in your backup materials in Attachment 11, and that's page 4 in Attachment 3. The CRA and the City staff and the transportation consultant are here if you have specific questions regarding the proposal.

As well, we have several speakers. We have 12 speakers signed in to speak on this. So do you want me to start calling speakers or?

CHAIR CASTRO: I think everybody's ready for the speakers first? Speakers first.

MS. BOY: Okay. The first speaker -- I'm going to call three at time, just so people can be prepared -- is Mr. Tom Terwilliger, followed by John Petrone, followed by Barbara Gordon.

MR. TERWILLIGER: Good morning. Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach. Gordon Linn, City Attorney, submitted what is claimed to be a letter of opinion to this Commission.

Black's Law Dictionary defines a legal opinion as a document prepared by an attorney for his clients, embodying the understanding of the law as applicable to a slate of facts submitted to him for that purpose. Nowhere does it say the attorney is independent or has researched the law.

There's an old saying: Garbage in/garbage out. I would contend that a reasonable person could conclude the City Attorney is not independent and is hired, controlled, and

paid to restate whatever the City Commission tells him to say, or they can fire him.

A public records request was submitted to the attorney asking for statutes, case laws, or other legal basis that the City Attorney relied upon for his opinion. Mr. Linn's office responded, and I quote, "Per the City Attorney, we have no documentation representative to the public records request."

There was none. Historically, you may have accepted City attorneys' opinions as written. I ask this body to reject Mr. Linn's letter, for it is not a legal opinion, but a piece of paper from a City employee, paid by the City Commission. Mr. Linn admits in his email that the contents between the four corners have nothing to do about the law, be it local, County, or any federal statute.

Mr. Linn's letter is, at best, a re-statement of the City Commission's position, and has no legal value. It is nothing but regurgitation. Your attorney said you should follow what is between the four corners of the City attorney's page, because it is historic.

I am sorry to say, history is not always right, nor is it legal. I can find no County, State, or federal statute that says if something is historical, it must be repeated. Through Commissioner LaMarca's office, I requested the Broward County Attorney's Office to determine the meaning of for the benefit of the public at large.

Mr. Andrew Myers responded, and I quote, this type of determination is, however, beyond the power and authority of this office to make, and must be made by the Board of County Supervisors and set forth in a resolution duly adopted by the Board.

As a subdivision of the County Board of Commissioners, I contend it is not only within your authority, but it is your duty and obligation to determine if the proposed master plan should be approved, allowing the confiscation or taking of public properties for commercial use in violation of an approved City Charter referendum stating that the land must be used for the benefit of the public at large.

Please support the City Charter and conclude that the master plan cannot allow public property to be used, confiscated, or taken for a privately owned commercial hotel, compounded by the fact that it will confiscate approximately 150 parking spaces.

I urge you to deny this commercial use of public land. It is wrong on many planning levels, as well as it violates the will of the people and violates the City Charter. I close by telling this body that I have heard that if the hotel is denied -- Can you give me 15 seconds?

CHAIR CASTRO: Go ahead.

MR. TERWILLIGER: Thank you.

CHAIR CASTRO: Go right ahead.

MR. TERWILLIGER: I will close by telling this body that I have heard if the hotel is denied, that the developer plans on using an alternate plan, and wants to add 10,000 square feet of new commercial retail space. I would request this body craft language not only to prohibit a hotel, but to secure this space as recreational or green space of the like. Please do this for the people. Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: The next speaker is Mr. John Petrone, followed by Barbara Gordon, followed by Ross Shulmister.

MR. PETRONE: Good morning, Commission. John Petrone, 2633 Northeast 12th Terrace, Pompano Beach, Florida. As a resident of Pompano Beach for over 25 years, and a taxpayer, I am astounded that the City is going to do what they plan on doing and putting a hotel in this piece of property.

Many years ago, they had a problem with the Swerdlow project that would cost the City millions of dollars; and after that, it came to the citizens and went on a referendum and a vote that we keep that for public use/green space.

They gave us all these beautiful blueprints of gardens and all this other stuff, which never came to fruition. As far as the parking goes, on any given weekend, not only is that parking lot full, the leased parking lot down the street's full, which we only have a five year lease, and if WCI decides to build there, we won't have it at all. And then there would be no parking.

I don't live on the beach area, and since they've re-done the beach, the beach is a very, very busy place, because it's beautiful now. I mean, it's 20 years late, but it's -- it's been done.

And to add a hotel, when they promised us they wouldn't do anything like that, I could see a restaurant, maybe a beach shop or an ice cream parlor or something, but to put a restaurant -- I mean to put a hotel on that property would just take from our -- our city's - - our -- our people in our city's parking spaces, our ability to use the beach, because the parking spaces will be designed to the -- the -- to the hotel.

Plus, they are planning to put in a parking garage, but who knows when that's going up, because they haven't even torn down the fire department because the new building isn't ready.

The library, you guys are still working out the plans for that, so that sits there. This many years down the road, I don't understand what the rush is to okay this. The developer came in on an RFP or an RFD, whatever it is, for restaurants. He's the one that brought up the hotel, not the City.

CRA jumped on it. They love it. Because they probably make more money on that. We,

the people of the City, don't want it. It was passed as a referendum. I believe it should go back to the people, and let the people vote on what that property should be used for and not just six people on the dais, even though one is firmly against it. I thank you, and you have a good day.

CHAIR CASTRO: Thank you.

MR. TERWILLIGER: Happy holidays.

MS. BOY: Barbara Gordon, followed by Ross Shulmister, followed by Ed Stanton.

MS. GORDON: Good morning. My name is Barbara Gordon, and I am a neighbor of the plot you're discussing today. My address is 305 North Pompano Beach Boulevard. We are the adjunct to the lot.

I sit on the East CRA Community Advisory Committee. I have been involved in discussions and planning for the beach area for a long time. I was amazed to realize this morning that I've had my condo for 23 years. It doesn't seem like that long. I am concerned about the impact of a commercial hotel which, at one of the meetings, the developer said would host conferences, seminars, business meetings on the accessibility and affordability of access to the beach for the people of the community.

I walk to the beach. I don't drive. But a day at the beach should not become an expensive, worrisome experience for a family. The hotel is going to have 150 rooms, and it's going to have conferences and meetings. There are going to be people who will not want to pay the price of the garage parking, so they'll be using the street meters for parking.

Picture a mother coming with a couple of young children, the paraphernalia that one needs to go to the beach, looking for a parking space, not finding it, having to park across A-1-A in the other available space, and then drag those children and that equipment to the beach.

I don't think it's what we picture as an enjoyable experience for a family. A 500-space garage is planned. If the hotel has 150 rooms and that is the only parking space that is available for it, it's going to take a significant number of those spaces, so will the restaurants that are planned.

Pompano Beach Boulevard, after the redevelopment, has slowed and narrowed and is difficult to transit. I think there will be significant impact on the community at large, and on those of us who live there, if you allow this change so that they can build a hotel.

We have a new Marriott that is doing well. There are other hotels in the planning stages. I don't need -- know that we need to take open green space and use it for a hotel. It does not benefit the public at large. Thank you for hearing me.

MS. BOY: Ross Shulmister, followed by Ed Stanton, followed by Phyllis Franklin.

MR. SHULMISTER: May I take a moment? If you'll give me a second, I'll explain to you what it is I'm handing out, make it a little bit easier to understand.

CHAIR CASTRO: Did you also turn one in to staff?

MR. SHULMISTER: I will.

CHAIR CASTRO: All right. Thank you.

MS. BOY: Thank you.

MR. SHULMISTER: Good morning, Madam Chairman, members. My name is M. Ross Shulmister, 590 Southeast 12th Street, Pompano Beach. I'm here to talk to you for a moment about the law, because some people were questioning the City Attorney's opinion about whether or not this complies with the Charter.

Let me note as a matter of history that when the City wanted to amend the Charter, we asked them to put in a provision that any leasing of this public property would be for the general public benefit, a benefit to the public at large.

And what we were trying to avoid was something that was a condo or a commercial operation, or something which really didn't directly benefit the people. To our surprise, it turns out that there is a proposal to turn this into commercial property instead of open and parks; I guess the theory being that this is a public purpose.

Well, yeah, technically it's a public purpose, but I want to point you to the first case which I've handed you, which is Grubstein versus Urban Renewal Agency of City of Tampa. And, for the record, that's at 115 So. 2d page 745. And on page 4 of what I handed you, there's some highlighted language which says: "Public benefit is not synonymous with public purpose."

So if you look at a technicality that this is a public purpose, that really has nothing to do with this Charter amendment. Now, the argument that a hotel is a benefit to the public, let me refer you to the second case which I handed you, which is Greater Orlando Aviation Authority versus Crotty, C-r-o-t-t-y.

And, for the record, that's at 775 So. 2d page 978. And if you look on the second page of what I handed you, there's a number of highlighted provisions.

This is the court's decision. This is not an opinion. This is a decision. This is binding on all of the courts in the State of Florida except for other courts of appeal and the Supreme Court. It's not binding on the Supreme Court because the Supreme Court, of course, rules over appellate decisions.

However, until another appellate court overrules this or takes some difference with it, this is binding on courts, including the courts in Broward County.

In general, hotels are by their nature commercial enterprises. And it talks about what municipalities are allowed to do. Part of their function is to deal with municipal purposes, which are, "all activities essential to the health, morals, protection and welfare of the municipality."

The decision goes on to say that, "The purpose of a hotel is not to serve the citizens of Orlando, but to serve persons who reside elsewhere, and, therefore, require public accommodations. It is not like a park or a marina constructed for the enjoyment of the citizenry. Rather, the hotel's purpose was to make a profit and not to provide for the citizens of Orlando. The City might just as well have opened a pizzeria."

CHAIR CASTRO: Sir, you've used your three minutes. I'm going to ask you to kind of wrap it up --

MR. SHULMISTER: All right.

CHAIR CASTRO: Thank you.

MR. SHULMISTER: Yes, ma'am. The decision -- the -- the opinion of the City Attorney runs counter to case law. I submit to you it is invalid, and the proposal to put in a hotel is inconsistent with both the letter and the spirit of the amendment, as Vice Mayor Brummer opined. I would urge you to tell the City we don't think this is -- comports with your Charter, and we're going to deny this proposal. Thank you.

CHAIR CASTRO: Thank you.

MAYOR RYAN: Madam Chair, may I ask some questions of the speaker?

CHAIR CASTRO: Well, we're going to wait until everybody's done, but thank you, Mayor. I think the speakers should lead the (inaudible).

MS. BOY: Ed Stanton, followed by Phyllis Franklin, followed by Jeff Banning.

MR. STANTON: Good morning. Edward Stanton, 1012 North Ocean Boulevard, Pompano Beach. I live a few blocks away from this proposal. I oppose and disagree with the City Attorney's opinion. And in order for you to determine how much weight you should give to my criticism of his opinion, you should be aware of my qualifications.

I'm a graduate of Columbia University Law School. I practiced law in New Jersey for over 50 years. I have served as an attorney for the City of East Orange, the city's Board of Education, the city's Housing Authority, and the Housing Authority of the City of Morristown, New Jersey. For over 30 years, I have recommend -- represented public bodies in addition to private practice.

The City Attorney Gordon Linn has given you a letter opining that the construction of the hotel and the parking lot would not violate the City Charter, which requires that the lease of those lots must provide a benefit -- and I emphasize benefit, because you'll hear about that later -- to the public at large.

The City Charter was amended by the voters to include that requirement in 2008. Those Pompano voters, including myself, approved that requirement in the referendum because we understood that requirement to be similar to for public purposes.

We had that understanding because of statements made to that effect by others going to Commission meetings at which the subject was discussed. The following persons had that understanding: Vice Mayor George Brummer, during the March 11, 2008 meeting; Commissioner Burrie, June 25, 2013 meeting; Sandy Von Staden during the February 26, 2008 meeting.

The construction of a hotel would violate both the public purpose and the benefit to the public at large requirements. We agree with Doug Mathis, a member of Pompano's Budget Advisory Committee, who stated during the January 25th, 2013 meeting at which this land use amendment was discussed, quote, "A hotel does not meet this requirement because the public at large will not use that facility except on rare occasion, despite what the City Attorney may say," end of quote.

In order to meet the Charter requirement, a hotel must be a benefit to the vast majority of Pompano residents, not to just a few. Barbara Gordon, member of the advisory board in Pompano who just spoke, also expressed her objection for another reason also when she quote -- was quoted in the press as saying, quote, "I don't think leasing the land to build a hotel meets the spirit of what the citizens of this City voted for." Linn's arguments in support of his opinion have little, if any, merit, and constitute either plain dishonesty or gross incompetence.

CHAIR CASTRO: Are you about to wrap it up, sir?

MR. STANTON: Linn deliberately --

CHAIR CASTRO: Sir, are you about to wrap up?

MR. STANTON: I will need another minute, Madam Chairman.

CHAIR CASTRO: I'm not going to let you go a full minute, because I didn't let the other speaker. If you can do it in about ten or fifteen seconds, I'd appreciate it.

MR. STANTON: Okay.

Linn dishonestly substitutes the words open for the word benefit to the public in his opinion. The language at issue here is whether the hotel must provide a benefit to the public at large, not if -- that it's open to the public at large. It might be argued that, since

hotels are open to the public, as are ice cream stores and other commercial shops which are open to the public --

CHAIR CASTRO: Okay. Sir, I need you to wrap it up so we have fairness for everybody. Every speaker gets --

MR. STANTON: That's --

CHAIR CASTRO: -- timed so that we can be fair. Thank you. Next, please.

MS. BOY: Phyllis Franklin, followed by Jeff Banning, and then the next several speakers are for questions from the City and CRA.

CHAIR CASTRO: And as a reminder, every speaker gets three minutes. The clock is in front of me. So you want to sort of time yourself. I've been letting everybody go over about ten or fifteen as a courtesy, which is not a problem, but we want to keep it fair for all. Go ahead, ma'am. Thank you.

MS. FRANKLIN: Phyllis Franklin, 500 Northeast 6th Street, Pompano Beach. Good morning.

CHAIR CASTRO: Good morning.

MS. FRANKLIN: I've lived in this area for over 50 years, most of that time in Pompano Beach. I don't reside on the beach or on the barrier island, but I use the beach, and I patronize the facilities and businesses there.

I am not speaking out just for myself, but for all the people I've talked to who think that this change of land use would be the wrong thing to do. A lot of people are upset. There has been a lot of discussion that the plans raise socioeconomic issues that are socially and racially charged. My letters are in your staff report as Attachments 26 and 27.

I urge you to give scrutiny and consideration to the issues raised that we the public are raising as to what we see as the impact that a change of land use amendment would have on Pompano Beach. I came here this morning to ask you to vote no on the proposed land use amendment, or to table it for further review. I agree with Mr. Petrone that any go ahead on this should require a referendum of the people. Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: Jeff Banning.

MR. BANNING: Good morning, Commission. My name is Jeff Banning. I'm at 2650 Northeast 12th Street, which is just on the west side of the Intracoastal. My family's been in Pompano Beach since 1984, a member of First Presbyterian Church and a member of the Historical Society, as well.

We had, for many years, a tradition of going to Easter sunrise service and then going to the only hotel which was in that area, which was the Holiday Inn, and we'd have breakfast after that Easter service. And it was wonderful, and it was vibrant. And then the hotel got torn down, unfortunately.

I am totally in favor of this project. I'm looking forward to a new hotel. I'm looking forward to additional parking at the beach. I'm looking forward to a new library. And I'm looking forward to additional shops and shopping.

We're competing with Fort Lauderdale and with Deerfield Beach, and we need these additional amenities in the area just to help with the redevelopment of Pompano Beach. Pompano Beach has redeveloped the beach. It is beautiful. Absolutely beautiful. It was long overdue. Pompano Beach is changing for the better, and, by the way, we're getting a Whole Foods which is going to put us on the map. I urge you to vote yes on this land use change, and I also urge you to come and visit the beach. Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: The next four speakers are for questions only. Horacio Danovich, Heather Tribou, Jean Dolan, and Mayor Lamar Fisher.

CHAIR CASTRO: Those are all from the City; correct?

MS. BOY: Yes. All from the City and the CRA.

CHAIR CASTRO: Okay. We're going to hear from the applicant now, and then we're going to open it up for questions. So does the applicant have anything they want to -- do they have an opening statement?

MS. DOLAN: Madam Chair, Commissioners, we would just reserve -- basically to just answer questions, any questions you have about what has transpired.

CHAIR CASTRO: Thank you so much. At this moment, I'm going to bring it back to the Council. I have Ms. Graham, and then Mayor Ryan, and then Mr. Bascombe, and then Mr. Steffens.

MS. GRAHAM: Thank you, Madam Chair.

CHAIR CASTRO: Oh, Mr. Stermer. Mr. Stermer. Thank you.

MS. BOY: And Ms. Kaplan, I think, is asking to be on the queue.

CHAIR CASTRO: Good. Thank you.

MS. GRAHAM: Thank you, Madam Chair. I do have a question for Mr. Terwilliger, if I pronounced your name correctly, if you'd come up. And the reason why I'm going to ask this is because the meeting minutes from October are not yet completed.

So I had some confusion in October, if you remember. I was asking about the backup for the information that Mr. Linn was providing, because everyone kept referencing this ordinance or resolution from 2007.

I was mistaken, but, in fact, I was correct, and I didn't want belabor the point that the true Charter amendment was made in the August 2012 referendum that you all voted on.

That's what changed the Charter, not the backup ordinance that was provided to all of us before October. But everyone kept referencing that, and then, after the fact, I just emailed Ms. -- Ms. Boy and she also consulted with Mr. Maurodis, our attorney, just to be sure we were all on the right page.

So the minutes are probably going to reflect this. But I'm not against the development. I -- it's just that you're taking something that was changed by the Charter in August now, and I want that clear, that the development is great. I like Pompano. It's a nice place. I rented for ten years. I couldn't afford to buy there at the time.

And I just want you to confirm then, Mr. Terwilliger, that, in fact, it is this August 2012 voter referendum that changed the Charter, not the way it was presented to us in October.

MR. TERWILLIGER: The initial, as you say, point of presentation was in 2008 and, again, confirmed, as you said, in 2012. Basically, though, it comes down to the words for the benefit of the public at large. And prior to the proposed land use change, the restaurants and other commercial items that were proposed were not affected by the current language.

So we have no problems with the existing plan, which allows the restaurants on the beach. The only issue at large that we have is the hotel, which was proposed after the referendum was passed.

MS. GRAHAM: Thank you very much.

MR. TERWILLIGER: Thank you.

CHAIR CASTRO: And I have Mayor Ryan.

MAYOR RYAN: Yes, to staff. Could you again outline for us the scope of what our authority is here? We discussed it in October, and I think it's important to reiterate that.

MR. MAURODIS: I do think it appropriate, given a lot of the questions or points made by some of the speakers. We're here to determine the appropriateness of the land use for this parcel of property. The provisions of the City's Charter and how the end user will be able to use it subject to the provisions of the Charter is not for us to determine.

We're here as a body that makes determinations on land use categories, both text amendment and what color goes on what portion of the map, meaning what land use is appropriate for what area. And I would recommend that we adhere very strictly to that charge.

The City of Pompano has determined that once the land use is changed, they can do certain things with it with regard to private developers. That is not within the purview of this board. That's a next level of analysis. There are certainly remedies that the parties will have under that.

But I would recommend that we not get into an analysis of Mr. Gordon -- Mr. Linn's opinion, and that we focus solely on whether we think the land use is appropriate for the parcel.

MAYOR RYAN: And by defining appropriate, because I think some of the speakers would say, irrespective of Mr. Linn's opinion or the Charter, we don't think it's appropriate. What is that scope?

MR. MAURODIS: Well, it's based upon the -- you know, the provisions -- the analysis that is normally attendant to a land use amendment, which we -- you were -- I would remind those who haven't dealt with it recently, it is a legislative action of this board.

So it's a very broad policy decision that you have. It's not like a re-zoning, which is quasi-judicial. You are involved in what the Supreme Court of the State has called a legislative function right here. You are -- so all the issues with regard to traffic, the standards of analysis about traffic, it could be schools in certain cases, the environment, that would normally be attendant to a land use analysis would go into your determination.

I use the term, appropriate, probably not the best legal term, but, you know, in the best interest of that particular area as our land use sets it out. But reminding you, you're -- in this particular action, it's a very broad policy decision that you are making. But I would recommend that you make it without consideration of the sub issues that the City of Pompano may have when they try to implement this use in a specific way.

MAYOR RYAN: And, to staff, in formulating the opinion, you came to this by analyzing, as you do in all applications, whether or not this was -- I'm going to use appropriate, not the legal term -- but whether it fit our charge here. And what was the recommendation of staff?

MS. BOY: Sure. That the recommendation is Board approval, recognizing the City's commitment for the mitigation of the adverse impacts to the regional transportation network that were identified. Planning Council staff identified sufficient facilities and services available, as well as the category.

MAYOR RYAN: All right. And you analyzed that closely to make sure that we met our --

MS. BOY: Yes.

MAYOR RYAN: -- obligations?

MS. BOY: Right. The goals, objectives, and policies. So every Land Use Plan amendment, when it comes in, that is our charge, is to go through and make sure that the proposal's meeting the goals, objectives, and policies of the Broward County Land Use Plan, to formulate our recommendation.

If it's not meeting the policy, they have not been determined to meet the adverse impact by the mitigation, we would have recommended denial based on that.

MAYOR RYAN: And, generally, I'm not sure if anybody can answer this, but has anyone filed suit regarding this Charter issue and whether or not this project should be stopped?

MS. BOY: I don't have any information regarding that. I don't know if anyone from the City or CRA does.

CHAIR CASTRO: They're all shaking their head no, so --

MAYOR RYAN: Yeah.

CHAIR CASTRO: -- we're assuming you haven't been served.

MAYOR FISHER: I have not been served, nor have my City Attorneys been served with any lawsuit.

MAYOR RYAN: With respect to the cases that were provided to us, again, I know that the guidance is to not get into it, but in my review of the cases, one stands really for the proposition that they can tax it if they put it there.

MR. MAURODIS: Yeah, or if (inaudible).

MAYOR RYAN: Right. And that had been a debatable issue, I know, over the years, that when you put a private entity or for-profit entity on public land, were they subject to ad valorem. I believe that's no longer in dispute, particularly after the Supreme Court case.

But on the issue of public purpose as it -- versus public benefit as it applies to the Charter, I'm not -- I don't think there's any case law on that that's been provided. With that being said, I think it's a debatable issue. Obviously, it's a raging debate in Pompano at some level.

But the Commission has passed on this, and, I assume, heard this multiple times for a very long time. And, because our scope is very limited, irrespective of whatever strengths or weaknesses of his arguments, I think it would be beyond our capacity to

weigh in on that, and, rather, we should focus on those items that have been identified by staff. Thank you, Madam Chair.

CHAIR CASTRO: Thank you, Mayor Ryan. Mr. Bascombe.

MR. BASCOMBE: Thank you, Madam Chair. Just quickly, I want to thank both Planning Council staff, CRA staff, and also the developer for providing a tremendous amount of information to have me be able to review to make a cautious and, hopefully, a smart decision on this.

My question actually is for the CRA. Why wasn't the CRA extended further south of Atlantic Boulevard? Further south meaning a mile or a half a mile?

UNIDENTIFIED SPEAKER: I -- I'm afraid I'm not able to answer that question. That was -- that preceded me, so I -- I --

MR. BASCOMBE: Is there anyone from the City who --

UNIDENTIFIED SPEAKER: -- that information escapes my knowledge. Mayor may know.

MAYOR FISHER: Actually, Mr. Bascombe, the CRA was created in 2001. I was elected in 2002. But I did follow it very closely. And due to the boundaries that they were looking at, they stayed to that scope of 153 acres, which we had hoped to extend, but we weren't able to do so when they created the CRA with Broward County.

MR. BASCOMBE: Thank you. Next question, why was the parking for this site, for the parking garage, why wasn't it considered to be part of, or could it be part of, the parking garage that's slated for the west side of A1A?

MR. DANOVICH: Actually -- first, I'm sorry. Horacio Danovich. I'm the CRA engineer. The parking garage is one of the components and the one on the ocean side is an additional component. We had a parking study done by a parking consultant who recommended that both needed to be constructed at some point in the future.

This particular -- the one within this particular parcel is to service this particular area, because the Request for Proposal clearly indicated that the number of parking spaces that exists today, which is 315, needed to be returned to the public in some fashion. So the garage component is the one that addresses that condition. The one across the street on the ocean side is further to support what we believe will be the future demand in the area.

MR. BASCOMBE: And last question, I'm under the understanding that this is a long term land lease. How long, and what happens after?

MR. DANOVICH: Okay. Thank you for asking that question. And for everybody's

understanding, the current City Charter allows for two 25-year contracts. The current City Charter allows a maximum of 50 year lease. Not like any other cities where they may have a 99 year lease, in the City of Pompano Beach, it's 25 years plus a second 25 years.

MR. BASCOMBE: And then what happens after that?

MR. DANOVIK: And then after that, it's --

MR. BASCOMBE: Does it revert to anybody or does it --

MR. DANOVIK: -- it goes back to the City, and then the City has the ability to probably re-advertise or redo the project, if that's what they decide. It's -- I don't know the exact answer, but 50 years is the max. That we know.

MR. BASCOMBE: Thank you. I'll reserve my comments until after.

CHAIR CASTRO: Mr. Steffens.

MR. STEFFENS: If you can -- obviously, we have a lot of material here, so I -- as of today, before any of these garages are built, how many public parking spaces are there?

MR. DANOVIK: Right now presently there are close to -- there's 120-plus on Pompano Beach Boulevard, 315 in the pier parking lot, which is the one -- the parcel that we're talking about. The CRA and the City entered into a partnership to build an additional 120 parking spaces on what is now Parcel A at the corner of Atlantic and A-1-A --

MR. STEFFENS: Is that there now, or that's in the plans?

MR. DANOVIK: That is now. It is a temporary facility that has a five year contract plus two two-year extensions after that.

MR. STEFFENS: Okay.

MR. DANOVIK: Subject to the developer taking them back -- away from us. And then we have the ocean side parking facility, which currently has 279 parking spaces minus the parking -- minus the area that the new library will take, which will probably reduce about ten or twelve parking spaces. All the others are all existing.

MR. STEFFENS: Call that 260.

MR. DANOVIK: Yes.

MR. STEFFENS: Just --

MR. DANOVIK: Yes.

MR. STEFFENS: Now, let me just -- and I'm very bad at math -- but when this is all done, how many parking spaces, you know, on the east and the west side that we're talking about here, how many of those are anticipated --

MR. DANOVIK: Okay.

MR. STEFFENS: -- to have?

MR. DANOVIK: Pompano Beach Boulevard will remain with the 128. The garages are slated to have 425 to 475 parking spaces. And let me just, for clarification purposes, there's a Request for Proposals, it's in the marketplace, for that garage, as we speak. So this is not something that we're waiting on. We're moving forward already.

And then the garage, the ocean side parking lot is scheduled to have an additional 500 parking spaces, plus surface parking, which we don't know how many we will be able to fit once the garage is built.

MR. STEFFENS: Okay. But you're talking -- I mean, you're talking about --

MR. DANOVIK: At least another thousand parking spaces will be added.

MR. STEFFENS: Okay. Because this was a concern that was sort of stated last -- back in October, and I still have a concern. And I understand we have bodies of water and buildings in place, so there are limitations, but we need to talk about the traffic and the concerns with the traffic and traffic lights being re-timed and things like that.

The City put in a good faith financial commitment to that, which is obviously appreciated. But the concern is -- my concern, exclusively me, mine, is the way these studies are done with the p.m. peak traffic and all of that, that's what's looked at, as far as I'm concerned, being a person out in the community, a young father, that that -- that's really not relevant insofar as when the peak traffic at this location will probably be, which would probably be the weekends and things like that.

I just wanted to know how does the City see that impacting -- you know, I'm talking about real traffic concerns, not those -- not that the studies are baseless or inappropriate, because that's the standard, and I understand that's why you do that -- but what does -- has the City at all looked at those Saturday and Sundays, those 4th of July weekends, Labor Day weekends and things like that, and how the City can manage -- I mean, besides telling people to get on a bus, how the City can manage -- along with the County -- can manage that flow of traffic through a thousand extra parking spaces.

MR. DANOVIK: All right. The -- let -- I'm going to have to give you a couple of minutes of background, so if you'll allow me.

MR. STEFFENS: No. That's fine.

MR. DANOVICH: The CRA has been analyzing this condition for quite some time, because we knew that at some point that the work of our development will probably result in higher demands than we had before.

As a result of that, we engaged parking consultants and they did some traffic studies and so forth, and just recently proposed to the City Commission and the City Commission adopted what is called a Parking Enterprise Fund.

Parking Enterprise Fund was put into place for the purpose of supporting additional structures or surface parking facilities that can be used in support of the parking demands.

The Parking Enterprise Funds -- Fund contemplate as a factor not just building these garages east of the barrier island, but creating modes of transportation to bring people to and from the beach and east and west of the bridge such that we have already allocated at least another three surface parking facilities that can be used for -- to allocate people, for example, for events like the Seafood Festival or the 4th of July via trolleys, or via buses.

So it's not just the garages that we are thinking and the garages are strictly for the beach and the beaches only. No. We're thinking that people will be coming from the other side of the bridge. We want to bring them over, and we want to be able to give them the ability to park and have the ability to come and move about from both sides and still enjoy the facilities.

So -- and those parking facilities are an additional 1800 parking capacity, with additional -- two additional garages scheduled west of the bridge. And that goes even further west, all the way out to downtown Pompano. So it's not just strictly limited to the beach area. Our plan is far greater than that, and it encompasses bringing people using mass transportation and the like.

So we're not just limited to that specific 153 acres of the ECRA. It's far greater than that. So the allocation is we identified not less than -- for example, the corner of 24th Avenue and East Atlantic Boulevard, the corner of 25th Avenue and East Atlantic Boulevard where two major parking spaces already exist, the corners of 26th, 27th, and 28th Avenues and Atlantic Boulevard. So the allocation is, again, far greater than just simply those two garages.

MR. STEFFENS: Okay. Then let me just ask a very specific question. Do you believe, then, is it the City's or the CRA's position that the increase in traffic -- and I think it's great that you can park a little bit away, hop on a trolley, I think that's very wise. Obviously, you thought a lot about it.

But for those people who want to park -- there are people -- me, with a six-year-old

daughter, I don't really want to jump on a trolley and deal with all that. So there are people who really want to park right on the beach.

Is it the City's, the CRA's opinion that the re-timing of the lights and all of that will help deal with any anticipated congestion at what I would say are more beach peak hours, Saturday at about 11:00 o'clock, Sunday at 11:00 o'clock? Do you think that -- it's narrow, A-1-A over there. I mean it is what it is, and it can't be expanded, you know. So is it the City's position that that will kind of be enough, that you will be able to move the traffic in an appreciable fashion -- in a satisfactory fashion, rather?

MR. DANOVIK: We have not seen anything the opposite. We believe -- we firmly believe that it will work --

MR. STEFFENS: Yeah.

MR. DANOVIK: -- function well.

MR. STEFFENS: Okay. All right. Then I have a question for Andy, just very quickly, just to kind of scratch the itch that I think Mayor Ryan and I both have, and I'll make this very quick.

We were handed some case law here that, regarding or disregarding, I was just curious if you could speak very quickly. I know after these cases came out, there were some Supreme Court decisions on the whole public interest, public use, et cetera, et cetera. Do you want to -- I mean, the way I understand that is it kind of broadens it a little bit and sort of permits this type of -- I mean (inaudible).

MR. MAURODIS: I think -- yeah, you know, there are lots of cases that talk about public purpose, public benefit, you know, and the distinction that was made between those. These cases here I don't think are necessarily that helpful in that -- and, again, I'm reticent to get into it, because I don't think --

MR. STEFFENS: Right.

MR. MAURODIS: -- it's appropriate for you, but I don't think that they are that helpful because they're only dealing with, as Mayor Ryan said, a very specific area of the taxable nature of it, which brings a whole different group of things.

There -- I would say that there are a lot of things that could be considered a public benefit, that the Property Appraiser is taxing. So, with all due respect to Mr. Shulmister's research, I don't think these are dispositive of the -- of the issue that the City Attorney was dealing with. And so -- that's notwithstanding the fact that I don't even know that we should -- I know that we should not be in the business of judging -- re-judging this opinion.

MR. STEFFENS: Thank you.

CHAIR CASTRO: Mayor Stermer.

MAYOR STERMER: And, Mr. Maurodis, I actually want to follow that point, that while we are an advisory board to the Board of County Commissioners, and you take that position and you would hope that your board follows your legal advice with regard to that, how does the County Commission deal with that issue?

MR. MAURODIS: Well --

MAYOR STERMER: I know there are times where they sit de novo in review of whatever comes before them, and is their County Attorney's position and then their position the same as yours?

MR. MAURODIS: You know, I they're likely to be faced with the same issues. I think their standard of review is generally going to be the same, and I would suspect that, you know, I think they might be receiving similar advice. I don't know on that, because, again, you're -- they're dealing with -- as a legislative body, dealing with a land use function.

This -- what these citizens were -- possibly very rightly are concerned with, after the land use is changed, what does the City do with that land use? The plans have been made obvious, but, as I say, we kind of have to have the blinders on of looking at whether the land use is appropriate for the site. My guess is that they would probably be taking the same test, but I would not want to speak for the County Attorney, nor for the County -- certainly not for the County Commission.

MAYOR STERMER: No. And the reason I ask is that you could give us that advice. We follow your advice, and we sometimes know that, as this chamber fills, or as people's inboxes fill, sometimes things change.

MR. MAURODIS: Yes, they do.

MAYOR STERMER: And I'm just making sure that everybody here understands, as Mayor Ryan asked and you eloquently stated this time and as you did in October, our job is not to review the legal opinion as to whether or not this comports with, or not, the County -- the City's Charter.

That opinion has been rendered by the City Attorney on behalf of the city, and we accept that as it is. People have other remedies other than here with regard to this change should they disagree with that.

MR. MAURODIS: Yeah, that -- I believe there is. It's a question of what -- after we change the land use, what is the -- what is the ultimate business arrangement and use that is put to this property. We're dealing with the land use category for this parcel of property.

So I'm very confident in the advice I'm giving you as my client that you are within the proper framework that we have discussed in focusing on the material or the framework of analysis provided by your staff.

MAYOR STERMER: And I think, members, Mr. Maurodis's last sentence is actually the most important, that our job is not to look at what becomes the final end product on it, but the zoning of the property itself.

We must confine ourselves to what the zoning for that property is, not what the end use is there. That's really what our job is. And Pompano has spent an awful lot of time, whether it's through the CRA or through the City, getting their legal opinions.

And then, you know, another member who sits on this dais regularly on Tuesdays says, Broward County's biggest issue is its tourism. And one of the issues he's fighting for is the beach renourishment, and things north County as well.

And I submit that in comporting with that, things that would assist with tourism are vital to this County. Again, that's outside of this land use issue, but this could assist in that effort. So I would just remind everybody, our charge is to confine ourselves to the land use category, not what the end use on it is.

MR. MAURODIS: Well, especially when it deals with the interpretation of the Charter, because you can see the road that would take us down. I mean, it's a dangerous road, and it would be totally out of your jurisdiction to say, well, we've looked at your Charter and, you know.

CHAIR CASTRO: Just to follow up on that, we could take an arbitrary delay on that which is why we shouldn't consider or look at it.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR CASTRO: Now, having said that, I heard some mixed stuff from the speakers, and it was kind of interesting to me, because last time, I remember this, but many are okay with restaurants, which is a commercial use, but not a hotel.

So what you're really getting down to is the site plan, which, again, this is the wrong church for that, so to speak. And that's not what we're going to manage here, because that's not in our scope at all.

You know, again, if you're going to make it a restaurant, you have to change it to commercial. You can't say, I'm going to change it to commercial just for restaurant use.

So I just want the audience to understand that, because we're getting down to splitting hairs, and you're kind of out of our jurisdiction and our venue, I think, with some of the asks.

So I wanted to make sure that you don't think people didn't hear what you're saying. We actually heard what you're saying, but -- but we have a limited scope of our review, as the attorney just eloquently explained for quite a few minutes there. So, Ms. Kaplan, you're up. Do you hear?

MS. KAPLAN: Yes.

CHAIR CASTRO: Go ahead, please.

MS. KAPLAN: Is it okay?

CHAIR CASTRO: Yes, go ahead, please.

MS. KAPLAN: Okay. Well, I kind of want to ride on the coattails of I believe it was Mr. Steffens, which is talking about the transportation issue. And that is definitely a concern of mine because I recognize that's already a pretty congested area.

I noticed the mediation that they're speaking of to contribute to the signal improvement fund, but I don't see how that necessarily takes cars off of the road, and that would be kind of my concern in providing a non-benefit to the public at large, because that, in fact, is not going to be a remedy to take cars off the road in an already congested area. I don't know if anyone wants to address that, but that would be one of -- one of my concerns.

MS. BOY: Ms. Kaplan, it's Barbara.

MS. KAPLAN: Hi, Barbara.

MS. BOY: I was just going to address your transportation concern, or do you want to ask your second question?

MS. KAPLAN: Oh, no, that would be okay. You know, I understand that there's -- you know, that there's going to be a legally enforceable mechanism, and I'm curious about, you know, the voluntary transportation mitigation effort that if something can be included, you know, other than this (inaudible) share contribution to the signal improvement fund to deal with the congestion, the additional congestion.

MS. BOY: Well, I'm going to touch on the first part of your question, which is the mitigation proposal. When we project the impact to the regional transportation network, we're really looking at, you know, what -- is there a significant impact? Is there an adverse impact?

And it was determined that the adverse impact is to Atlantic Boulevard between Federal Highway and A-1-A. So the applicant, as a follow up to that, they had a proposal. It does not propose to take cars out of the transportation network. Their proposal is to mitigate their impact on the transportation network.

And there is -- the County staff has determined that funding -- helping to fund the signalization in that area is going to help the traffic flow and help the capacity in the area. So the proposal is not to, you know, just take cars off the road. But I would also like to mention that the City has provided extensive information in the backup materials of how they're proposing to implement kind of a Complete Streets concept that we're talking about, how they're thinking about -- how they're thinking about promoting transportation, transit, bicycles, pedestrians in the area, how they're thinking about they're going to connect the network in -- on A-1-A and Atlantic Boulevard where they've already made some improvements. So it's not necessarily just taking the cars off of the network. It's mitigating their impact to the network, which was determined to do so for their proposal.

MS. KAPLAN: Right. Yeah, I (inaudible) that. And, you know, I'm sure you have residents where there's pros and cons to that. But let me ask you this question. Would it -- when you have an enforceable mechanism, is it possible that -- to make a commitment -- a condition of the Land Use Plan amendment, to make it clear that if they fail to make these transportation improvements, then the Land Use Plan amendment becomes null and void?

MS. BOY: That's what --

MS. KAPLAN: (Inaudible.)

MS. BOY: I'm sorry. That's what the declaration -- that's what the purpose of the legally enforceable mechanism is, to ensure that the development -- they can't get their permits if they haven't concurred with the improvement that they propose to make. So --

MR. MAURODIS: It won't make the Land Use Plan amendment void, because you cannot do a conditional Land Use Plan amendment. But they'll have the Land Use Plan amendment, but they won't be able to pull permits, which would defeat the purpose of the entire amendment,

CHAIR CASTRO: Pretty enforceable.

MR. MAURODIS: Yeah.

CHAIR CASTRO: Does that make sense, Ms. Kaplan?

MS. KAPLAN: I was looking for the Declaration of Restrictions, but I didn't see any specific verbiage.

MS. BOY: We don't have a draft declaration in the backup, and normally that Andy and the County Attorney's Office, when it's with a -- with a -- when a proposal's made by the city, they usually take some sort of formal binding action by the city to be the legally enforceable commitment.

MR. MAURODIS: But we will -- it -- we do all -- you know, you very often hear about voluntary contribution, and -- or voluntary commitments, and (inaudible), and we reduce those to the Declaration of Restrictive Covenants. They are reviewed by my office and the Office of the County Attorney. So -- and this is standard form. They go through a lot of review.

MS. BOY: And also, the amendment is not effective until that commitment is made and executed, recorded in the public records.

MS. KAPLAN: Okay. And then is there ever a situation where we would include like an interlocal agreement between the County and City of Pompano and the -- to make that part of the approval of the Land Use Plan amendment, or is that overkill?

MR. MAURODIS: No, I don't believe so.

CHAIR CASTRO: We don't do that. Not that it's appropriate or not --

MS. KAPLAN: Okay.

CHAIR CASTRO: -- we don't do that.

MR. MAURODIS: Yeah, a Land Use Plan amendment, it's --

MS. KAPLAN: Okay. So it's stated in the Declaration of Restrictions, and that is binding.

MR. MAURODIS: Yes, it is.

MS. BOY: Right.

MR. MAURODIS: And we make sure they're binding, yes.

MS. BOY: Yes.

MR. MAURODIS: It's a covenant, then it -- that runs with the land.

MS. KAPLAN: Okay. Okay. And then my last issue -- and I had spoken with Barbara yesterday regarding this, because I was curious if the District Commissioner in Pompano for that particular area, how he voted. And I understand that he did vote yes for this.

MS. BOY: Yes.

MS. KAPLAN: And --

MS. BOY: Yes.

MS. KAPLAN: -- and I'm just curious. I mean, is it safe to assume that he reached out to his constituents and local residents and gained for support for this?

MS. BOY: Mayor Fisher's here, and he would like to tell you a few words about the outreach.

MAYOR FISHER: Yes, indeed, Commissioner Dockswell is the District 1 Commissioner there, and he has supported this item as well. The second thing, there has been a tremendous amount of outreach in many, many public meetings dealing with the development order and what to do with this piece of property.

It started, of course, with our CRA advisory board, which is a mixture of citizens -- the citizenry as well as outreach meetings in which the developers had not only public, but actually have gone into the condominiums as they've been affected and met with the condominium boards and so forth. So there has been -- I don't have the exact amount of meetings, but you might --

MS. BOY: It's Attachment 11 of the backup --

MAYOR FISHER: Attachment 11.

MS. BOY: -- materials.

MAYOR FISHER: But you can see the extensive outreach to the constituency. And Commissioner Dockswell feels very confident of that. And, again, there are dear friends of mine who have spoken here today about the project, but, again, the majority of the constituency agrees with the program.

MS. KAPLAN: Okay. Thank you so much.

CHAIR CASTRO: Mr. Hobby, Mr. Furr, and then back to Ms. Graham.

MR. HOBBY: I just wanted to sort of state a few things for the record. I think one of the issues that we're dealing with here makes it -- I think what makes a lot of our decisions, over time, difficult is we sometimes have to deal with the results of previous bad planning and trying to mitigate that, or maybe I should say, giving the planners of the past some credit, they're not being able to see into the future with 20/20 vision. A number of people have spoken today, and I'm not unsympathetic with some of their objections. And, myself, if I had the power to do this project, I probably wouldn't do it exactly the same way.

But, on the other hand, a lot of very smart and talented and caring people have put a lot of time and effort into this, and have come up with this plan. And there are recourses that those who object have. There is a ballot box, and the judicial system, both of which I think probably the -- Mayor Fisher and the CRA and the Planning Department thought long and hard about before they took this final step.

So when I say it's -- I think that our task is clear, from what our charge is as being Planning Council members, and, although I don't think that it's -- you know, we have to vote unanimously, I think that the Planning Council's recommendations seem to hold a lot of weight in this case.

CHAIR CASTRO: Mr. Furr.

MR. FURR: Thank you. This is like déjà vu for me a little bit, because this is very similar to what was going on in Hollywood. Same size property, five acres. Right on the beach. CRA. And I appreciate the arguments on both sides very much. But -- and I think that this is the will of what the Commission is doing, and all the outreach that's been done. That has to account for something.

I know Hollywood, we did the same thing. We -- and it went for years. And finally we recognized the fact that there are public benefits beyond just the -- you know, just to those people going there, the amount of money that comes into the state, all of the catalysts for redevelopment. All those kinds of things have to be taken into consideration. And I think that's what this is.

The real aspect of it is we're changing the land use from recreation and open space to commercial. But the part that the residents really care -- care about is not being changed. That's that part that is open space and recreation, the beach, that people come to use, that's not changing. That's the part that people always will want to go to, and that's going to be preserved.

And when people are at the beach, they're looking at the ocean. Their backs are to this, the hotels, their backs are to all the commercial property. They are seeing the part that they really want to see. So I'm going to support this. I think it's, you know, for the public benefit. I think there is public purpose. And I think the -- you know, we're not changing the beach. That's still there for the residents and will always be there. So I'm going to support this.

CHAIR CASTRO: Thank you. Before I move on to Ms. Graham for the second time, I just want to make sure I didn't miss Mr. de Jesus or Mayor Bocard. You guys are both fine?

MR. BASCOMBE: Are we on to the just kind of discussion point now? Questions or over? I just want to ask --

CHAIR CASTRO: We're discussing and questioning, all in one. Please, Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. I'll be quick. Both Mayor Stermer and Mr. Maurodis reminded us that our purpose and our task here is to vote on a land use amendment change. I understand that. And it's going from recreational/open to commercial. And in the short three years or so that I've been on this board, it seems we don't give up a lot of open space to some other designation easily.

I know the City of Fort Lauderdale needed three acres at Mills Pond for a community use, fire station forty-six, prior to me being appointed to this board, and occasionally it can be justified. But up until now, I really haven't heard any true justification from the applicant about why the recreational/open space should be changed.

There's a lot of talk about development and catalysts for developers. And if a developer thinks he's going to make enough money, they'll build their own parking garages, because the parking garages are not going to be free when the City builds them if there -- it's for a revenue stream, whether you want to call it -- how do you refer to it -- Parking Enterprise Fund or some other thing, developers will do it on private land, likewise the hotels.

So the whole 5.4 acres is being asked for the land use amendment. They're not asking for half or 25 percent or two-thirds or what have you. They're asking for the whole thing to be changed. And I don't understand why, because if they wanted to sort of satisfy everyone, maybe they would have looked at a way to divide the site plan up to still let them do what they want to do, but on a smaller parcel, rather than the whole 5.4 acres.

And on the barrier island right now, I imagine there is no other open designated land owned by the City of Pompano in Pompano Beach; is that correct? Can someone give me a yes or no on that? Is there right now any other significant open parcel owned by the City of Pompano on the barrier island?

MAYOR FISHER: Of course, we have the ocean side parking lot, and, of course, we have the beaches itself --

MS. GRAHAM: But open recreation --

MAYOR FISHER: -- I --

MS. GRAHAM: -- and open designation.

MAYOR FISHER: -- I would tend to say that the beaches are indeed open space and recreation for our residents across the State.

MS. GRAHAM: Well, right. Everything --

MAYOR FISHER: -- as well as our tourists.

MS. GRAHAM: -- east of A-1-A, isn't that kind of like the Coastal Commission, any other kind of development that might occur on there other than just sand, and people enjoying it?

MAYOR FISHER: You know, and we're, of course, a hundred years old, and our beaches and our development on the barrier island has pretty much been built out through the private sector and so forth, yes.

MS. GRAHAM: That's fine. You answered the question.

MAYOR FISHER: All right.

MS. GRAHAM: Because we have DC Alexander Park in the City of Fort Lauderdale, and there's been lots of discussion about that being taken or appropriated or allocated for some private development use.

And the whole point is to give up recreation and open space when you're not going to be getting any more, the City's not going to have the funds to buy privately held land and turn it into city land, that is -- that's the crux of this now today.

And I just have not heard compelling argument and justification as to why we should do it. We've heard a lot about the proposals that we are supposed to ignore, and, of course, the City Attorney's opinion and what have you. But we're going to vote on a land use amendment that, once we vote on it, whatever happens on it after we vote, we're never going to see it again. That's why I'm going to vote the way I am. Thank you.

CHAIR CASTRO: Thank you. Mr. Steffens. Then I'm going to ask for a motion, and we'll go into other discussion areas and any other comments after that. Go ahead.

MR. STEFFENS: Okay. Well, mine is discussion, so I'll make a motion.

CHAIR CASTRO: Okay. I've got a motion, please?

MR. STEFFENS: Yes.

CHAIR CASTRO: All right.

MR. STEFFENS: Move for approval.

CHAIR CASTRO: Second?

MAYOR STERMER: Second.MR. BASCOMBE: Second.

CHAIR CASTRO: Okay. Go ahead sir.

MR. STEFFENS: Just to follow up with what Ms. Graham said, I have tremendous respect for her perspective.

My understanding, though, about this specific parcel is this is not a lush green space or the beach area. This is a sort of concrete jungle type of situation. It's a parking lot, primarily. I mean, it's however many spots you get in there. It's -- it's just -- it's a parking lot.

So while it's certainly designated recreational/open space, it's not really comparable to

the park. And I know exactly what you're talking about in Fort Lauderdale. That is a lush green space with real environmental ramifications if that was to be converted. This is, I mean, just not a -- it's to some degree an eyesore. -- I mean, I understand you need parking, and that's not the most beautiful place, but it kind of is just a blank space with some markings for parking spots; am I correct?

MAYOR FISHER: Yes.

MR. DANOVICH: Correct.

MR. STEFFENS: Okay. But my only other question is if -- we were talking about the parking garage that you're going to do on the other side of the bridge, what's the timeline for those vis-à-vis the timeline of an anticipated commercial development in this location we're talking about? Contemporaneous? Close? Do you have any idea?

MAYOR FISHER: Well, I think Mr. Steffens is talking about the west side of the Intracoastal, the parking garage --

MR. STEFFENS: That's what I'm --

MAYOR FISHER: -- on the west side?

MR. STEFFENS: Yes. On the other side of the bridge.

MAYOR FISHER: There's actually one that is slated just north of Atlantic Boulevard. If you have been on Atlantic Boulevard lately, you'll recall Harbor Village Shops that we and the CRA partnered with those ownerships to make that a really -- a magnificent project.

So right beyond that, at Northeast 1st Street, there is a parking garage slated there. We are also working with private development -- I just want to take you back east again, if I can.

If you come over to the inter -- just come over to the Intracoastal, to the immediate south, that property there that is now vacant is going to be commercial. It's owned privately now, and they are going to develop a restaurant and so forth, and we're working with them, actually, to incorporate a parking garage there as well.

MR. STEFFENS: Right.

MAYOR FISHER: So -- but the immediate will be the pier parking lot. And I say this with strong conviction that the City, whether the developer moves forward or not, we are going to go ahead and build this garage, because we see the need for the parking and for our residents and for our tourists there.

So that will be the first one. The second will be ocean side, right across the street. And

then the third and fourth will be on the west side of the Intracoastal waterway.

MR. STEFFENS: Okay. And then -- I'm just curious -- the other hotel that's coming in just kind of across, the Sands Hotel?

MAYOR FISHER: There isn't a hotel. The property that we are now in a venture with the ownership is right on A-1-A and goes all the way to Pompano Beach Boulevard. That is currently a parking lot. That is a master plan --

MR. STEFFENS: Right.

MAYOR FISHER: -- for a future hotel.

MR. STEFFENS: Okay.

MAYOR FISHER: But there is --

MR. STEFFENS: So that's down the road.

MAYOR FISHER: Correct.

MR. STEFFENS: Got you. Okay. Thank you.

MAYOR FISHER: Thank you.

CHAIR CASTRO: Mr. de Jesus.

MR. DE JESUS: Thank you, Madam Chair.

CHAIR CASTRO: And then we'll call the question.

MR. DE JESUS: I had -- actually, I had a similar thought to Ms. Graham in terms of could we look at them using part of that parcel instead of the full one.

In my doing the research, I realized that we're not taking away the open space that I thought we were taking away, and that it is, as Mr. Steffens brought up, it's a parking lot.

So there will be a hotel and there'll be parking there. But also, I don't know how you fit a 150 room hotel with meeting space and a pool area, et cetera, in less than five acres. It's not a real big parcel, as is it.

So I shared similar concerns in that, you know, that seems to be one of the only open areas there, but it certainly wasn't a park or even a passive park, let alone a recreational park. So I support this item.

CHAIR CASTRO: Okay. Seeing none -- oh.

MR. BASCOMBE: I'd like to make some comments just to finish off, actually, those -- those questions that I asked. I have to tell you that I wrestled with this one in a big way.

To go from recreational and open space to commercial, just in concept, is a very difficult path for a lot of people. However, I think, given the public good -- and I'm using the word public good -- the words public good instead of public benefit or public purpose here.

I think if you look at the master plan, if you look overall at what this project will do for the CRA, I think it's actually going to be a good thing. So I -- because we can't affect -- we can't do anything with the site plan. I completely understand that. Mr. Maurodis has brought that up.

But in its just basic elements, I think it's a good thing. So my question is, though -- and I have a question. This is just rhetorical. Is the long term lease, if the City keeps control of this for 50 years, -- after 50 years, who knows? It could -- can stay commercial, but when we go through another redevelopment cycle again within Pompano, I hope -- we can't answer this question -- I hope that the people who are in charge, whether it be elected officials or the public, make the right decision to actually keep this a public purpose for the long term. So I'm going to vote in favor of this.

CHAIR CASTRO: That's a good point, a very good point. Okay. Would you please call the roll? We have a motion and a second.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Commissioner Richard Blattner. Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: (Inaudible.)

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good. Ms. Mary Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: Yes.

THE REPORTER: Commissioner Martin Kiar. Commissioner Michele Lazarow. Commissioner Michael Long. Commissioner Rita Mack. Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes.

The motion passes.

VOTE PASSES 11 TO 1 WITH MS. MARY GRAHAM VOTING NO.

CHAIR CASTRO: Before we adjourn, just very quickly, I wish everybody a happy and safe holiday, Merry Christmas, happy safe New Year. I hope the next year is prosperous (inaudible). Anything else?

MAYOR STERMER: Thank you, Madam Chair.

CHAIR CASTRO: Thank you all.

(The meeting concluded at 11:37 a.m.)