

ITEM #52₍₂₎

ADDITIONAL MATERIAL
Public Hearing

SEPTEMBER 22, 2020

SUBMITTED AT THE REQUEST OF
MAYOR DALE V.C. HOLNESS



OFFICE OF THE MAYOR

Rex Hardin, Mayor

E: rex.hardin@copbfl.com | P: 954.786.4623 | F: 954.786.4504

September 17, 2020

Mayor Dale V.C. Holness
Members of the Broward County Commission (BCC)
Broward County
115 S. Andrews Avenue
Ft. Lauderdale, FL 33301

VIA EMAIL DELIVERY ONLY

Re: City of Pompano Beach – Application for Land Use Amendment regarding the Pompano Beach Downtown Activity Center

Dear Mayor Holness and Members of the County Commission:

As you know, the City of Pompano Beach (City) has an existing activity center that comprises approximately 270 acres of the Northwest CRA District. The City has applied for a land use amendment that will allow increased residential and hotel development. Out of two pages of text, the amendment that is being proposed contains only the following specific changes to the existing language:

Residential Land Uses: ~~1,368~~ 3368 dwelling units*
Commercial Land Uses: ~~4,387,220~~ 4,051,220 square feet
Hotel: ~~300~~ 420 rooms

*Consisting of 143 single-family dwelling units, 236 townhomes and ~~989~~ 2,989 multi-family dwelling units.

**If any existing park acreage in the ~~TOC~~ Activity Center (AC) is replaced, such replacement lands and facilities shall serve the same neighborhoods in an equivalent or improved capacity.

Four references to “DP TOC” were changed to AC. In all other respects the text for the existing activity center remains unchanged. The effect of the amendment is to add 2000 dwelling units and 120 hotel rooms, together with a reduction of 336,000 square feet of commercial uses.

Significantly, the application for this land use amendment was unanimously approved by the City Commission. And, as you know, all the required review agencies approved the amendment, including the Department of Economic Opportunity and South Florida Regional Planning Council. As you also know, the County’s own Planning Council voted 18-0 for approval, including not requiring a second Planning Council public hearing.

Given the facts described above, the City and the CRA expected the land use amendment to be enthusiastically approved. Instead, we learned that the application was continued to September 22 so that

certain information regarding Redevelopment Management Associates (RMA) could be provided to the BCC.

A review of the video from the September 10 meeting indicates that the inquiry regarding RMA came from Commissioner Bogen. He stated on the record that he could not support the amendment if RMA would benefit from the amendment. He specifically wanted to know if RMA owned any property in the activity center and if any of RMA's officers, employees, agents, etc. would be hired by the CRA or the City to do redevelopment work in the activity center.

We are confident your County Attorney will advise you that it is not unlawful for RMA to own property in the City of Pompano Beach. We are also confident your County Attorney will advise you that it is not unlawful for the City and the CRA to contract with RMA for services it can provide. Moreover, neither of these circumstances are criteria upon which City-initiated land use amendment decisions are based.

Please be advised that the City and the CRA are fully aware of the allegations that Commissioner Bogen made about RMA during the September 10 meeting. Please also be advised that the allegations are not supported by the public records of the City and the CRA.

RMA is a Pompano-based small business. RMA owns an office building in the East CRA District from which it operates its consulting business. RMA also owns an office building in the NW CRA District for the future expansion of its office. RMA sought and provided the City and the CRA with a legal opinion from Robert Meyers of Weiss, Serota, Helfman, Cole and Bierman indicating that there were no legal or ethical impediments to their ownership of these two properties that are used for RMA's offices while continuing to provide redevelopment consulting services to the City and the CRA.

More significantly, RMA has worked for the CRA, and on occasion the City, since 2009. At no time during RMA's tenure with the City and the CRA has RMA ever been authorized to spend any "tax dollars" that were not first presented to and approved by the CRA. At no time did RMA perform any redevelopment consulting services that were not first authorized by the CRA. At no time did RMA change or have the authority to change any land use within either CRA district where the RMA properties are located. As the public record shows, all land use changes that have been made during RMA's tenure were made by the City for the benefit of all the properties within the land use area and never for the sole benefit of RMA.

Contrary to Commissioner Bogen's assertion that he "knows something" about RMA that the rest of you don't know, the public record will show that all of RMA's activities on behalf of the CRA and the City have been carried out in full view of the public, at publicly noticed meetings, and with the full approval of the CRA. The public record will also show the countless meetings that were held with residents regarding redevelopment initiatives. All these activities are reflected in the CRA's budget, the CRA's strategic financial plans and the annual audit that is provided to the County and to the State every year. It is the CRA, and not RMA, that has invested millions of dollars in the NW CRA. The CRA has acquired property and made redevelopment improvements pursuant to annual budgets and strategic finance plans.

The City and the CRA readily acknowledge that there are some residents that are not supportive of some of the CRA's redevelopment initiatives and blame RMA for the CRA's approval of those initiatives. With all due respect to those residents, such blame is misplaced. RMA simply has no authority whatsoever to spend a single tax dollar or take any action without the approval of the CRA. And, all such approvals are made at duly noticed public meetings.

Finally, you should be aware that RMA has the full confidence of the City and the CRA. Both the City and the CRA have recently renewed RMA's contracts to provide various consulting services to both entities. Those contract renewals were approved at public meetings and are available as public records.

It is the City and the CRA's sincere hope that Broward County does not support interference with the City's or the CRA's ability to choose the service providers it deems are in the best public interest of the City and the CRA. It is also the City and the CRA's sincere hope that, presented with the facts about RMA that are readily available in the public record, that on September 22, you will enthusiastically approve the City's land use amendment.

Sincerely,



Rex Hardin, Mayor and CRA Chair

cc: Members of the City Commission and CRA Board of Commissioners
Gregory P. Harrison, City Manager and CRA Executive Director
Mark E. Berman, City Attorney
Claudia M. McKenna, CRA Attorney
Andrew J. Meyers, County Attorney
Bertha Henry, County Administrator
Barbara Blake Boy, Executive Director, Broward County Planning Council
Lenny Vialpando, Director – County Environmental Protection & Growth Management Dept.
Josie P. Sesodia, Director – County Planning & Development Management