



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

*Rex Hardin, Mayor*

*Beverly Perkins, Vice Mayor*

*Rhonda Eaton, Commissioner*

*Cyndy Floyd, Commissioner*

*Andrea McGee, Commissioner*

*Tom McMahan, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceleta Hammond, City Clerk*

Tuesday, December 14, 2021

1:00 PM

Commission Chamber

### City Commission Meeting

#### CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 1:00 p.m.

#### ROLL CALL

**Present:** Commissioner Rhonda Eaton  
Commissioner Cyndy Floyd  
Commissioner Andrea McGee  
Commissioner Tom McMahan  
Vice Mayor Beverly Perkins  
Mayor Rex Hardin

#### INVOCATION

Bishop Charles Ross of NOW Church offered the invocation

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[22-109](#) City Commission Meeting Minutes of November 9, 2021

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

#### APPROVAL OF AGENDA

**A motion was made by Vice Mayor Perkins, seconded by**

**Commissioner McGee, that the Agenda be APPROVED. The motion carried unanimously.**

### **CONSENT AGENDA DISCUSSION**

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

Mayor Hardin announced that Item(s) 2 and 11 would be pulled for City Commission discussion.

### **A. SPECIAL PRESENTATION**

#### **22-45 Presentation of the Coveted ESGR “Above and Beyond” Award**

Pompano Beach Fire Rescue received the Employer Support of the Guard and Reserve (ESGR) “Above and Beyond” Award as well as the signed Statement of Support for the Guard and Reserve. Peter Caspari, Director Employer Outreach - DOD/Florida ESGR Agency presented the award to Fire Chief Chad Brocato and Assistant Fire Chief Steve Hudson on behalf of the Department.

Peter Caspari, Director Employer Outreach - DOD/Florida ESGR, stated that the City of Pompano Beach Fire Department has been instrumental in supporting the men and women who serve in the National Guard and in the Reserves. He then presented the coveted award “Employer Support of the Guard and Reserve” for Above and Beyond Award to Pompano Beach Fire Rescue, presented to Chief Chad Brocato and his Assistant Fire Chief Steve Hudson, on behalf of the men and women of the National Guard and Reserve forces for outstanding service and continuing support to the National Defense. The Award was signed by the Executive Director and Head of the National Guard and Reserves.

#### **22-111 Dixie Highway and Atlantic Boulevard intersection Improvement Project Update**

Paul Kissinger provided an update to the City Commission on the traffic improvements at the intersection of Dixie Highway and Atlantic Boulevard.

Paul Kissinger, mentioned that he has reflected on some of the things that the City of Pompano Beach has done. So, he elected to graphically show what things looked like before and what it looks like currently. Over time there are other persons who have been much more involved than he has and subsequently, introduced Tom DiGiorgio, member of the Economic Development Council to provide a few reflections.

Tom DiGiorgio, Chair of the Pompano Beach Economic Development Council, and also serves as the Chair for the Broward Planning Council, indicated that this project is not new. He provided a brief historical background regarding the creation of a true downtown in Pompano Beach that would cross Dixie Highway. He mentioned that due to the lights not being timed properly prior to commencing the project, it caused undue

frustration. Nevertheless, they are working on the trials. Of course, many people are present to talk about that frustration of congestion. However, he assured everyone that the issue will be taken care of. He stated that the “knee jerk” suggestion that some in the community have proposed, to leave things the way they are or go back to the drawing board is not the answer. He said that as they discussed over 28 years ago, they cannot allow for a throughway or a highspeed bypass to speed traffic past the City’s downtown, and expect to create a thriving sustainable walkable Citi-center. Traffic must proceed at a reasonable 35 miles per hour and not 50 + miles per hour.

Mr. DiGiorgio continued by providing a chronological listing of the various meetings that took place since November 1993, among City Officials and residents to include former Mayor E. Pat Larkins, and current Vice Mayor Beverly Perkins. In 1994, they coined the phrase Vision 2000 and a taskforce was put in motion. Approximately 100 people participated and the ground work was laid for the future downtown. For further detail on Mr. DiGiorgio, please refer to the video of this meeting on December 14, 2021.

Mr. Kissinger provided a series of recommendations that came out of the workshop of January 12, 2008, where approximately 96 people attended and had breakout sessions. These recommendations were about the Community Redevelopment Agency (CRA), a Sense of Place, and changing the character, transportation, traffic and pedestrians, traffic calming, walkable pedestrian friendly, and also discussing a FEC train station, which is now a Bright Line or Tri-Rail train station. History and heritage markers - remember our historical buildings restored and preserved buildings from structures, which most is seen in the Old Town area. Safety is always important to a community; residents being kept involved and informed. Horacio Danovich has had over 30 meetings including with the Northwest Advisory Board about the beginnings of this project. Job and job training, businesses and local businesses, education, communication and trust. Educating everyone at all stages, building trust in the community and taking action. Using funding sources for financial funding - looking for other incentives in the G.O. Bond passed, and federal funding that has come out for the infrastructure across the country and other opportunities.

A series of value statements also came out of this meeting. He highlighted a few to include, a safe place for families, low traffic yet accessible transportation, but a thriving community in 5 years. So, a few things have impacted these plans to include the economic crunch in 2009-2010, and COVID-19. It is taking a little longer than 5 years but the process takes time. He said he and his firm got involved with the City of Pompano Beach again, now in the Northwest side. The list of things that they and the CRA has done, includes zoning, massing analysis, and implementation of projects. All the work prior to “jumping off” in changing the character of the street and getting the downtown working and buzzing. This is not something that is way down the line it was in the 90’s, but we are now here and getting close to that implementation.

Continuing, Mr. Kissinger presented images of the work they have done on the beach. He indicated that this is not a comparison because the Northwest neighborhood and the downtown is much larger than the CRA district on the beach. But the economic engine can be seen, which started out with a “Streetscape” project. Changing the character of the street, to include an iconic parking garage and a newly renovated fishing pier. Pompano Beach Boulevard has changed to include angle parking thus changing quality of life. So, they know they can continue to do this within the community. Finally, Atlantic Boulevard by Harbor Village was changed by taking out one lane and now it is a wonderful gateway to the City on the eastside. So, they are continuing to work on the westside to get into the visible improvements.

Mr. Kissinger mentioned that traffic is a hot topic at this time so he will have Joaquin Vargas, Traffic Engineer to provide updates on the traffic issues. He concluded that they will fix the traffic issues.

Joaquin Vargas, TrafTech Engineering, stated that many have seen that some changes are being done on 1st Avenue and Atlantic Boulevard. Last week he met with Broward County and they have agreed to do some changes that will cause significant improvements. After that implementation there will be changes of the lights, which will take place in a couple of weeks. He thanked Broward County for helping them to work on improving the traffic situation. He then provided a few overhead slides depicting travel time runs done at multiple times. Impact on neighborhood streets - Mr. Vargas indicated that he looked at and found traffic counts that were done in the past, and found a traffic count done on 4th Avenue. He could not find anything else in the area. for 4th Avenue between 11th Avenue and US-1. They did not find any traffic volume increase on 4th Street

Mr. Vargas is aware that Mr. Kissinger mentioned safety issues but it is important to look at the crash history on road segments and intersections. Atlantic Boulevard from 6th Avenue on the west all the way to 7th Avenue on the east, and Dixie Highway from SW 2nd Street to MLK Jr. Boulevard. The state has good statistics of similar locations in similar areas population-wise, and they did a comparison. Thereafter the state identifies if it is a high crash location if the accidents are 20% or higher. This area is clearly a high crash location. The results show that it is twice as much as it should be.

Mr. Vargas mentioned that they heard the concerns of finding alternative routes. They identified 2 areas to get out, which is the residential area south of Atlantic Boulevard and east of Dixie Highway, the residential north of Atlantic Boulevard and east of Dixie Highway. They identified 2 areas to bypass that is currently being improved, which is the south side of City Hall, taking 2nd Street to Dixie Highway, going north on Dixie Highway and then making a left hand turn on Atlantic Boulevard. Another route would be on 11th Avenue going north to 1st Street, then heading west it curves to connect to MLK Jr. Boulevard at 3rd Street. There is a crossing over the railroad tracks and coming back south and then head west on Atlantic Boulevard. In sum, there are multiple options for residents to bypass the area that is currently improved.

Mr. Vargas concluded by stating that they are continuously working with Broward County, and there is going to be some additional benefits that everyone will see in a few weeks.

Mr. Kissinger indicated that one of the improvements made this weekend was to take out the left hand turn on SW 1st Street and NE 1st Street so it is a right only and taking the light on 1st Street and making it green. They are still working on changes but have made some big moves on it to assist with the traffic woes.

Mr. Kissinger then made a presentation on some of the physical progress that is happening on the northside of the City, with more to come. The Cultural Center which was a blank field at first, now has a wonderful building constructed. In Old Town, they were involved in the improvements in the streetscape and the landscape, improvements of the buildings and the façade grants that the CRA worked on. It is a dramatic difference from what it used to look like. The place where the untapped and other events are now taking place looks much better than how it was before. The MLK Jr. Boulevard streetscape is now starting its second phase, which makes a big difference from prior appearance. He asked CRA Director, Nguyen Tran to provide more details

on the redevelopment.

Nguyen Tran, CRA Director, stated that he is tasked to reiterate the vision. Redevelopment is a tough task and is not done overnight. You will not see the vertical construction, and every redevelopment project always starts off with streetscape projects. This was evident with Pompano Beach Boulevard, when a Bond was taken out to do this boulevard. East Atlantic Boulevard streetscape was done, and look at Harbor Village Redevelopment and all the development that is coming on now in that area. They did the same thing in Old Town and now is when the vertical construction is visible, with the various projects that are coming on board. Also, the MLK Jr. Boulevard project is being completed and it is hard to envision it because nothing is going vertical at this time.

In sum, Mr. Tran stated that the streetscape projects set the tone for the vertical construction as Mr. Kissinger indicated earlier. He wanted to emphasize the downtown vision. He indicated that when this started it started with the zoning changes to include the Downtown Pompano Transit Oriented Corridor (DPTOC). He defined what the TOC is, which was to make the whole area a Transit Oriented Corridor. This encourages development to use public transit, it encourages pedestrian oriented development, it encourages less dependency on automobiles. It also encourages creation of more walkable communities. It is difficult to see this now because the vertical has not started, but this is starting to become one of those projects. The downtown is the City's project. Connectivity is important and there is the need to get from the Cultural Center to across the street to Old Town, across into the Innovation District. All of these components make up the City's downtown. The idea behind the design is to encourage Pompano Beach young people to want to come back from their college pursuits to live, work and play in a trendy place.

In sum, Mr. Tran indicated that changes are never easy, but they are working to fix all the issues and to make travelling through the City better. Also, to set the stage for future development and set the ground work for the type of development desired by the residents.

Mr. Kissinger then provided images of the various developments throughout the city to include the beach, Eastern Transit Corridor (ETOC), Downtown, and the Northwest CRA. They are working to connect all these areas together. He wanted to correct the misconception that they are trying to create a "Las Olas" on Atlantic Boulevard, which they are not. They are trying to create a safe corridor. Atlantic Boulevard needs to operate as a street not a road (which is a place where you blow through quickly). In sum, places like Old Town, the Wash House, Restaurants, Specific Plaza and with the beginning of vertical developments that will be the economic engine that they are trying to communicate, which is on its way.

Mayor Hardin asked Mr. Kissinger to communicate the new changes that have taken place over the past few days.

Mr. Kissinger stated that they have taken 1st Street both north and south (SW and NE) and made those right turn only. He then explained in detail what the problem was in creating traffic backup. They are now looking at the County changing the lighting sequences. They have discussed stacking of people going westbound on Atlantic Boulevard to make a southbound turn on Dixie Highway. The stacking lane is not long enough and people are stacking and getting into the through lane creating traffic congestion. So, they are looking at this issue. They are going through the process, which does take time to completely get figured out. However, they

have made some significant changes that can be seen by the travel times mentioned earlier.

Mayor Hardin indicated that it is the wish that these issues could be solved immediately. On the other hand, there are comments coming from the public, “just wait until season gets here” which we are rapidly approaching season in South Florida and the issues are not yet fixed.

Comr. McGee indicated one of the things she noticed most is people coming north on Cypress Road and turning west on Atlantic Boulevard. The cue space is being jammed up, keeping people from being able to turn thus cars are backing up into the intersection, and asked what is being done for that section.

Mr. Kissinger indicated that part of that is related to the light at 1st Street of stopping people, which then backs people up so turning from Cypress Road to make a turn there is nowhere to go. Therefore, by having the green it clears the cars a lot faster. Mr. Vargas had spoken about minor changes to some of the placement of the posts and they will be talking about stacking distance and they think there may be some other changes but basically, they are looking at with change of the light, which at first, is only been up for one day. The data is still being collected.

Comr. McGee stated that she appreciates Mr. Kissinger and Mr. Vargas taking what each Commissioner has heard from the community, which is being relayed to them, and are looking to figure out real physical changes, as well as timings that they can be made. She inquired about the possibility of speed bumps for the alternate routes or something of that nature to ensure the neighborhood traffic is calm.

Mr. Kissinger stated that one of the graphics he showed in the ETOC talked about neighborhood priorities and it had a list of potential traffic calming devices, whether it is speed tables, landscapes and those kinds of things. They are listed but not included in this project. However, he would recommend, if they are finding increase in traffic in the neighborhood streets, because of backup on Atlantic Boulevard then those traffic calming devices could be put in place. However, by fixing the traffic on Atlantic Boulevard they are seeing that not happening until in the future as growth begin to happen and it may become an issue, but there is recommendation in the ETOC already, and not a part of this project.

Comr. Eaton reiterated that on 1st Avenue and Atlantic Boulevard where there is going to be a right turn only, she would be one of those travelers who want to turn left (west) and go down Dixie Highway heading north, so this would mean she would go back around City Hall and take 1st Avenue. She travels Cypress Road a lot and found the easiest way to get over to Dixie Highway is to use SW 3rd Street pass the Public Safety building, over the railroad tracks to Dixie Highway. Another work around is to go to Racetrack Road all the way to Andrews Avenue and take 2 right hand turns and this would put you on I-95 south. This is a beautiful and pleasant road.

Additionally, Comr. Eaton commented on the beautification and how it would enhance the area. In the G.O. Bond initiative there is a \$25 million plus some matching funds that the City is doing an excellent redevelopment project on Dixie Highway, which is a great way to get from north to south. For many years it has been a dull roadway so, beautification of this roadway is so important to the City because of what Dixie Highway has historically meant to the City. She reiterated that streetscapes are the number 1 priority in any redevelopment. Therefore, when you think of roadways and equity it is all the more reason to beautify Dixie Highway, have

pleasant landscapes, streetscapes and sidewalks as the Transit Overlay District (TOD) is being done, along with mass transit and buses going to and from the new train station, which is coming in the future. More people will be taken off the road. The City can have more pedestrians as there are more residential infill. Currently, there are condominiums surrounding City Hall. In the Old Town area which is two or three blocks away, with the restaurants and shops it would be wise to lock three blocks for this. This is meant to change behavior patterns and people's use of the roadways.

In sum, Comr. Eaton indicated that if the City is looking for any equity in redevelopment of the entire City and focusing on the redevelopment of the northwest CRA which is long overdue, then we will have to create an environment where redevelopment will thrive. She does not see the reason for someone taking 5 minutes longer to commute on Atlantic Boulevard to suggest throwing away all of the redevelopment plans and the opportunities of success for the rest of the community, especially the northwest CRA.

Comr. McMahon stated he was delighted to see 1st Street closed to allow better traffic flow. He still has many concerns as this project is in the heart of his district. The increased traffic on Cypress Road has also been problematic. Increase traffic in Old Pompano is also a problem and he asked as progress is being made that these areas are taken into consideration and ensure that these issues are being addressed and not waiting until it is too late if something happens. NE 11th Avenue to 1st Avenue has turned into a cut through at high speeds, as well as Cypress Road has definitely seen increased speeding, and suggested if they could review those areas to see how the traffic could be made calmer.

Mr. Kissinger made a note and confirmed they could take a look at these areas.

Vice Mayor Perkins indicated that she also has concerns about the traffic but more so about the economic engine and will wait to talk about this during her report at the end.

Mayor Hardin opened the meeting for the public to speak and for those who signed up under Audience to Be Heard regarding the traffic issues, that would like to have their comments or questions heard at this time. In the meantime, there will not be a back and forth session with Mr. Kissinger, but if he would make a note of questions and comments and address them afterwards, it would assist to expedite the process on this matter.

The following person spoke on the traffic issues being addressed:

- 1) Jocelyn Jackson, Pompano Beach, FL, inquired if some consideration could be given whenever there are young people in the audience, could they be allowed to speak early. She is unaware of their cause for attending the meeting, but sometimes young people can be talkative when sitting for a period of time.

Continuing, Ms. Jackson commented she is for redevelopment and provided the reason she supports that. However, the images displayed earlier is only focusing on capitalizing on the east side up to Dixie Highway, and asked if there are any images for the future of what the northwest area would look like. She believes this should be incorporated with the traffic issue being discussed.

Mayor Hardin responded the entire Innovation District is in the northwest and that is what this is all

about regarding the northwest redevelopment. Mr. Kissinger will display those images again of MLK Jr. Boulevard's redevelopment later for Ms. Jackson.

Ms. Jackson also asked if the traffic study being conducted would include MLK Jr. Boulevard as there is redevelopment being done and more traffic will impact the area.

Mayor Hardin indicated that Mr. Kissinger will address this and talk about the traffic with MLK Jr. Boulevard with the redevelopment going over there.

- 2) Mr. Goldfeddar resident in the Highlands, Pompano Beach, FL expressed his concerns that the redevelopment of the area will only serve to price out people of lower demographics, as he has experienced when he lived in Cities such as Chicago and Fort Lauderdale. He concluded that projects similar to this one will only serve to displace residents and take \$700 a month apartment and replace them with new apartments costing upwards to \$1,200 a month for a studio with nowhere for people like him to live.
- 3) Alison Fournier, Pompano Beach, FL, stated that generally she is for pro-development and appreciates what was done at the beach. However, she is not for pro-development at the expense of the residents. She commented on the bottlenecks taking place with the traffic and suggested that the bottleneck has nothing to do with 1st Avenue but rather with Dixie Highway, and provided her experience in trying to turn left onto Cypress Road off Atlantic Boulevard, after 3 light changes. The bigger issue she has is that the development is designed to bring in all these cars into the area but the City cannot sustain what it has for the residents without all the work arounds. She does not think the work arounds will be the solution to the issues now being experienced, and for the expected increase in future traffic flow. She agrees with the landscaping plans but due to vagrancy problems in the area increasing green space will not be such a great idea unless something is done to address the vagrancy issues.
- 4) Mike Skversky, 1630 W 5th Avenue, Pompano Beach, FL, commented that Mr. Kissinger does not even live in Pompano Beach so he could not appreciate some of the woes of the residents of Pompano Beach. He said none of the persons who are addressing the issues reside in Pompano Beach. He stated that the project must end, and that it is "one of the worst, in the country."
- 5) Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that the true traffic time is not being gathered as people are already going around to avoid the traffic gridlock. He agrees this is a disaster. He pointed out that there is talk about ETOC and TOD, but ETOC was false and explained his reasons. He cited a few projects that the City started but apparently has not properly maintained them.
- 6) Jerry Stryker, John Knox Village, Pompano Beach, FL, stated that he has lived in Pompano Beach for 9 years and Comr. McMahon is the leader for where he lives and Comr. Floyd is the leader for a community where he leads. He mentioned that John Knox Village is the 2nd largest life plan community in the State of Florida. He spoke in support of the Master Plan development and the connectivity to the downtown area. He urged the Commission to keep its focus on the vision.
- 7) Richard Apture, Atlantic Boulevard and Federal Highway, Pompano Beach, FL, asked why they did

not do the traffic patterns for Atlantic Boulevard, Copans Road, Cypress Road and other place prior to closing down the lanes in the area. Also, why did they not do the signal optimization on Atlantic Boulevard when it had all of the lanes instead of doing it after the lanes were removed. He believes this is “putting the cart before the horse.” His biggest concern is they are trying to move traffic into residential neighborhoods. He inquired if a study was made as to how many neighborhood kids would get hit with the extra cars going through residential neighborhoods. He suggested that they could lower the speed limit to 30 miles, add sidewalks for the tax payers. He noted that although they spoke to extra traffic, nothing was said about the extra traffic on Copans Road and Cypress Road. He mentioned that since the lane was closed traffic continue to be backed up pass 2nd Street when going south on Federal Highway to make a left to head east on Atlantic Boulevard. He is always seeing a block of traffic trying to make a left hand turn which means they are heading to Copans Road.

- 8) Linda Fontina, 14th Street Causeway resident, Pompano Beach, FL, stated that there have been a lot of wonderful changes in Pompano Beach but this redevelopment downtown is not one of them. She mentioned that it is a lot of mess with the traffic. While she understands what they are trying to do. She wants to know how they will be taking care of the traffic problems. She inquired about how they plan to redirect traffic for the taxpayers that are all year round living in the City.
- 9) Maureen Gaviola, Pompano Beach, FL, stated that what she is hearing at this meeting is not what she is experiencing and explained her challenges with the backed-up traffic. She indicated that reasonable traffic does not mean multiple light changes. She maintained that with all the future plans still to come they are not getting a true picture of traffic currently. She agrees this is stressful and it is putting the children in the neighborhoods at risk with the added traffic being experienced in the side roads. She inquired if all the promises being made to fix things and they turn out to be wrong, how will the City Commission handle the outcome.
- 10) Matthew Moore, small business owner, and dad to a young son that attends the First Baptist Church who he picks up and drops off every day. So, he has to deal with the intersection 4 times per day, which is the most difficult time for him to deal with during the day. He said three weeks ago he was told that changes are on the way, but instead of getting better it has gotten worse. He said what actually helped was when a uniformed BSO Officer was put to direct traffic at the intersection of Cypress Road and Atlantic Boulevard. However, 5 days later they were not there and things returned to gridlock. So perhaps that could be done on a more consistent basis to make things better. He said they would like to get on record where each Commission stands regarding this traffic pattern.
- 11) Mike Murray, Pompano Beach, FL, stated that he has lived in the same place for over 40 years so he has seen the improvements, of which most of it he likes very much. He resides a block off Atlantic Boulevard and now he totally avoids the Boulevard like it is the “plague.” It is not as bad between Federal Highway and 11th Avenue, but from 11th Avenue to Dixie Highway it is a nightmare. He likes the idea of the downtown development but a way must be figured out without having traffic going through the side streets and people locked in traffic during various hours of the day. He urged the City Commission prior to making any permanent changes on Atlantic Boulevard to ensure the residents will not get stuck in traffic.

- 12) Adam Adashi, Kabashi Properties, 2125 East Atlantic Boulevard, and resident of Pompano Beach, FL, for approximately 15 years. He spoke in support of the project and indicated that it is important not to lose sight of the vision. People are making significant investments based on promises already made, and approvals already received. The restaurant tours, entrepreneurs, developers and other businesses investing into downtown even now. He said his development company is investing over \$72 million in this area based on the promises and approvals. The overall downtown plan does not work without the connectivity. This will bring different neighborhoods in a safe way, which is essential to the downtown and the community. He urged everyone to stay the course as Pompano Beach needs this.
- 13) Delvin King, Pompano Beach, FL, inquired why this item was not put on as an agenda item.

Mayor Hardin mentioned it is on the agenda regarding the traffic issues.

Mr. King stated that when travelling Dixie Highway and Atlantic Boulevard there needs to be some type of alignment with the train as there is a hold up with the lights. He said if a person is travelling along Dixie Highway you are likely to get caught by every light along Dixie Highway from Atlantic Boulevard to almost Pompano Beach Middle School.

- 14) Valerie Young, 30-year resident in Pompano Beach, FL, stated she is happy with the beach projects and everything that the City has done until now. Currently, Atlantic Boulevard is ridiculous, the posts are ugly with no beautification. She is concerned about the emergency and rescue vehicles that cannot respond to their calls because they cannot get through that area. She said that whatever changes that have been made is not good and she cannot see how it will be improved. Residents in the neighborhood are experiencing increased traffic. She asked if she could see the studies that are done on timing, because it took her one afternoon 30 minutes to get from Auto Zone on Atlantic Boulevard to I-95 Exit, which is ridiculous traffic. Businesses in Old Town are trying to open and seem to be having problems to open. If the City wants to beautify the area it needs to work with the businesses in the area that are trying to get opened for business.
- 15) Betty Borrello, Pompano Beach, FL, spoke in opposition to the project because the plan to create a walkable City appears to be an illusion. She then provided her reasons to include high crime rate in the City and having nowhere in the City to walk to. Currently, as it is in the City the main emphasis is the ability for people to get to work. She urged the City Commission to ask the team to scratch the project and return all the traffic lanes. She suggested that they use existing medians to plant trees and look at other ways to increase the roadways for the residents.
- 16) Gus Gambatese, 17-year resident of Pompano Beach, FL, stated that he enjoys living in the City, and appreciates all the hard work the City Commission is doing on behalf of the residents. The one thing he want to emphasize in his comments is the lack of planning. It appears that everybody is in shock that this is happening and it has come as a complete surprise. It is the Commission's job to hold the planners accountable for the lack of planning and this unseemly way of how to get around the City. He asked where is Plan B for the project. In sum, their efforts to get things change now is "too little too late." The problem is here and it is going to get worse. If honest mistakes were made they need to own up to it, and get corrective action taken. There needs to be a more specific solid plan coming from the

planners to whom the City is paying millions of dollars for their professional services.

- 17) Jeff Sodokoff, Pompano Beach, FL, stated this is the 3rd meeting he has attended with the Commissioners and he thanked them for their time. He said he is hearing the same thing over and over again that is tweaking traffic lights, crossing guards pushing buttons on the lights, and whatever they are doing. At the last meeting they talked about Plan B, and Comr. McGee was talking about different ideas of Plan B and they have gone back and forth on emails. One person had mentioned that it is a temporary problem, which it is not. This will get worse as they introduce thousands more units to the area. He concluded that the tweaking of lights will not be a resolution to the problem and they need to provide more information for a Plan B.
  
- 18) Terry Hahn, a long-standing resident of Pompano Beach, FL, stated that he has been living in the City to see a lot of problems come and go, some good some not so good. He provided a brief historical information regarding flooding on Dixie Highway approximately 25 years ago. The Department of Transportation conducted a major financial study and raised Dixie Highway 6 feet. They spent millions of dollars on I-95 and Atlantic Boulevard and built 10-lanes and some of those turning lanes are for a reason. So now, the planners have closed that off, which is not a very wise idea. He complained that plans have not been shared with the public for all the millions of dollars being planned to be spent on Atlantic Boulevard and Dixie Highway. There have been no bids for those who will be coming in to do the work. He mentioned that McNab Road should have been fixed years ago and it continues to be a 2-lane Road. While he supports improvement and some of the construction taking place, he believes a better job must be done with the money being spent for these projects.
  
- 19) Doreen Lawlicke, 16-year resident, Harbor Village, Pompano Beach, FL, stated that everybody is cutting through her street as if it is Atlantic Boulevard. They cut through from Atlantic Boulevard up to 26th Avenue (Harbor Drive), coming across 10th Street. When the studies were done some years ago, there were no developments such as Koi, Avery, Maria and the two new high rises on the beach, as well as the buildings on Dixie Highway and MLK Jr. Boulevard.

She cannot see the wisdom in adding approximately 10,000 new units for residents and thereafter, turn around and narrow Atlantic Boulevard and Dixie Highway. In sum, she indicated that you cannot bottleneck traffic in the way this is happening on Atlantic Boulevard. She is concerned about what will happen in the event of a Hurricane and evacuation must take place. Also, what will it be like when the seasonal residents come in, now that the lock down is lifted. She wanted to know what has happened to the suggestions for flyovers and walkovers. She suggested that the City hire an engineering firm or put the job out for bid to develop something that will work for the City.

- 20) Ramone Sanchez, District 3 resident, Pompano Beach, FL, stated that Comr. McMahon has done a phenomenal job in District 3. He is impressed with what the Commission has done with the City. He used to work for a repair company and used the side roads for cut through, which most people have been doing for over 20 years. However, the cut throughs have increased significantly. The suggestion to fix the problem to go through residential neighborhoods is not considerate of the residents living in these areas. He has a problem with suggesting speedhumps as accidents can happen with kids playing near

the roads. He said as a first responder, five minutes may not seem a lot to some people, but to a first responder it could be life or death. He heard suggestion of a flyover or a crosswalk. In sum, he loves living in Pompano Beach and the fact they can attend a number of great events by using a golf cart to get around. He wants things to be built up but not at the cost of the traffic.

- 21) Aashish Patel, stated his family has invested in building a hotel in the City of Pompano Beach at the pier. He grew up attending City meetings in Pompano Beach as a kid and learned why his dad did not invest earlier, which is “nothing was happening in Pompano Beach, and everything remained same, while other municipalities matured.” He supports this project and plan. He then cited a prior experience he had in 2013 when he approached the City to build a quality hotel project. He and his dad got excited when they heard about the plans for the pier and although at the time there was nothing but parking spaces near the pier, they were told to have a little faith in the City. They did and their hotel project is part of the redevelopment of the beach. He urged the citizens to have a little faith in the City and the CRA vision because it takes time for some of these projects to get done right. He urged the elected officials to stay on track and stay the course. This is not a time to rethink the vision. To have the connectivity and when you get off I-95, the area looks blighted. However, when you get to the beach area it is beautiful. In sum, having a new Downtown Pompano will be great and the street improvements and streetscaping, landscaping and making it more pedestrian friendly would be a huge asset to the community.

Mayor Hardin appreciated Mr. Patel’s investment in the City of Pompano Beach.

Mr. Kissinger went over a few comments and questions he captured from the public’s input on the traffic issues:

- 1) Images done on MLK Jr. Boulevard and the plan for the Boulevard. He has a few images of the before and after on MLK Jr. Boulevard, which he can make available to City Manager Harrison to get it posted.
- 2) When the traffic study was done MLK Jr. Boulevard was included when they looked at the downtown region.
- 3) Mr. Kissinger stated he lived in Fort Lauderdale for 31 years. He may not have lived in Pompano Beach but he did in South Florida and recently moved to Michigan. He said he is not paid a million dollars for this project.
- 4) Gentrification is an important topic discussed at redevelopment projects all the time, and it is an issue about affordable housing. Therefore, he invited Mr. Tran, who spoke earlier to speak on this.

Mr. Tran stated that he sleeps in Boynton Beach but he eats, lives and breathes Pompano Beach, so he is always here. He mentioned that gentrification has always been a hot topic with redevelopment of some areas. The CRA goal was always to provide redevelopment without displacement. However, it will happen and most of it happen naturally. When he stated earlier that kids go away and they do not come back, he hears this mostly from the northwest community. Currently, there really is not anything here to come back to, so, the

CRA is trying to create that for them to return to the City. The effort is to find a balance to keep the pioneer residents' children to stay here. Affordable housing is a crisis in Florida, now, more than ever, when there is so much growth coming in from the northeast and the west.

Continuing, Mr. Tran stated that they have done so much of their fair share of affordable housing. Actually, Pompano Beach is the highest in number of units for low income housing tax credit developments, which is more than Fort Lauderdale, and 2nd highest in number of properties. They have to work on trying to get the workforce housing improved. He then explained the reason for the northwest having the highest amount of affordable housing, due primarily to land cost being "cheap." He said they are trying to deconcentrate poverty, because concentration poverty is bad.

Tom DiGiorgio mentioned that in February there was a presentation that came from the Task Force for Dixie Highway that highlights the mixed income and mixed use along that highway. They are planning to beautify the area and will be bringing an item before the Commission for consideration. He provided a little more insight as to why the plan to have mixed income and mixed use in these redevelopment projects. He mentioned that with the legal department, planning and zoning, planning and zoning board and the economic development committee who worked on the Task Force together will have a presentation for the City Commission and then to the Broward Commission that will help to further the City's goals.

Mr. Kissinger has heard a number of the negative comments made not to do this project and they do not like the traffic, there were couple comments with respect to looking at a couple of streets, which Mr. Vargas, especially Dixie Highway, has looked at, if there are other situations that residents are finding and it is happening more than once, write it down and let his team know about it. An example, is the stacking on Atlantic Boulevard to turn south on Dixie Highway or the stacking on Dixie Highway to turn west is something he has noted. In sum, they are looking at all these. He is aware of the frustrations of hearing about optimization of lights and changing lights but it is part of the process. They are also looking at the physical as well. Unfortunately, this process does take some time.

Continuing, Mr. Kissinger said he heard some positive comments about staying the course and stick with the vision, which is part of what he has been saying since he has been attending these meetings. Redevelopment is tough and not for the faint at heart but it can be rewarding and successful for the community at large. He will also make his notes available in a memo and get these to City Manager Harrison. In case he misses answering some questions he will jot down some summary answers as well.

Mayor Hardin mentioned one female speaker brought up some crime issues and after identifying her, he asked Captain Hedlund, Broward Sheriff's Office (BSO) to meet with her regarding the issues she brought up about crime to get information on crime stats out to the public. Also, there were a couple of questions or disbelieving comments about the timing reports that Mr. Vargas referenced. So, how can people actually get a copy of some of this information.

Mr. Kissinger responded that City Manager Harrison can send him these comments and questions and he will get any report or answer to questions that the residents may have.

Mayor Hardin confirmed that anybody with questions about what was presented to the City Commission, the

City Manager's Office, at 954-786-4601, is a good outlet to request information or want to see the timing reports, it will be made available. He urged the public to get with the City Manager's Office to get as much information they need to be more informed about what is taking place with this project. As it relates to improvements to scrap them now, they are working through this process and this is why this is taking place at this meeting.

In sum, Mayor Hardin indicated that he has heard a lot of comments for folks that are upset about the traffic and others who say it is a great vision and they embrace it. They love what the Commission has done so far in Pompano Beach and want to see more of this, but the intersection has to go through the process. So, your voices are being heard and it is loud and clear, but the vision is still what the City is trying to preserve. This was done in the beach area, in the Old Town just across the street from City Hall and they will continue to do it to make Pompano Beach the best it can be for the residents and the visitors. He reiterated this is a process and as he had stated before this is unacceptable the way it is and they are still working on it. So, this is not the end point, and they are still moving forward on this process. Changes are being made and the tweak can only make it better.

Mayor Hardin recommended that in another 2 months Mr. Kissinger and his team could return with another report, which will allow them to compile more data and work on some of the changes discussed and commented on at this meeting.

Additionally, Mayor Hardin mentioned that the asphalt has not yet been torn up and the plastic poles are in place so that they can do as much tweaking as possible and will remain this way until the City Commission has made the decision on behalf of the residents that it is going to move forward in some form or fashion.

Comr. Eaton asked for clarification on the cost of Dixie Highway being \$200-300 million.

Mr. Kissinger responded that it is \$30 million and the funding will be \$5 million from the state for the right-of-way, and \$25 million from the G.O. Bond.

Comr. McGee echoed what the Mayor stated before about "keeping eyes on the vision" and this actually is what they are trying to do with the Plan B. She is happy they are trying the 1st street solution and if that does not work they will be trying something else. She is trying to understand the westbound and when she was asked about the timing at a prior meeting, she wanted them to keep the same timing that was currently in place, because all these units will be coming on line and to expect the growth and the downtown capacity and people driving into downtown to hopefully utilize all the facilities that are in the surrounding area, but then there will be people that will be getting there as well.

Continuing, Comr. McGee recalled the process of seeing the development of Sistrunk Boulevard in Fort Lauderdale and part of what bringing better quality of life, new residents and businesses to the area was to start with the streetscape. They City of Pompano Beach has seen what they did with this process and can learn from what are the right things to do to develop its downtown. Further, she does agree with alternative routes being the "forever option" while under construction and may be necessary and if possible could look aside from traffic calming to explore the possibilities of installing sidewalks to make it safer for those residents. Perhaps they could redirect some of the funds from the sidewalk along the canal and find a place to utilize those funds

other places. In sum, she indicated that this is part of working on a Plan B and overall the Commission wants the best for Pompano Beach. She urged the public not to avoid Atlantic Boulevard in this temporary chaotic time, because this will assist them to get the right timing.

Vice Mayor Perkins stated that she thinks that they need to first address some of the concerns of the residents and instead of saying “you hear” the residents are you listening to them. She said that majority of the people who spoke earlier are residents of the City and she believes staff is trying to sugar coat this. The residents have spoken to say they are not happy with this process. She is aware that this is something that they have been working on for many years. She understands that change is difficult but she has heard the cry of the people and they are unhappy with what they are experiencing on Dixie Highway and Atlantic Boulevard. To make the main route to the beach a walking area is just not working with the people. One of the predicaments of this process is that the residents were not forewarned as to what was about to come. In addition, there was an issue about gentrification but it never got addressed. She expressed her concerns with gentrification basically in the northwest community. She has spoken with Mr. Kissinger on the phone for quite a bit but he showed images of what MLK Jr. Boulevard looked like in the past, but for her, having grown up in Pompano Beach, it looked just fine when she was a kid but as she grew up a lot of the businesses were torn down, which was a part of the City’s history.

In sum, Vice Mayor Perkins mentioned that when changes are being considered it is important to inform the public in advance as to what they are going to see and experience in the community. Also, she wishes they could possibly pay attention and listen to the community rather than just move forward. She has been stating that there is a disconnect with staff and the residents in Pompano Beach and this is a clear sign of what is being seen today. A lot of this does happen in the northwest area. Overall, there needs to be a better bonding between the residents, who live and experience the changes, and with staff, who has the expertise and experience to engineer the experience.

Comr. McGee mentioned that she is a little hurt by the idea that “those of us are not listening.” In fact, not only does she listens but she internalizes a lot of what is happening. The upsetting situations even in the holiday times are hurtful. The Commission is trying to do their best and this is growing pains. There are a lot of moving parts and people in this. They are here to do the best. While she may not agree with everything being done, she continuously makes the effort to communicate to Mr. Kissinger and the City Manager what she is hearing from the residents. If at the end this is not workable, no one will be forced to do anything. The greater vision can work and is admirable in where the City needs to go, so, they just need to work out the tweaks in the meantime, and this is what is being done. She concluded that “redevelopment is tough, and either it controls you or you control it.”

Mayor Hardin stated that they will schedule February 8, 2022, at 1:00 p.m., to have Mr. Kissinger and his team to provide the City and the Commission with an update. Hopefully, the goal will be accomplished to have smooth sailing on the intersection.

Meeting went into Recess

Meeting Reconvened

**B. AUDIENCE TO BE HEARD**

All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

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

The following persons were called to speak:

**Complaint on the process of his rezoned properties** - Frank Russo, 2293 SE 8th Street. Pompano Beach, FL, stated he did a rezone on his properties, and had to do a public records request on the matter. He spoke with all the Commissioners either in person or on the phone, and forwarded the information to them from this request. He also met with City Manager Harrison and Assistant City Manager Donovan. His concern and complaint is that staff did not follow ordinary business government standards of practice. In addition, there were potentially selective enforcement, selective targeting, discrimination, and a waste of taxpayers’ dollars. He cited the staff members involved in his concerns to be David Recor and Jean Dolan. He provided details of when he applied for a rezoning and his subsequent correspondences with Mr. Recor.

City Manager Harrison, with approval from Mayor Hardin (Chair), interrupted Mr. Russo, and mentioned that the names of the staff members that Mr. Russo is referencing, do work inside the confines of the City Charter under the City Manager, Assistant City Managers and Department Heads. This is not the place to talk about these employees. Therefore, if Mr. Russo has a complaint, he needs to submit that to the City Manager in writing, with explicit indications of what his problems are and the City Manager will deal with it in that manner.

Mayor Hardin suggested Mr. Russo keep his comments on a little higher level, because he had also met with Mr. Russo. Therefore, Mr. Russo could make his point without getting individual employees involved, and if he needed to pursue further, he could do so.

Mr. Russo conceded with Mayor Hardin's suggestion. He continued to relay some of the information he received regarding text messages from the supervisor of Development Services to one of the Assistant City Managers regarding his properties. He complained that there were 84 emails from a staff member in 2 days regarding his property at 300 and 400 Circle Drive. He concluded that he would hope the City Commission would look into this matter or he would get the Florida Office of Inspector General (OIG) to look into it.

**Shootings in the Northwest Area of the City** - George Dillard, 801 NE 33 Street, Pompano Beach, FL, stated that his heart is broken and saddened by the shootings that are going on in the northwest section. He is

hoping the City Commission and the people in his neighborhood could find a way for a solution to curb and stop the killings and shootings in the northwest community. Perhaps the pursuit of a grant to facilitate a group of people to sit down and discuss the issues, and to come up with a way to stop the senseless killings in his neighborhood. He is available to discuss and assist in whatever may be needed to find a solution.

**Demolition of Westside Apartments** - Mr. Dillard inquired about the City getting someone to redevelop the location of the Westside Apartments. If possible, they should demolish those apartments, rebuild them, and then put the people back in. The buildings are old, over 60 years, and they are not sufficient for what is going on in Pompano Beach.

Vice Mayor Perkins mentioned that she was saddened to hear about the killing in Comr. Floyd's District 5 this weekend. Moreover, a man was killed in her District 4 on Monday morning. As she had stated prior, what the City has with Broward Sheriff's Office (BSO) is not really working. There are the tag readers, the real time cameras, 6-8 new additional officers, as well as the ShotShooter, and none of these are working as far as the shooting and the drugs in the northwest community. Since nothing seems to be working, she suggested that the City consider putting in place a Citizen Patrol similar to what is in Miami Beach. This will provide extra eyes and ears to the City for what is going on in the community.

**Organization willing to serve in the City** - Willie Brown, Vice President Kappa Foundation of Pompano Beach, P.O. Box 666801, Pompano Beach, FL, stated that redevelopment is very necessary and he agrees with it. However, on the inverse of redevelopment and social responsibility, he asked, after redevelopment who will maintain and keep, who will foster and champion. Mr. Brown mentioned that he is the Vice President of the Kappa Foundation of Pompano Beach and they have had a great 2021 in spite of COVID-19. They have decided to come back and be an integral part of the social growth of the City of Pompano Beach. He then provided a list of things they have done over the last year. Recognizing the Firefighters for doing an outstanding job, partnered with Vice Mayor Perkins with the Women's History celebration, conducted 2 SAT's prep during the COVID-19 with press and reviews, conducted financial workshops, held a women's symposium with Vice Mayor Perkins, ran the John Lewis voter registration drive, and other activities. They are entrenched in the City of Pompano Beach. Also, they have great programs to direct, mold and mentor great young men. They will send an invitation to each member of the Commission to come out on January 8, 2022, when they will host the South Florida retreat of over 200 professional black men that will be in the City. An estimated \$250,000 will be spent while here to utilize the hotels, golf course, restaurants and a tour through the City to see how they can help from a global perspective. They are here to help make a difference and they do not want to make a difference in the northwest section only, but throughout Pompano Beach.

Finally, Mr. Brown commended the Commission for doing such a great job, and stated that their leadership has been on par and they are appreciative of what the Commission is doing.

Mayor Hardin thanked Mr. Brown and his organization for all they are doing in the City of Pompano Beach.

**Unlivable Conditions at Westside Apartments** - Kendra Hayes, formerly 930 NW 9th Avenue, Pompano Beach, FL, and former resident of the Westside Apartments, stated that she was happy to hear one of the prior speakers bringing to light the topic on the Westside Apartments. Due to the unlivable conditions she experienced while she lived there, it has scarred her for life. These apartments need to be torn down. She

reiterated her tour along with Vice Mayor Perkins of those apartments where they witnessed all the problems with the living conditions, and she maintains that they need to be torn down and agrees with the prior speaker's comment that they need to be torn down. The City is still providing funding to these apartments. Currently, she is in a homeless shelter because her prior housing management could not get an up to date code provided by the City's code enforcement.

In closing, Ms. Hayes thanked Vice Mayor Perkins for reaching out to her and going with her to the apartments. She also thanked Comr. Floyd, and Comr. McGee for reaching out to her.

**Dancing Stars - Dance Team** - Jocelyn Jackson, Pompano Beach, FL, stated that she is representing the Dancing Stars Emporium. Normally, they meet at Hunter's Park, but since the pandemic they have not been out there and since then, there is more traffic and adults hanging out there, which is not safe any more for the girls to be out there. She is trying to assist this non-profit organization to get a place to have the girls operate in doors.

**Shootings** - Ms. Jackson stated that both her and Terry Williams, a resident of Pompano Beach, were out campaigning, and a couple of people in District 5 approached them stating it is not safe due to the shootings in the area. She suggested that police officers need to be more visible, similar to what is happening in the Orlando area, which works. Finally, she said at the Broward Sheriff's Office (BSO) Community Meeting discussion that recently took place, some things were going to be put in place.

**Vagrancy and Drug Issues in the City** - Jessica Spill, 2601 SE 5th Street, Pompano Beach, FL, stated she lives and works in District 1, and mentioned that the Commission's vision for the future will not happen if the vagrancy and drug problems are not addressed on Atlantic Boulevard. She has spoken with Comr. McGee about the matter, as well as she has sent out videos, and has bi-weekly phone calls to BSO about the issue on Atlantic Boulevard. If you go to McNab Park it is a residence taken up by drug abusers. She mentioned that she is unable to walk in her neighborhood after dark. When she goes shopping the Publix has security guards for the activity going on in the parking lot. She reported that while she was in the Atlantic Boulevard area that is being considered for this project, someone approached her and asked her for money and when she did not give it she was spat on. In sum, the area is just not safe for walkers.

**Proper Utilization of City Properties** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that some of the young people in the community wash cars and sell food, and most who do this, it is their livelihood. They may have past history, minor or whatever it may be. So, there are times they may conduct this business on Community Redevelopment Agency (CRA) property, and at times on City property. They are trying to make a living for themselves and are not a bother to people. Every once in a while, they are told they cannot wash cars, and so forth on certain pieces of property. Therefore, he is requesting if there could be some leniency granted or possibly staff could come up with a resolution where they could be afforded an opportunity to operate their food trucks.

Mayor Hardin asked if there is anything in place for mobile vending.

City Manager Harrison responded that there are requirements. However, what Mr. Thrower is specifically talking about is to be able to have the food vendors or the car washers operate on City properties where

currently, there are signs up for "No Trespassing." It gets into a conflict on not allowing the people being referred to be on public property. He advised Mr. Thrower that they could be on private property but not on public property.

**Termination of Ronald Thurston** - Mr. Thrower mentioned that he does not like the Sheriff of Broward County and provided his reasons. The Sheriff sent Ronald Thurston a termination letter, which Mr. Thrower feels it is undeserving. Therefore, he believes that the City Commission should investigate this matter as to why Mr. Thurston is being terminated, since he is from Pompano Beach.

**Vagrancy and Drug Issues** - Donald Chaples, 2601 SE 5th Street, Pompano Beach, FL, stated that he is a fire officer for the 3rd largest fire department in the State. So, he should not be at work wondering if his fiancé is going to make it home safe. He complained about the vagrancy and drug issues on Atlantic Boulevard. In addition, he cannot catch a break from his work of performing CPR because people in the park are overdosing on drugs and he has to help, not does he mind helping. He said the bike patrol used to be around and now they no longer come around, but their presence is very important for the area.

Vice Mayor Perkins asked about the status with the bike patrol.

Martin Hedelund, Captain, Broward Sheriff's Office (BSO), stated that they do have a bike patrol that is mandated to patrol every night for hours at a time. They are not as plentiful as they would like because they are handling a lot of calls for other services also. Currently, they have 40 participants in the bike patrol unit. They are mandated to ride every day.

Mayor Hardin directed that they zero in at the McNab Park, which has been a hot spot for homelessness.

Captain Hedelund reported that they have 2 homeless outreach deputies that deals specifically with homeless issues within the City of Pompano Beach. One works the east side and the other on the west side of the City. Other deputies are also involved when the outreach deputies cannot be there, then the road/zone deputies are singled out and called in to handle the issues. The real time crime center focuses on many of the parks that have CCTV and they actively patrol these areas. The homeless issue is not something that will go away overnight, it is an ongoing process, as well as it is a social issue. In sum, it is not an easy fix but they are not going to give up on this and will continue to fight for it.

Comr. Floyd stated that she was disturbed to hear about 2 young ladies who were in her district, and were told to go back to their cars because the area was dangerous.

Captain Hedelund agreed that they are also outraged about what happened over the weekend. Any death is an outrage, however, with those few deaths there is an ongoing investigation, and they are working them hard. They are truly trying to fight every day to control the gun violence and other violence that go on within the City. In fact, they currently have a grant that is being utilized to put officers out on the street on overtime. Bicycles in the day time and extra patrols at night to combat these types of issues.

Comr. Floyd mentioned that she was equally pleased to see the officers out on bicycles on Sunday.

A discussion followed among Comrs. McGee, Eaton and Floyd, as well as Captain Hedelund. on the homeless situation and the Task Force in place that is working diligently to address all the various concerns on a daily basis. Captain Hedelund provided highlights on the various programs in place to include the ambassador program for the homeless issue, as well as the continuing efforts being made to keep on top of the chronic cases. He mentioned that they are utilizing initiatives from a very broad spectrum to include the BSO, City, and across the country. This is constant work in progress, and every time a step forward is made, it is a “fight to get the next step before you take a step back,” due to certain laws and legislation that are put in place to slow the police momentum. He reiterated it is a work in progress, and he understands it very well because he lives in the City as well.

**Concerns for District 4 living conditions** - Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated that she wanted to speak to Vice Mayor Perkins regarding everything that is going on in her District, which she had no idea was going on. She stated that for people to not feel safe or to live beyond substandard conditions, there is no excuse. As a resident of District 1 she is unaware how she can help Vice Mayor Perkins, other than regularly ask Comr. McGee what is she doing. Although Vice Mayor Perkins’ district is living it, the problem is all over Pompano Beach. So, there needs to be a group effort to make one district as safe and habitable as it should be. It is important that everybody participate to help, and she is willing to work along with Comr. McGee to help in any way they can.

**Clarification regarding comments on Construction** - Ms. Gaviola clarified that she does not have anything against construction and does not think people are complaining about it. Rather, it is how do they make construction work with the people’s ability to live in the area peacefully, easily, successfully, and commute around town. There has to be a balance. Projects are and will be coming to make way for growth. However, they cannot take roads away as they are adding all those things. So, there is a need to get a better perspective on how the 2 will co-exist to benefit the residents and not harm them.

### **C. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 1, 3-10 without City Commission discussion.

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

1. [22-99](#) Approval to piggyback off Miami Dade County, Florida, Contract FB-00895 “Medical Supplies and Related Items” for as needed purchases, from Bound Tree Medical, LLC, at an annual cost not to exceed \$175,000.00.  
(Fiscal Impact: \$175,000.00)

(Staff Contact: Chad Brocato)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the**

**Consent Agenda. The motion carried unanimously.**

2. [22-98](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY'S FACILITIES PLANS FOR THE C-51 RESERVOIR CAPACITY ALLOCATION FINANCING AND NON-SEWER AREA C WASTEWATER SYSTEM PROJECT, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Comr. Eaton pulled the item for City Commission discussion and stated that she had the opportunity to attend a few classes at the Water Academy through Broward County, which was informative on how Broward County and South Florida Water Management District are dealing with the wastewater, stormwater, drinking water, and all others, as well as how the various agencies interact. Currently, she is serving on the Broward County Water Advisory Board as a voting member. She pointed out that the reservoir entire area is very impressive, and they are on their way to completing and connecting the existing reservoir with the new reservoirs. She does appreciate the City and staff for their forward thinking in how we are managing the City's drinking water and it is great for sustainability.

Mayor Hardin agreed that the Water Academy classes are excellent and would recommend that all the Commissioners attend whenever possible. It is very revealing as to what is happening around us with our water. To see the C-51 reservoir is impressive also.

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

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

**Enactment No: RES. No. 2022-35**

3. [22-103](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT FOR STREETSCAPE IMPROVEMENTS ON N.E. 2ND STREET, ALSO KNOWN AS PIER STREET WEST, BETWEEN THE CITY OF POMPANO BEACH AND MBR CONSTRUCTION, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Nguyen Tran/Horacio Danovich)

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

**Enactment No: RES. No. 2022-36**

4. [22-79](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND MBR CONSTRUCTION, INC. TO ASSIGN THE CONSTRUCTION CONTRACT FOR IMPROVEMENTS TO N.E. 2ND STREET, ALSO KNOWN AS PIER STREET WEST, FROM THE CITY OF POMPANO BEACH TO THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Nguyen Tran/Horacio Danovich)

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

**Enactment No: RES. No. 2022-37**

5. [22-40](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FIRST AMENDED LOCAL HOUSING ASSISTANCE PLAN (TECHNICAL REVISIONS) PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY NECESSARY CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE AMENDED LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Alex Goldstein)

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

**Enactment No: RES. No. 2022-38**

6. [22-80](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CDBG LOAN SERVICING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CENTENNIAL BANK, TO PROVIDE SERVICING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOANS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Alex Goldstein)

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

**Enactment No: RES. No. 2022-39**

7. [22-81](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE AMOUNT OF \$185,000.00 PURSUANT TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND RS&H, INC. FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$185,000.00 to be reimbursed by FDEP Grant)

(Staff Contact: Max Wemyss)

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

**Enactment No: RES. No. 2022-40**

8. [22-82](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ACCEPTING A GRANT IN THE AMOUNT UP TO \$450,000 FOR THE LANDSIDE DEVELOPMENT FOR PARCEL "Y" AT THE POMPANO BEACH AIR PARK, AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT OF \$450,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Air Park Cost Share: \$450,000)

(Staff Contact: Steven Rocco/Robert McCaughan)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the**

**Consent Agenda. The motion carried unanimously.****Enactment No: RES. No. 2022-41**

9. [22-107](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SANDS HARBOR RESORT & MARINA LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,400.00)

(Staff Contact: Jeff Lantz)

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

**Enactment No: RES. No. 2022-42**

10. [22-93](#)

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

**Enactment No: RES. No. 2022-43**

11. [22-113](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DETERMINING GOOD CAUSE FOR THE PAYMENT OF ATTORNEY'S FEES AND COSTS AS PART OF THE INDEMNIFICATION AND DEFENSE OF LAMAR P. FISHER PURSUANT TO SECTION 34.001 OF THE CITY'S CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$8,029.77)

(Staff Contact: Mark E. Berman)

Doug Borden, 525 North Ocean Boulevard, Apt. 1722, Pompano Beach, FL, stated that he cannot believe this item is on the agenda. He said at best, it has the appearance of a conflict of interest with the transaction that the former Mayor Lamar Fisher had transacted. At worst, it is, and was a conflict of interest and explained his reasons. He maintains that the City Commission should not be paying the bill for a transaction that could be construed or has the appearance of a conflict of interest. He urged the Commission not to condone corruption and disapprove paying this bill.

Mark Berman, City Attorney, stated that what Mr. Borden is suggesting is contrary to the City's Code of Ordinances, which have been in place for many years. Section 34.001 refers to indemnification for all commissioners and elected officials for charges at the addition of providing legal representation. The City shall exonerate, indemnify, and hold harmless City officials from all kinds of expenses, and claims. This was a claim

that came in against Lamar Fisher after he had left City office, but it involved his term as a commissioner and member of the Community Redevelopment Agency (CRA) Board. Pursuant to Section 34.001(F) (2), the code is clear that the legal representation guaranteed in this section, should be provided during and after the term of office or employment for claims, litigation, charges, and disputes, which arose during or in connection with the term of office or employment. So, this was involved in his term of office. It went to the Florida Commission on Ethics. Before it went to the Florida Commission on Ethics he had a private legal opinion that he paid a private law firm. He had a legal opinion from the City Attorney's Office saying that he was well within his rights under the law. So, if this is not believed and it is interpreted as self-serving, there is the Florida Commission on Ethics who went through all the facts and decided, "no probable cause" and dismissed the case.

Continuing, Mr. Berman mentioned they are not rewarding anything. If he had been found in violation, the Commission would not be asked to pay for it. What is in the code stands, it sets forth, and is completely proper. According to Ethics Commission, nothing was wrong in this case.

Mayor Hardin stated that basically there is no "grey area" on this, at which Mr. Berman replied no.

Comr. Eaton stated that as an elected official, people can file an ethics complaint against the individual and it takes a specious one at that. Nonetheless, once someone is elected he/she has to defend themselves. They can have the City Attorney's opinion but generally an outside counsel is hired and it costs money to do that. Therefore, people will take "potshots" at elected officials who now have to take it as an elected official, just by virtue of a position, then becomes vulnerable to specious complaints.

Mr. Berman added that this was a complaint based on a blog word, done by a Hollywood resident not even a Pompano Beach resident, who wrote to the Commission and said, "Someone should do something about this." This was just a specious complaint. In addition, he said the City was able to get the bill reduced by \$1,845.00.

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

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

**Enactment No: RES. No. 2022-44**

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

Mark E. Berman, City Attorney, advised that Items 12 and 13 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

12. [22-83](#) **P.H. 2022-21: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF TWO HUNDRED EIGHTY-FIVE (285) FLEX UNITS FOR A PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 3151 - 3251 N. FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

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

Mayor Hardin declared that he has had ex parte communications with the developer's representative and the developer on this project concerning the flex units and the proposed design of the project and the number of units.

Comr. Eaton declared that she has had ex parte communications and has had meetings with the developer to discuss the proposed density, massing, design, and has had emails and attended public meetings as well.

Comr. McGee declared that she has had ex parte communications through zoom meetings to discuss the design and the developer's thought process on this.

Comr. McMahon declared that he has had ex parte communications with the developer in reference to the design and the look of the project.

Jean Dolan, Development Services Department, presented the item and stated that the applicant has filed an application requesting 285 flex units in order to develop a mixed-use project on a 6.2 acres site, located west of Federal Highway between NE 31st Court and NE 33rd Street. This was the former site of the infamous Club Cinema, which has been demolished.

Continuing, Ms. Dolan stated that the Land Use designation of the site is Commercial and the zoning is B-3.

The flex allocation is required in order to allow residential and commercial Land Use. The proposed project consists of 285 residential units and 4,356 square feet of commercial use with 5 buildings ranging in sizes from 1-7 stories. Both structured and service parking is included. In accordance with the requirements of Section 154.61(D) of the City's Code, it is staff's opinion that the proposal is consistent with the Comprehensive Plan, and the addition of residential development in the manner proposed by this conceptual plan would produce a reasonable development pattern compatible with the surrounding uses and neighborhood. The Planning and Zoning Board unanimously recommended approval of the request at their October 27, 2021 meeting.

Matthew Scott, Esq., Dunay, Miskel and Backman, 14 SE 4th Street, Boca Raton, FL, represented the applicant. He stated that the applicant is the Falcone Group, and the request is for property located at 3151-3251 North Federal Highway. He then provided a presentation of the project, which is attached as **Exhibit 1**.

Mayor Hardin thanked Mr. Scott for the presentation and appreciates all their hard work on the project. They love it in Pompano Beach when parking garages do not look like parking garages.

Jocelyn Jackson, 1710 NW 17th Avenue, Pompano Beach, FL, stated that she likes the presentation and the proposed buildings are nice. She recalls the Pompano Cinema property but do not recall it being so large to place 285 units on it. A discussion followed on whether the location would be able to provide sufficient ingress/egress to the site.

Ms. Jackson inquired how much would the rent be for the units.

Mr. Scott responded that the proposed rents for the project are going to be market based. There are a variety of units to include studio, 1-bedroom unit, 2-bedroom and 3-bedroom units. The numbers are not yet determined because they are approximately 2 years out before the project could come on line, but he said there will be a variety of prices.

Comr. Eaton stated that Mr. Scott met twice with the Cresthaven Civic Association and they had a very robust meeting. He has communicated with some members of the community and other residents. The Falcone Group has an excellent reputation. It will be a quiet use of the property compared to what was there before. The team has been very thoughtful in redesigning this to ensure that the placements of the buildings in the rear lineup with the streets. They conducted a shadow study, which was appreciated. The offer to allow for natural breezes and sunlight is a plus for the project.

Comr. McGee stated that the changes they have made to the design aspect is more elegant compared to the ones she saw. Kudos to the designers for that. It appears that they added more parking, which was a little concerning for her. Additionally, if the developer is open to it, would they consider a flex unit grant to incorporate workforce housing. With a project like this, it would work well in accomplishing the goals the City Commission is going for in City building. On a separate note, Comr. McGee asked about the current square footage for commercial space on this plan.

Mr. Scott responded on the east side the total square footage of commercial is 3,700 or 3,800 total for the 2 buildings and if you include some of the leasing and other amenity spaces it goes to approximately 4,000 square

feet. The 2 commercials in the front has 12-16 spaces allocated, and on the two sides of the commercials those will be open parking, which will be shared between renters and the commercial uses.

Comr. McGee expressed some concerns to ensure that the renters and the commercial users are sufficiently provided with parking for both buildings. She is still a bit concerned with the entrance exit the way it is. Overall, from the beginning, the project is “cool”, and the developer and his team "are getting there for sure."

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

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

**Enactment No: RES. No. 2022-45**

13. [22-31](#) **P.H. 2022-08: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTH SIDE OF NW 6TH COURT, APPROXIMATELY 250 FEET EAST OF NW 31ST AVENUE AND COMMONLY KNOWN AS 3050 NW 6TH COURT FROM B-3 (GENERAL BUSINESS) TO B-2 (COMMUNITY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**SECOND READING: NOVEMBER 9, 2021**

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

Jean Dolan, Development Services Department, presented the item and stated that this is the second public hearing on the rezoning of the lot at 3050 NW 6th Court from B-3 to B-2, to allow the allocation of 1 flex unit, for the construction of a single-family home. There have been no changes since First Reading.

Ms. Dolan explained that the City is the applicant. The City took this on for the owner, who was present earlier but had to leave to pick up his kids.

Vice Mayor Perkins asked if they were only building 1 single unit.

Ms. Dolan explained further about the complication with the land. On the map there is a whole frontage along NW 31st Avenue, which is commercial. However, the ones with numbers of 700, 650, 600 and 500, have

been flex out. So, all those frontages are residential, so it made no sense to keep that back end lot, which was there to add depth to the frontage commercial. So, they are flex out to residential, and no need to keep those remaining little lots commercial. To avoid having to do a Comprehensive Plan Amendment. The City allows single-family in B-2, so it was down zoned to B-2 for the owner to acquire a single-family home.

Mayor Hardin noted that the owner is Edgar Wiggins.

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

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

**Enactment No: ORD. No. 2022-03**

**END OF QUASI-JUDICIAL PROCEEDING**

14. [22-105](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE MIXED INCOME HOUSING POLICY FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/ David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the item establishes the City's policy on mixed income housing. The policy follows a long history of research and analysis, starting in 2017. She then provided a brief background.

Ms. Gomez noted that Paul Lambert, Consultant, has served as the City's housing expert throughout, and Claudia McKenna, Attorney for the Community Redevelopment Agency (CRA) has provided guidance on the formulation of the policy. The City Attorney, as well as the City Management have also been instrumental in the creation of moving this initiative forward.

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

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

**Enactment No: RES. No. 2022-46**

15. [22-47](#)

Ed Beecher, Director, Human Resources, presented the item and stated this is the Second Reading of the Ordinance and there have been no changes to the Ordinance since November 9, 2021.

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

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

**Enactment No: ORD. No. 2022-12**

16. [22-52](#) **P.H. 2022-10: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES, RELATING TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM, BY AMENDING SECTION 34.015, "CONDITIONS OF ELIGIBILITY," BY MODIFYING PROVISIONS FOR PAST SERVICE PENSION CREDIT AND ALLOWING FOR THE PURCHASE OF ADDITIONAL SERVICE CREDIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The fiscal impact is reflected in the current Collective Bargaining Agreement as approved by City Commission on November 9, 2021.)

**SECOND READING: NOVEMBER 9, 2021**

**(Staff Contact:** Ed Beecher/Brian Donovan)

Ed Beecher, Director, Human Resources, presented the item and stated this is the Second Reading of the Ordinance and there have been no changes to the Ordinance since First Reading.

Mayor Hardin noted that this is actually the First Reading of the Ordinance as the Second Reading had taken place on November 9, 2021.

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

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

**Enactment No: ORD. No. 2022-10**

17. [22-48](#) **P.H. 2022-09: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," BY AMENDING SECTION 34.038, "PENSION ADJUSTMENTS," TO INCREASE THE COST-OF-LIVING ADJUSTMENT TO IMPLEMENT RECENT CHANGES TO COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: The fiscal impact is reflected in the current Collective Bargaining Agreement as approved by City Commission on November 9, 2021.)

**SECOND READING: NOVEMBER 9, 2021**

**(Staff Contact:** Ed Beecher/Brian Donovan)

Ed Beecher, Director, Human Resources, presented the item and stated this is the First Reading of an Ordinance and there have been no changes since the Second Reading of the Ordinance that was heard at the November 9, 2021 City Commission meeting.

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be**

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

- Yes:** Eaton
- Floyd
- McGee
- McMahon
- Perkins
- Hardin

**Enactment No: ORD. No. 2022-09**

- 18. [22-51](#) **P.H. 2022-11: (PUBLIC HEARING 1ST READING)**  
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY CREATING A POSITION AND BY INCREASING THE INCENTIVE PAY FOR LIFEGUARDS CERTIFIED AS EMT'S; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: The fiscal impact is reflected in the current Collective Bargaining Agreement as approved by City Commission on November 9, 2021.)

**SECOND READING: NOVEMBER 9, 2021**

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

Bobby Bush, Human Resources, presented the item and stated this is the First Reading of an Ordinance and there have been no changes since the Second Reading of the Ordinance that was heard at the November 9, 2021 City Commission meeting.

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

- Yes:** Eaton
- Floyd
- McGee
- McMahon
- Perkins
- Hardin

**Enactment No: ORD. No. 2022-11**

19. [22-14](#) **P.H. 2022-12: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY CERTAIN REQUIREMENTS FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
  
(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Service Department, presented the item and stated that this is a zoning code for Text Amendment to allow accessory dwelling units in single-family zoning districts without having to calculate density. As long as the owner agrees if the unit is rented, it would be to low to moderate income individuals or families, and rents it to those affordable groups. On the other hand, if the property owner does not want to commit to the affordable requirement, they can still build an accessory unit but the lot must be large enough to result in a total density of 1.5 units per acre. In 2011, the State passed Chapter 163.31771, which created the opportunity for accessory dwelling units without calculating density, in exchange for the commitment to provide affordable housing. The County adopted this policy in the Broward County Land Use Plan in 2017, and the City adopted the same policy in 2020 as part of its Comprehensive Plan.

Continuing, Ms. Dolan stated this final step to amending the zoning code is necessary for staff to fully implement this opportunity for affordable accessory dwelling units without a density calculation. The Planning and Zoning Board recommended approval on October 27, 2021.

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

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

20. [22-108](#) **P.H. 2022-14: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING ELECTION DISTRICTS WITHIN THE CITY OF POMPANO BEACH FOR THE PURPOSE OF REPRESENTATION AND ELECTION OF MEMBERS OF THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING A

REPEALING CLAUSE, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Phyllis A. Korab/Earl Bosworth)

Phyllis A. Korab, Cultural Affairs Director, presented the item and stated it is the First Reading of an ordinance concerning the proposed City's Voting Districts plan. Pursuant to the City Charter Article 1 Section 3, mandates the creation of not less than 5 nor more than 7 consecutively numbered districts. It also requires the Commission to adjust boundary lines of these voting districts into reasonably geographically compact areas, as maybe required from time to time. This redistricting should be done not less frequently than within the first calendar year following each US decennial census.

Continuing. Mr. Korab stated that the City has hired Kurt Spitzer, Consultant of Kurt Spitzer and Associates (KS&A), who will be joining the meeting via Zoom. He has worked with staff on his redistricting analysis, and with the proposed voting district plan that has been presented to the Commission as a part of this Ordinance. In 2011, Mr. Spitzer also assisted the City with the redistricting, so he is familiar with the City of Pompano Beach.

Kurt Spitzer, Kurt Spitzer and Associates (KS&A), Tallahassee, FL, stated that he was the consultant for the City's redistricting approximately 10 years ago. Due to the COVID-19 pandemic, the data from the Census Bureau was delayed significantly; therefore, the data received by state and local governments was approximately 5 months late. The City received the data mid-August at which time it needed some manipulation to be reformatted into a usable file. There were numerous criteria to be considered in the redistricting process.

First, it includes population for each district where each should be nearly equal in population as is practicable or possible. The next criteria is to avoid diluting minority voting spread. In addition, they try to use census blocks, as there are ways to split census blocks, so, they are the convenient building blocks in the redistricting process. Then there are a series of other criteria which he would group into a "common sense" grouping of criteria. The team follow significant boundaries whether they are man-made or natural boundaries, significant roadways, water bodies and those sorts of things. They seek to follow existing district boundaries for voters' ease to understand where a district has been, and where it will be in the future. He tried to develop districts that has a common-sense approach and are easier to understand for the City of Pompano Beach voters.

Continuing, Mr. Spitzer indicated he had provided the existing districts in the City and the deviation between the largest and smallest district that is approximately 8.50 % points. He mentioned that it is within the 10% -point threshold that the City should seek to avoid exceeding. In the packet Mr. Spitzer provided to the City Commission, there is a document displaying the existing districts map showing where each incumbent resides. There is a series of statistics going across the top of the map. According to the latest census data, the City's population is a little over 112,000 people. It shows a growth of approximately 6,000 people over the past 10 years. The actual district population versus the ideal population, and then the percent deviation, which needs to be under 10% points. The City's largest district 5, is 5.9% over the average, and the smallest district 1, is 2.6% under. So, the deviation between the 2 is around 8.50% points, which is within reason.

Next, there are the columns showing the population of the white, black, and other races within the City. He explained that black and white are the sums of people who identified themselves on the census form as being a

single race white or single race black. There are 6 choices in the census form as to which race a person could select. Beyond that, it is possible for people to identify themselves as being multiple races. There are 2, 3, 4, 5 and 6 different combinations of races. So, the population of the other category is people who identified themselves either as a single race - Other (American Indian, Asian American or some combination of 2 or more races). In terms of the Hispanic population, the Census Bureau considers that group as ethnicity not a race. Therefore, to get to the total population within the City it is the sum of White, Black, and Other populations together.

Due to technical difficulties, Ms. Korab had to communicate to and from Mr. Spitzer via telephone during this meeting.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, inquired why a map is not shown or a community meeting not held to discuss adding another seat to the City Commission. He believes that the City should talk about the map process, similar to how the County does it at several community meetings. These meetings would inform the people and to receive input on the map. He said since the State and the County has changed the way they used to do this process, then the City should follow in changing from the old process of redistricting.

Mr. Thrower mentioned that there should be a process where they display the map and discuss whether another seat should be added to the City Commission. In particular, another minority seat, because there is the Brazilian community that is a huge part of the communities along with more African-Americans in the City.

Mayor Hardin stated that this is the process of having this meeting. This is the first meeting on this issue that the public is now participating. There is a second reading, and if Mr. Thrower wants to talk about adding another seat to the Commission it can be done and the City Commission will be listening.

Mr. Thrower provided reasons why he felt the Commission should have an uneven number of members versus an even number. The City should follow the similar form as the supreme court with uneven numbers to vote in the event there are matters to be voted on and there is a 3-3 voting result. In addition, due to the diversity of the City, there is the need to add another minority seat.

Jocelyn Jackson, Pompano Beach, FL, inquired if what was being presented is the districts from the results of the census.

Mayor Hardin explained that what is depicted on the map presented is the existing districts where the consultant overlaid the new census information over the existing districts as a proposal to the City. If the City should so choose, the Commission could just adopt the existing districts as proposed, or they can be changed. It is completely up to the City Commission and the residents to decide what they want to do about the districting of the City.

Ms. Jackson stated that prior to any decision making, since some residents are not educated about how things operate as it relates to the dividing of the districts, and where the perimeters are for each district. It would be good to set up a meeting with the residents. In addition, Ms. Jackson agrees with Mr. Thrower to explore the opportunity for another seat to be opened or look at term limits. For example, after sitting for 3 consecutive

terms another person should be able to have the opportunity to run for the seat. She added that not only is there the Brazilian community, but there is the Haitian community as well as others to be represented.

Comr. Eaton asked in what category is the Hispanic population included.

Mr. Spitzer responded that the Hispanic population is not a race, it is an ethnicity. A person could identify himself as a White Hispanic person or someone else could identify herself as a Black Hispanic or some Other race but also being of Hispanic ethnicity.

Mayor Hardin understands that by Charter the City must redistrict after each census period. So, the City is obliged to go through this process at this point in time. Also, how long does the City Commission have to complete this process.

Ms. Korab explained normally after the decennial census is taken, all local governments receive census data by April 1st. Due to the pandemic this data was not received until August. According to the Charter this should be completed by December 31st of the following calendar year. However, given the circumstances of the lateness of the arrival of the census data, the City could show good faith effort that we tried to comply with the Charter requirements. Therefore, there could be more time to continue discussing this matter to come to a decision.

Mayor Hardin asked how much time is available to discuss this matter. Taking into consideration suggestions to add another district, and to facilitate meetings on this, could the Commission just go ahead and adopt the districts now and start that other discussion for another district another time.

Mark Berman, City Attorney provided his interpretation to the Charter, which states, "In any event decennial redistricting shall be done not less frequently than within the first calendar year following each decennial census," which is what the City is now doing. Based on the year limitation, he would interpret the Charter that limitation starts from the time the City received the information. The City cannot make these decisions without the information. The more reasonable interpretation would be that the year would start from August when the information was made available. He is willing to challenge this in the court if necessary. Therefore, it would mean that the City has some time yet, but this item was put on the agenda to meet the provision of the Charter.

Comr. Eaton reasoned that an election year is coming up in 2022, with qualifying starting on June 13. So, for any thought about another district, there will be the need to "hop to it" otherwise there is no point in doing it at all.

Comr. McGee stated that based on the Charter requirements, can the City Commission pass this now to be in line with the Charter. Then in the next 2-3 years from now when some of the proposed apartments come on line with some of the populations shifts, the Commission could examine it then, or start sooner and examine it over a period of time, so they could change the districts at a different point in time.

Mr. Berman responded that nothing says they should wait every 10 years. What it says is that you have to go through this process every 10 years with the census. He is not suggesting that the Commission take the entire year, but it is reasonable to act in a certain time period to get this done.

Vice Mayor Perkins asked is it possible the consultant could provide the Commission with exhibits of 3-4 different examples of the districts' map.

Ms. Korab inquired if Vice Mayor Perkins was asking for alternate maps.

Vice Mayor Perkins responded yes, at least 2-3 to choose from based on the populations and race with the varying numbers. For example, this is 1 map being presented but if there could be 2-3 more with different numbers depicting slight variations in the populations and race. She also asked why the consultant could not be in person to do the presentation.

Ms. Korab responded that Mr. Spitzer had a personal situation that prevented him from coming in otherwise he would have been present.

Mayor Hardin asked if Vice Mayor Perkins was asking for some other maps to look at, so probably staff should be given a little clearer direction as far as what options the Commission would like to look at. For example, do they want to look at adding a 6th Commission seat, or do they want to look at an additional majority/minority seat, or look at some kind of Hispanic ethnic seat. The consultant who will have to do this has certain federal mandates that he must also look at. So what exactly, does the Commissioner want to see.

Vice Mayor Perkins said she would like to see another district added to see how that works with the numbers and basically the population. She believes the City has the numbers to add another district and she would like to see how those numbers divide out in actuality.

Ms. Korab stated that the Second Hearing would be on Tuesday, January 11, 2022, but would the Commission be able to assign a later time for staff to come back within a reasonable time to present the variation maps.

Mayor Hardin summarized that the City Commission could put decision making off and not act on the proposal now until sometime in June, for election reasons. But act in August per the City Attorney's interpretation of when the City received the data materials within the annual requirement period. So, he inquired if there would be a problem to postpone the decision making now to allow for the Consultant to come back with some additional maps.

Mr. Berman does not see a problem in the delay in decision making. Legally, the year would start from the time the City received the information, which was August 2021. However, there are other options. Pursuant to the Charter and Census requirements the Commission could put this to rest now, and then direct staff to explore other maps. In sum, Mr. Berman suggested that the Commission could adopt the item before them as presented. If they need to go into another policy it is totally up to the Commission to do so as they are the policy setters.

Vice Mayor Perkins suggested postponing the item until a later date to allow the Commission more time to think about it and request that the Consultant put some numbers together depicting at least 2-3 more maps.

Comr. Floyd stated that she would support Vice Mayor Perkins suggestion to postpone the item.

Comr. McGee indicated that she would lean towards passing the item now, and then putting together a committee to look at the suggestions and to include the populations that are coming on line with the known redevelopment of the Isle Casino and the condominiums that are coming. She would want for them to take time to plan, so that they are not painting themselves in a corner, and rushing it due to the unusual deadlines with the census delay, as well as considering it being an election year. So, she would be more agreeable to go ahead to do what they have to do via Charter requirements. Thereafter, start to look at the population actuals during the Commission's timeline.

Comr. Floyd reasoned that the next meeting will be January 11, which is not that far out. Hopefully, the Commission could have a little time to get the new maps to review and speak with their constituents and get some feedback.

Comr. Eaton recalls going back to prior census of 2001, or after the last annexation took place, there were many criteria that went into creating a district including compactness. There is a lot of different equations involved. She is unsure they can aptly identify another majority/minority group, however, if it is possible she has no problem with it. Especially with Hispanics not considered as a race but they are prevalent throughout the City. Looking at the most current census numbers of the population, the City has approximately 50% White, approximately 32% Black and 29% Other, which could include the Hispanic population. She would not be opposed to consider a 6th district, but thinks it would be a lot more complicated than just "carving this out on a map" because there are other things that go into the analysis.

Comr. McGee indicated she is not opposed to doing this. She was more concerned with the time allotments and wanting to do it thoroughly enough that they know what they are researching. If the City is on a deadline for the census requirements, she would support that they look into it some more. She just worry about the required timelines that are beyond the Commission's control coming into play.

Mayor Hardin confirmed that the City has until August 2022 per the City Attorney's interpretation of the Charter meeting the census requirements. So, putting it off until January the earliest, is no conflict with the interpretation of the provisions of the Charter and the dates the information was received. So, it would not hurt to put it off further. He understands what Comr. McGee is asking for on the projected units coming on board in the future and how it would impact the districts, but it is not a determined population that they could use now as there are no individuals in place for now. He would have to do some research on this matter to provide the Commission with the correct information to make their informed decision.

Continuing, Mayor Hardin determined that the City Commission could decide to delay decision and provide staff with some input with what they would get with the Consultant to bring back for review, because there is plenty of time. Apparently, this does not have to be finalized until August 2022, but they would like to get this done at the latest by June and hopefully, much sooner than that, based on upcoming elections and so forth. If a motion is being made to postpone, then staff should be given clearer direction as to what the Commission is looking for.

**MOTION: A motion was made by Vice Mayor Perkins and seconded by Commissioner Floyd to postpone this item until February 22, 2022 City Commission meeting, to allow staff to bring back the**

**item with other map alternatives based on the discussion from this meeting, and ongoing input from individual members of the City Commission and the community.**

An extensive discussion followed among the Commissioners regarding what they would like to see go into the planning of the alternative maps and to keep in mind the sensitivity of certain populations in their respective districts.

**A motion was made by Vice Mayor Perkins, seconded by Commissioner Floyd, that the Regular Agenda/ Ordinance be POSTPONED until February 22, 2022 City Commission meeting, to allow staff to bring back the item with other map alternatives based on the discussion from this meeting, and ongoing input from individual members of the City Commission and the community. The motion carried by the following vote:**

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

21. [22-70](#) **P.H. 2022-17: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSENT TO ASSIGNMENT OF THE LEASE/CONCESSION AGREEMENT BETWEEN GLR GROUP, LLC, AS ASSIGNOR, AND RESTAURANT LIFE LLC, AS ASSIGNEE, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Brian Campbell)

Earl Bosworth, Assistant City Manager, presented the item and stated that this is an assignment to effect a change in the licensee's corporate structure from GLR Group, LLC to Restaurant Life LLC. It has no real bearing on the City's agreement. It does not change the terms of the lease or the operational provisions in any manner whatsoever, nor does it release the licensee from any financial responsibility. They have been a great partner with the City, and staff believes the City could help them with the organizational change, and recommends the City Commission's approval of this assignment.

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be**

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

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

22. [22-73](#) **P.H. 2022-16: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE: (i) A SEVENTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FIFTH AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Suzette Sibble/Adrian Esteban)

Suzette Sibble, Assistant City Manager, presented the item and stated that there are two parts to this item. The First part is requesting a 7th Amendment to the City's development agreement with Pompano Pier Associates. Those amendments cover 2 primary areas. First, it is to clarify terms and conditions concerning the provisions of valet services for the restaurants in the Fishing Village, as well as the valet of cars in the Pier parking garage. The second, is to try to simplify the process of the shared expenses between the City and the Developer for the public restroom located on the Lucky Fish parcel on the east site.

The Second part of the Agenda item is requesting a 5th Amendment to the Ground Lease between the City and Pompano Pier Associates, correcting the legal description for the property. This error was pointed out by the City's Real Property Manager.

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

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

23. [22-78](#) **P.H. 2022-19: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR INDEPENDENT AUDITING SERVICES (NO. 1250) BETWEEN THE CITY OF POMPANO BEACH AND KEEFE, MCCULLOUGH & CO., LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$615,860 Maximum for Five Years)  
**(Staff Contact:** Andrew Jean-Pierre)

Andrew Jean-Pierre, Director, Finance Department, presented the item and stated pursuant to Florida Statutes Chapter 218.39, requires an independent audit of the City's Annual Comprehensive Financial Report. The item is to approve an agreement for independent auditing services with Keith McCullough & Co., LLP.

Mr. Jean-Pierre requested an Emergency Second Reading of the Ordinance to allow the City to comply with regulatory reporting deadlines as it relates to the City's financial statements.

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

**A motion was made by Commissioner McGee, seconded by Vice Mayor Perkins, to declare the item an Emergency Second Reading to allow the City to comply with regulatory reporting deadline as it relates to the City's financial statements. The motion carried unanimously.**

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

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

**Enactment No: ORD. No. 2022-13**

24. [22-94](#) **P.H. 2022-20: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND COASTAL WASTE & RECYCLING, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Russell Ketchem)

Russell Ketchem, Director, Solid Waste Services, presented the item and stated that the Commission approved the ranking of the Request for Proposal (RFP) at the October 12, 2021 City Commission meeting. At that time staff was directed to negotiate with Coastal Waste & Recycling, Inc. The negotiations were concluded and he reported on some of the highlights. Coastal proposed a \$29.89 monthly household rate, but they were able to negotiate this down to \$24.98, resulting in a savings of approximately \$5 on that particular rate. This calculates to \$120,000 per month or \$1.5 million annual savings to the residents. It also puts the Pompano Beach rates in the bottom 6 in Broward County.

Additionally, Mr. Ketchem provided other highlights in the contract where it provides for an annual \$10,000 scholarship commitment to the High Schools, an annual environmental art commitment of \$5,000, some portable toilets at events. Also, an emergency assistance to Pompano Beach residents in the amount of \$25,000 annually, and an annual environmental school club commitment of \$5,000. Finally, the contract will not go into effect until October 1, 2022. It does provide time for the necessary transition between haulers.

Mayor Hardin asked what is the existing rate.

Mr. Ketchem responded that it is \$20.37. However, of the 5 respondents to the RFP, the proposed rates to customers were between \$29 to over \$42 per month per household. The rates in this particular household have increased.

Vicente Thrower, Pompano Beach, FL, asked for a breakdown of the scholarships, and commended staff for doing a good job with the negotiations. He suggested that perhaps they could add college tours for high schoolers in the next round of their negotiations, which have been provided over the years as a good benefit for

the young people.

Comr. Eaton thanked staff for negotiating a great deal, and even though the rates were lower with the other hauler, the potential increase in rates was inevitable all around.

Comr. Floyd also thanked staff for doing a good job in getting the rates shaved down and acquiring those benefits mentioned in staff's highlights.

Comr. McMahon thanked staff for the negotiations and bringing the price within a reasonable amount, even though it is still an increase to the residents. He is also excited to see that this is a Pompano Beach firm.

Mr. Ketchem pointed out that there are 2 portions of the rate, the Hauling (current item) and Disposal that makes up the \$24.98, which is an adjustable rate per contract. There are 2 minor errors of adjustment that will be corrected in the contract prior to submittal for the Second Reading, which will be highlighted for the City Commission's attention.

Mayor Hardin gave a shout out to the City's long-term partners, Waste Management Inc., who did a good job for the City for many years, however, he mentioned that changes are inevitable.

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

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

25. [22-106](#) **P.H. 2022-22: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 95, "FIRE PREVENTION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 95.14 "PERMITS AND FIRE SERVICE FEES," AND SECTION 95.15 "ANNUAL INSPECTIONS" TO MODIFY FIRE SERVICE FEES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE FIRE PREVENTION FEE STUDY PREPARED BY PMG ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact: Chad Brocato)**

Chad Brocato, Fire Chief, and stated that he will turn the item over for presentation to Fire Marshal Pete McGinnis, because this is his area of expertise. He pointed out that these fees have not been adjusted in over 10 years so it is long overdue. This is based on a consultant study that brings the City up to the median mark and there is one part where there will be a reduction.

Pete McGinnis, Fire Marshal, presented the item and stated that the main purpose for engaging with PMG Associates was to make sure that the City is in line with neighboring communities as well as to ensure the City is following best practices for permit fees, which is a standard procedure that measures and assesses individual permit fees. The consultant noted that the City was high in certain areas such as plan review fees so he reduced it down from \$150 to \$100, as well as change it to a percentage of total cost of the fee, which is .5% of total cost of construction. This is a bit more in line with the Building Department and easier for developers to follow and be able to assess and be guided on permit fees in the future.

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

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

26. [22-74](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY C. ANTOINE TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Mary C. Antoine, **Incumbent** - District 1  
Brooke Johnston - District 1  
Tanya Manfredi - District 1  
Mary Lou Ruderman - District 1  
Richard Dally - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MARY C. ANTOINE. Vice Mayor**

**Perkins nominated Mary C. Antoine. The motion carried unanimously.**

**Enactment No: RES. No. 2022-47**

27. [22-76](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARLTON GILLESPIE TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2 TO FILL THE UNEXPIRED TERM OF GWENDOLYN LEYS; SAID TERM TO EXPIRE ON JULY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Carlton Gillespie - District 1

Corey Staniscia - District 1

Derek Lewis - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name CARLTON GILLESPIE. Commissioner McGee nominated Carlton Gillespie. The motion carried unanimously.**

**Enactment No: RES. No. 2022-48**

28. [22-77](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MICHAEL MILLER TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Michael Miller, **Incumbent** - District 1

Phillip Smith - District 1

Dedrick Watkins - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MICHAEL MILLER. Vice Mayor Perkins nominated Michael Miller. The motion carried unanimously.**

**Enactment No: RES. No. 2022-49**

29. [22-03](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Whitney Anne Metevia, *Incumbent* - District 3

Latoya T. Almonord, District 1

Lisa Ferreri, District 1

Justin Cromartie, District 1

Tanya Manfredi, District 1

Michelle Rhouhac, District 2

Alecia Daniel-Hall, District 2

Derek A. Lewis, District 3

Richard Dally, District 3

Monifa Aruwajoye, District 4

Marcus A McDougle, District 4

Mary S. Phillips, District 4

Shelton Pooler, District 4

Joseph Wells, District 4

Janice Anne Simmons, District 4

Quenton Thompkins, Sr., District 4

Brenda Davis Smith- District 4

Corey Thompson, District 4

Andy Cherenfant, District 5

Wayne Vereen, District 5

Dedrick Watkins, District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be POSTPONED until January 11, 2022 City Commission meeting. Mayor Hardin requested that the item be postponed until January 11, 2022. The motion carried unanimously.**

**E. NEXT SCHEDULED MEETING**

January 11, 2022 at 1:00 p.m. - Regular City Commission Meeting

January 25, 2022 at 6:00 p.m. - Regular City Commission Meeting

**F. REPORTS**

**Greg Harrison, City Manager - Birthday Wishes** - Mr. Harrison announced that Suzette Sibble, Assistant City Manager had her birthday on December 1st and Earl Bosworth, Assistant City Manager has his birthday

today, December 14th. Everyone wished him Happy Birthday.

**Best Wishes** - Mr. Harrison wished everyone a Merry Christmas and a Happy New Year.

**Mark Berman, City Attorney - Best Wishes** - Mr. Berman wished everyone Happy Holidays. He mentioned he will continue to leave memorandums in the City Commission's mail boxes, as necessary, for litigation updates.

**Asceleta Hammond, City Clerk - Best Wishes** - Ms. Hammond wished everyone Happy Holidays and Merry Christmas.

**Commissioner Rhonda Eaton - Best Wishes** - Comr. Eaton wished everyone including staff and her colleagues a Wonderful Holiday. She is looking forward to ringing in the New Year with lots of good things to happen.

**Commissioner Cyndy Floyd - Best Wishes** - Comr. Floyd wished everyone Happy Holidays, Merry Christmas and a Happy, Healthy and Safe New Year.

**Collier City Light up Event** - Comr. Floyd invited everyone to join her and her neighborhood this Thursday, December 16th from 5:30 p.m. to 8:00 p.m. to enjoy the First Light up Collier City Event.

**Commissioner Andrea McGee - Metropolitan Planning Organization (MPO) membership Cost Reduction** - Comr. McGee reported that the MPO was able to lower the cost of membership for the MTEch Program, of which the City of Pompano Beach are founding members. This decrease will cut the cost by half, which is a savings of \$50,000 to a great program that will assist the City to fast track its projects and work with Counties. The idea is to get more funding to these projects from State and Federal organizations.

**Channel 10 TV coverage on Youth Environmental Alliance Activities** - Comr. McGee gave a shout out to Youth Environmental Alliance for their coverage by the local Channel 10 TV. This group is assisting the City to rebuild its historical dunes line. She has been out there a few times along with Mayor Hardin and Comr. McMahan. This is quite the experience, and invited all the other Commissioners to come out and enjoy this event.

**Best Wishes** - Comr. McGee wished everyone Merry Christmas, Happy Holidays and Happy New Year. She is looking forward to 2022 and the great things to come.

**Commissioner Tom McMahan - Panhandling in the City** - Comr. McMahan asked if the City has an Ordinance that can be enforced regarding this issue.

City Attorney, Mark Berman, responded that the City has an Ordinance that can be enforced. Currently, there is a challenge to one portion of that as far as the median width, which is the only thing left for trial. He will be meeting on this that the City will require certain number of lanes, and he will be touring with outside counsel on this. The City Ordinance still stands at this point, but part of it is up for challenge, and the part is with no solicitation with a certain width depending on the number of lanes. They are looking to restructure that.

However, the City has an enforceable Ordinance and it can be enforced.

Comr. McMahon asked how often do they issue citations.

Mark Hedelund, Captain, Broward Sheriff's Office (BSO), responded that they do it quite often. Physical arrests have not been happening in many cases due to COVID-19, and they do not want to keep the jail overloaded. The citations are issued frequently that forces a warrant issue, where they take someone in custody and have to physically take them to jail in the second go around.

Comr. McMahon stated that at the entrance of I-95 where the State of Florida has a sign that says "No Trespassing" there are people out there every single day panhandling, and asked if that is allowed.

Captain Hedelund replied it is not allowed. It is not something that they overlook but something that they address. Unfortunately, it is like "take one get one" so, it is a work in progress.

Comr. McMahon stated that there are 2 deputies dedicated to homeless issues, and feels a better job can be done on this. So, to the security company being utilized, he commented that if it is not working then it is the Sheriff's Office to report that the security company is not doing anything that makes sense. As the experts on how to protect our City, he thinks we need to look at some of this, because for years they have been talking about this issue and have been attending several meetings, yet he still has not seen any change. He understands COVID-19, but when he first got elected, a good sweep was done and all the parks were cleaned up and a lot was done, but then they sort of stepped away from that and vagrants and panhandlers continue to do what they do.

Comr. McMahon complained that there is not a day that he would go to the Publix supermarket at Atlantic Boulevard or at the I-95 that he is not being asked for money. If in the rule it states, "you are aggressively asking for money" there should be some sort of proactive policing happening. In fact, nobody should be afraid to walk to their Publix if they live 3 blocks from it. Nevertheless, he appreciates all that the deputies are doing, and he supports BSO and everything they do, but definitely we need to step up our patrolling for vagrancy.

**Best Wishes** - Comr. McMahon wished everyone a Merry Christmas and Happy Holidays.

**Vice Mayor Beverly Perkins - Ribbon Cutting for Outback Steakhouse** - Vice Mayor Perkins welcome back to the City of Pompano Beach the Outback Steakhouse. She reported that Comr. Eaton, Mayor Hardin and herself attended the ribbon cutting ceremony recently and she is happy to have them in the City of Pompano Beach.

**Jazz in the Park** - Vice Mayor Perkins thanked Earl Bosworth, Mark Beaudreau, Kate Belcher, and Bosette Seymour for Jazz in the Park last Saturday. The event was very successful again, for its 5th annual. The turn out was great and the bands were great. Mr. Bosworth and his staff as well as everybody was great.

**Holiday Mixer at Ali Center** - Vice Mayor Perkins stated that on December 18, 2021, they are having a holiday mixer at the historical Ali Center from 8:00 p.m. until 1:00 p.m. the event is free and there will be a live band and DJ, so she is encouraging everybody to come out to enjoy.

**Best Wishes** - Vice Mayor Perkins wished everyone Happy Holidays and Best Wishes.

**Mayor Rex Hardin - Outback Steakhouse** - Mayor Hardin thanked Vice Mayor Perkins for reporting on the ribbon cutting ceremony, which is the only Outback Steakhouse in Pompano Beach.

Mayor Hardin noted that good things are happening in Pompano Beach. There are a lot of great activities on the part of the Cultural Arts folks and the Public Art folks. A lot of stuff is happening every day in this wonderful City, and the residents really do see this. Nevertheless, he must chime in and follow-up with Comr. McMahon to say it is not getting better. The issue with the panhandling, the homeless issues, McNab Park are just not getting any better. He does not know what the answer is and he has been at this for a long time. Between getting stronger ordinances, more aggressive enforcement, more resources, which means dollars, the residents are not getting the results they are crying out for. It is not just the beach area, it is the northwest area and it is everywhere. Also, he knows it is just not Pompano Beach. People may tell him it is not in Boca Raton, but he has seen it there as well, but he has not seen it elsewhere like it is in Pompano Beach. He is not criticizing anybody, but “we have to do better.”

**Sentimental Wishes** - Mayor Hardin stated that the holiday season is coming up and it is Christmas time, people are having birthdays and he wished happy birthday to those celebrating now and in the recent past. He encouraged everyone to keep in their prayers the people in Kentucky, Tennessee and all those areas, where people lost their lives in the bad things happening in that region.

**Best Wishes** - Mayor Hardin wished everyone Happy Holidays and encouraged everybody to stay safe and hope to see them next year. Thanks to everyone.

## **G. ADJOURNMENT**

The meeting adjourned at 6:36 p.m.

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Rex Hardin, Mayor

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Asceleta Hammond, City Clerk

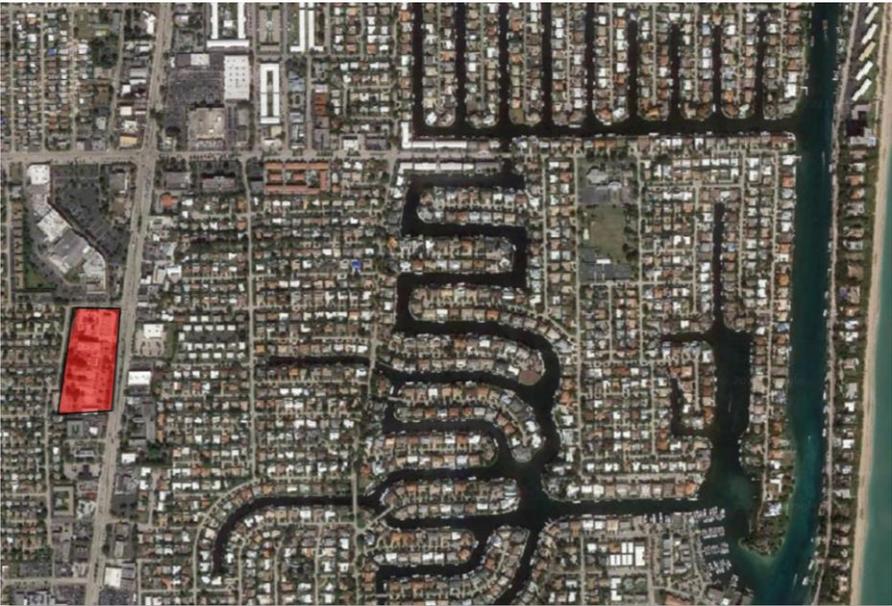
# Falcone Group Flex Unit Request for 3151-3251 N. Federal Hwy.



City of Pompano Beach



**LOCATION:** 3151-3251 N FEDERAL HWY. , POMPANO BEACH, FL



**SITE ACREAGE**      **6.20 AC**

**ZONING: B3**  
GENERAL BUSINESS

**MIXED USE DEVELOPMENT SUMMARY**

**HEIGHTS**

- 285 MULTI FAMILY DU.
  - ST = 28 UNITS
  - 1BD = 98 UNITS
  - 2BD = 146 UNITS
  - 3BD = 13 UNITS
- COMMERCIAL = 3,712 SF
- 4 STORY PARKING GARAGE = 279 SP
- SURFACE PARKING = 169 SP
- DETACHED GARAGE= 7 SP

- RESIDENTIAL 7 STORIES
- GARAGE 4 STORIES





# Request

Allocation of 285 Residential Flex Units to allow for development of a mixed-use multifamily project with commercial use on Federal Highway frontage.

(PZ Board Meeting on Site Plan Scheduled for Dec. 15)

(AAC approved Building Design with conditions on Dec. 7)



NORTH



VIEW OF ENTRY FROM FEDERAL HIGHWAY LOOKING WEST



VIEW FROM FEDERAL HIGHWAY LOOKING NORTH



VIEW LOOKING SOUTH FROM NEIGHBORS POINT OF VIEW (WITH WALL)

WEST ELEVATION



VIEW OF GARAGE LOOKING NORTH EAST FROM NEIGHBORS POINT OF VIEW (WITH WALL)

# THIS CONCLUDES OUR PRESENTATION!

QUESTIONS?



TWO HRS AFTER SUNRISE



NOON



TWO HRS. BEFORE SUNSET

SPRING EQUINOX



TWO HRS AFTER SUNRISE



NOON



TWO HRS. BEFORE SUNSET

SUMMER SOLSTICE



TWO HRS AFTER SUNRISE



NOON



TWO HRS. BEFORE SUNSET

FALL EQUINOX



TWO HRS AFTER SUNRISE



NOON



TWO HRS. BEFORE SUNSET

WINTER SOLSTICE



Illustrative Landscaping Plan



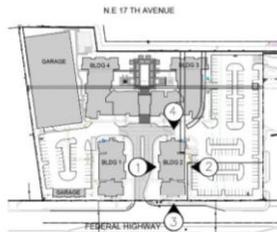
DETACHED GARAGE

BUILDING 1

BUILDING 2

**BUILDING TYPE I (#1 & #2) - ELEVATIONS**

SCALE: 1/16"=1'-0"



**KEY PLAN**  
SCALE: N.T.S.

**STREET ELEVATION FROM FEDERAL HWY**

POMPANO BEACH

AAC PRESENTATION -12/07/2021



1 SOUTH ELEVATION - BLDG #2



2 EAST ELEVATION - BLDG# 2 PRIMARY ENTRY  
(FACING FEDERAL HIGHWAY)



FEDERAL HIGHWAY - ELEVATION ( EAST )



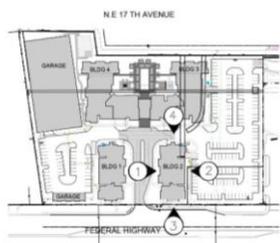
3 WEST ELEVATION - BLDG #2  
(FACING BUILDING TYPE II)

ELEVATION LEGEND

- 1 MEDIUM TEXTURED PAINTED STUCCO
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. LIGHT COOL GREY (ARGOS-SW 7055)
  - c. LIGHT WARM GREY (FUNCTIONAL GRAY-SW 7024)
  - d. CHARCOAL (IRON ORE-SW 7069)
  - e. DARK TAN (TOTALLY TAN-SW 6115)
  - f. LIGHT TAN (INTERACTIVE CREAM-SW 6113)
- 2 ALUM/IMPACT GLASS STOREFRONT (BLACK FRAMES WITH LIGHT GREY TINTED GLASS)
- 3 ALUM/IMPACT GLASS HORIZONTAL SLIDER WINDOW WITH 1" FLAT PROFILE MUNTIN PATTERN (BLACK FRAMES AND WHITE MUNTINS WITH LIGHT GREY TINTED GLASS)
- 4 ALUM/IMPACT SLIDING GLASS DOOR (6'-6" WIDE X 8' HIGH OR 8' WIDE X 8' HIGH) WITH BLACK FRAME AND LIGHT GREY TINTED GLASS
- 5 ALUMINUM PICKET RAILING SYSTEM (42" HIGH W/ BLACK FINISH)
- 6 HIGH CONCRETE EYEBROW W/ STUCCO PAINTED FINISH
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. CHARCOAL (IRON ORE-SW 7069)
- 7 3/4" STUCCO W/ HORIZONTAL 3/4" WIDE X 1/4" DEEP SCORELINES SPACED @ 12" O.C.
- 8 WREDCUT BRICK VENEER W/ WHITE GROUT
  - a. MANUFACTURER (OR APPROVED EQUAL): EL DORADO STONE
  - b. STYLE: CAPISTRANO ADGE
  - c. COLOR: BLACK
- 9 EXTERIOR GRADE COMPOSITE WOOD PANELING OVER METAL FRAMING, ALL FASTENERS CONCEALED. GC TO SUBMIT SHOP DRAWINGS FOR A/E REVIEW AND APPROVAL.
  - a. MANUFACTURER (OR APPROVED EQUAL): NEWTECHWOOD
  - b. STYLE: 6" NOMINAL WIDTH OF PANELS-ALL WEATHER SIDING
  - c. COLOR: PERUVIAN TEAK
- 10 4" X 12" X 12" BREEZE BLOCK
  - a. MANUFACTURER (OR APPROVED EQUAL): OROCO.COM
  - b. STYLE: SQUARE ON SQUARE
  - c. WHITE-SLUMP FINISH
- 11 1" RAISED SMOOTH STUCCO BAND
  - a. COLORS VARIES (SEE COLORED ELEVATIONS)
  - b. HEIGHT VARIES FROM 6" TO 12" HIGH
- 12 1" RAISED SMOOTH PAINTED STUCCO PANEL 14" WIDE X 42" HIGH
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. LIGHT TAN (INTERACTIVE CREAM-SW 6113)
- 13 BUILDING AND COMMERCIAL SURFACE MOUNTED AND BACKLIT CHANNEL LETTER SIGNAGE (UNDER SEPARATE PERMIT)
  - a. COLOR: BLACK
- 14 GRAPHIC SCREEN - TYPE 1A-PES VENTILATED MESH
  - a. POLYVINYL COATED POLYESTER VENTILATED FABRIC MESH
  - b. CUSTOM GRAPHIC APPLIED TO MESH WITH 10 TO 13% OPEN MESH FABRIC
  - c. FIRE RATING: FIRE RESISTANT (PASSING ASTM E-84 "CLASS A" AND NFPA 701)
  - d. WARRANTY: 10 YEARS
  - e. EXPECTED LIFE CYCLE: 20 YEARS
  - f. 100% RECYCLABLE MATERIAL.

COLOR SCHEME

<div style="border: 1px solid black; width: 20px; height: 20px; background-color: white; margin: 0 auto;"></div> <p><b>A</b> EXTRA WHITE SW 7006</p>	<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #cccccc; margin: 0 auto;"></div> <p><b>B</b> ARGOS SW 7065</p>	<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #999999; margin: 0 auto;"></div> <p><b>C</b> FUNCTIONAL GRAY SW 7024</p>
<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #333333; margin: 0 auto;"></div> <p><b>D</b> INTERACTIVE CREAM SW 6113</p>	<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #666666; margin: 0 auto;"></div> <p><b>E</b> IRON ORE SW 7059</p>	<div style="border: 1px solid black; width: 20px; height: 20px; background-color: #996633; margin: 0 auto;"></div> <p><b>F</b> TOTALLY TAN SW 6115</p>



KEY PLAN  
SCALE: N.T.S.



1 EAST ELEVATION  
FACING FEDERAL HIGHWAY



4 NORTH ELEVATION



2 WEST ELEVATION  
FACING N.E. 17TH STREET



3 SOUTH ELEVATION  
FACING PARKING GARAGE

ELEVATION LEGEND

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  - c. FIRE RATINGS: FIRE RESISTANT (PASSING ASTM E-84 "CLASS A" AND NFPA 701)
  - d. WARRANTY: 10 YEARS
  - e. EXPECTED LIFE CYCLE: 20 YEARS
  - f. 100% RECYCLABLE MATERIAL

COLOR SCHEME

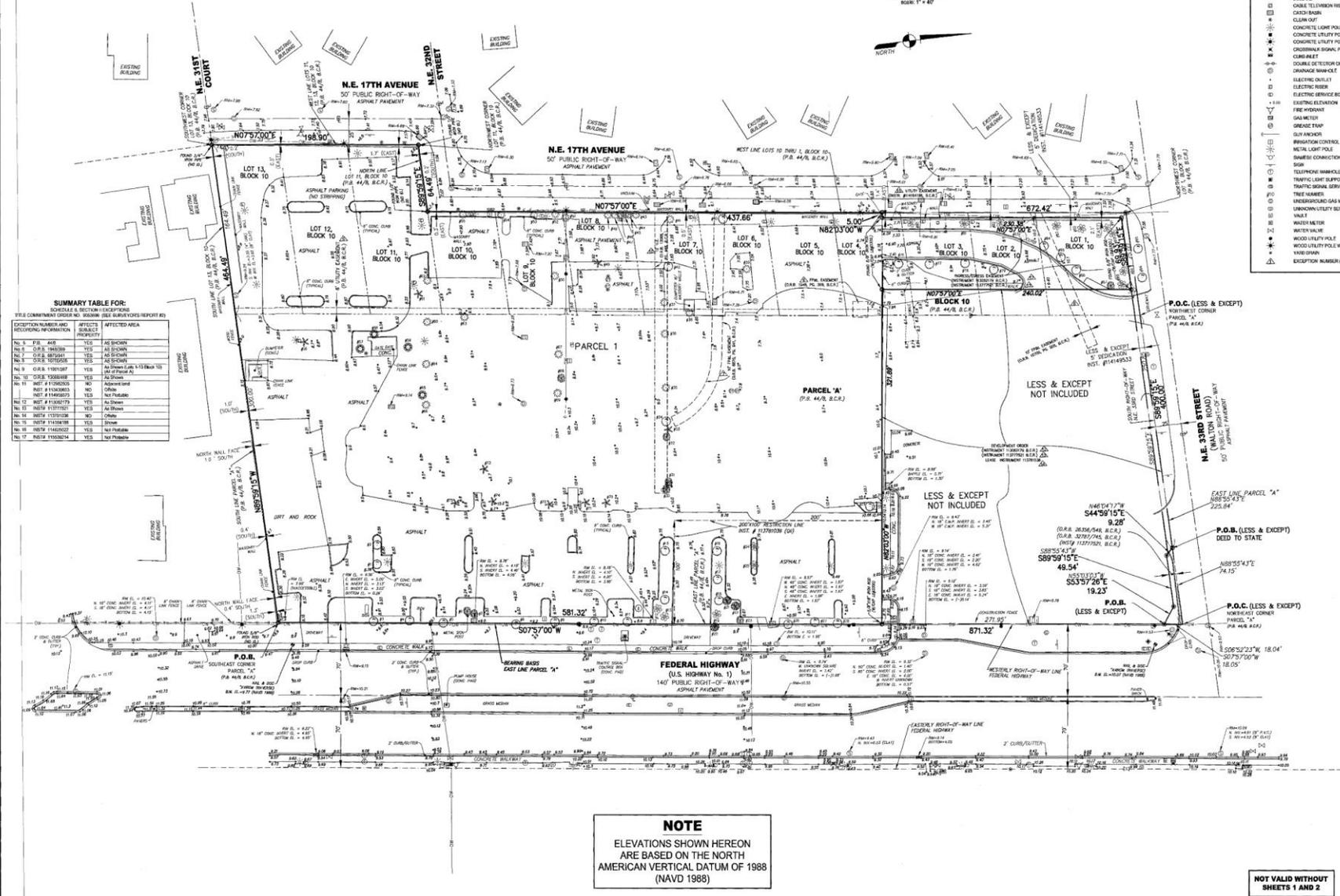
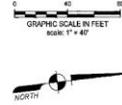
A	B	C
EXTRA WHITE SW 7006	ARGOS SW 7055	FUNCTIONAL GRAY SW 7024
D	E	F
INTERACTIVE CREAM SW 6113	IRON ORE SW 7069	TOTALLY TAN SW 6115



KEY PLAN  
SCALE: N.T.S.

SITE INFORMATION		
Property location	3151-3251 N. Federal Highway, Pompano Beach, FL 33064	
Net Lot Area	6.20 ac (270,241 sf)	
Gross Lot Area	7.13 ac (310,933 sf)	
Land use designation	Commercial (C) (C)	
Zoning district	General Business (B3)	
Current use of property	Vacant	
Water service provider	Broward County Water Wastewater services	
Wastewater service provider	Broward County Water Wastewater services	
Building F.F.E	+ 12'-0" NAVD (per Civil Engineer)	
Density		
Allowed	46 du/ac (285 dus)	
Provided	46 du/ac (285 dus)	
Gross building area	460,400 sf	
Pervious		
Landscape	28.1 % (75,937 sf)	
Impervious		
Lot coverage (3)	31.2 % (84,521 sf)	
Vehicular use area (3)	31.43 % (84,939 sf)	
Other impervious (3)	9.19 % (24,844 sf)	
Open Space (landscape + other impervious)	37.29 % (100,781 sf)	
REGULATORY GUIDELINES		
Setbacks	Required/Allowed	Provided
Front yard ( East) - Federal highway	0'	10'-0"
Rear yard (West) - N.E. 17th avenue	10'-0"	
1st to 4th level	10'-0"	16'-10"
5th to 7th level (1' for ea/foot of ht over 40' +10')	37'-6"	54'-0"
Interior side yard (North)	10'	144'-8"
Interior side yard (South)	10'	10'
Unit mix	Area (avg/sf)	# of units
Studio	575 avg sf/du	28 units
1 Bedroom	788 avg sf/du	98 units
2 Bedrooms	1,038 avg sf/du	146 units
3 Bedrooms	1,263 avg sf/du	13 units
<b>Total</b>		<b>285 units</b>
Parking requirements	# of units/square footage	
<i>Residential</i>		
Studio @ 1 sp/du	28 units	28 sp
1bd @ 1.5 sp/du	98 units	147 sp
2bd @ 1.5 sp/du	146 units	219 sp
3bd @ 2 sp/du	13 units	26 sp
<b>Subtotal</b>	285 units	<b>420 sp</b>
<i>Commercial</i>		
1 sp x 300 sf	3,712 sf	12 sp
<b>GRAND TOTAL REQUIRED</b>		<b>432 sp</b>
<b>PROVIDED</b>		
Deck		279 sp
Surface		169 sp
Detached garage		7 sp
<b>GRAND TOTAL PROVIDED</b>		<b>455 sp</b>
Bicycle racks/bicycle storage	Required	Provided
Residential @ 4/10sp (20 max on each parking area )	25	25

# ALTA / NSPS SURVEY



**SUMMARY TABLE FOR: SCHEDULE B SECTION - EXCEPTIONS**  
THIS COMPANYS OFFICE HAS REVIEWED ALL SCHEDULE B REPORTS

SECTION NUMBER AND RECORDING INFORMATION	AFFECTS SUBJECT PROPERTY	AFFECTED AREA
No. 3 P.B. 448	YES	AS SHOWN
No. 4 O.R. 186539	YES	AS SHOWN
No. 7 O.R. 487241	YES	AS SHOWN
No. 8 O.R. 100526	YES	AS SHOWN
No. 9 O.R. 1391247	YES	As Shown (Lot 1 & 2 Block 10)
No. 10 O.R. 1008886	YES	AS SHOWN
No. 11 MET. # 1109830	NO	Administrative
No. 12 MET. # 11465873	NO	Other
No. 13 MET. # 11465873	YES	Not Pertinent
No. 14 MET. # 11077157	YES	AS SHOWN
No. 15 MET. # 11077157	NO	Other
No. 16 MET. # 11465873	YES	Other
No. 17 MET. # 11465873	YES	Not Pertinent
No. 17 MET. # 11002824	YES	Not Pertinent

**LEGEND**

- BACKFLOW PREVENTOR VALVE
- BOLLARD
- CABLE TELEVISION WIRE
- CATCH BASIN
- CELESTIAL
- CONCRETE LIGHT POLE
- CONCRETE UTILITY POLE
- CONCRETE UTILITY POLE WITH LIGHT
- COURTNEY SIGN POLE
- CURB INLET
- COUPLER OF SECTION CHECK VALVE
- DRAINAGE MANHOLE
- ELECTRIC DUCTILE
- ELECTRIC WIRE
- ELECTRIC SERVICE BOX
- ELECTRIC TELEPHONE
- FIRE HYDRANT
- GALVANIZED
- GRASS TRAP
- GUY ANCHOR
- IRRIGATION CONTROL BOX
- IRON ELECTRODE
- SMALLER CONNECTION
- SMALLER CONNECTION
- TELEPHONE MANHOLE
- TRAFFIC LIGHT SUPPORT POLE
- TRAFFIC SIGNAL SERVICE BOX
- TREE NUMBER
- UNDERGROUND GAS MAIN
- UNDERGROUND UTILITY SERVICE BOX
- WALKER
- WATER METER
- WATER VALVE
- WOOD UTILITY POLE
- WOOD UTILITY POLE WITH LIGHT
- WIRE SIGN
- EXCEPTION NUMBER (TYPICAL)

**AVIROM & ASSOCIATES, INC.**  
SURVEYING & MAPPING  
1000 S.W. 10TH AVENUE, SUITE 200  
BOCA RATON, FL 33432  
(561) 991-1111  
www.avirom.com

NO. OF SHEETS	DATE	BY	FOR	REVISIONS
1	01/11/2021	AVIROM	AVIROM	
2	01/11/2021	AVIROM	AVIROM	
3	01/11/2021	AVIROM	AVIROM	
4	01/11/2021	AVIROM	AVIROM	
5	01/11/2021	AVIROM	AVIROM	
6	01/11/2021	AVIROM	AVIROM	
7	01/11/2021	AVIROM	AVIROM	
8	01/11/2021	AVIROM	AVIROM	
9	01/11/2021	AVIROM	AVIROM	
10	01/11/2021	AVIROM	AVIROM	
11	01/11/2021	AVIROM	AVIROM	
12	01/11/2021	AVIROM	AVIROM	
13	01/11/2021	AVIROM	AVIROM	
14	01/11/2021	AVIROM	AVIROM	
15	01/11/2021	AVIROM	AVIROM	
16	01/11/2021	AVIROM	AVIROM	
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47	01/11/2021	AVIROM	AVIROM	
48	01/11/2021	AVIROM	AVIROM	
49	01/11/2021	AVIROM	AVIROM	
50	01/11/2021	AVIROM	AVIROM	

**NOTE**  
ELEVATIONS SHOWN HEREON  
ARE BASED ON THE NORTH  
AMERICAN VERTICAL DATUM OF 1988  
(NAVD 1988)

NOT VALID WITHOUT  
SHEETS 1 AND 2

**ALTAMPS LAND TITLE SURVEY**  
**PORTION OF PARCEL "A" & BLOCK 10**  
CRESTVIEWING &  
SURVEYING, INC.  
(P.B. 44, P.B. 8, B.C.R.)  
BROWARD COUNTY, FLORIDA

SCALE: 1" = 40'  
DATE: 01/11/2021  
BY: AVIROM  
CHECKED: JTD  
P.L. 1883 PG. 5-04  
SHEET: 2 OF 2

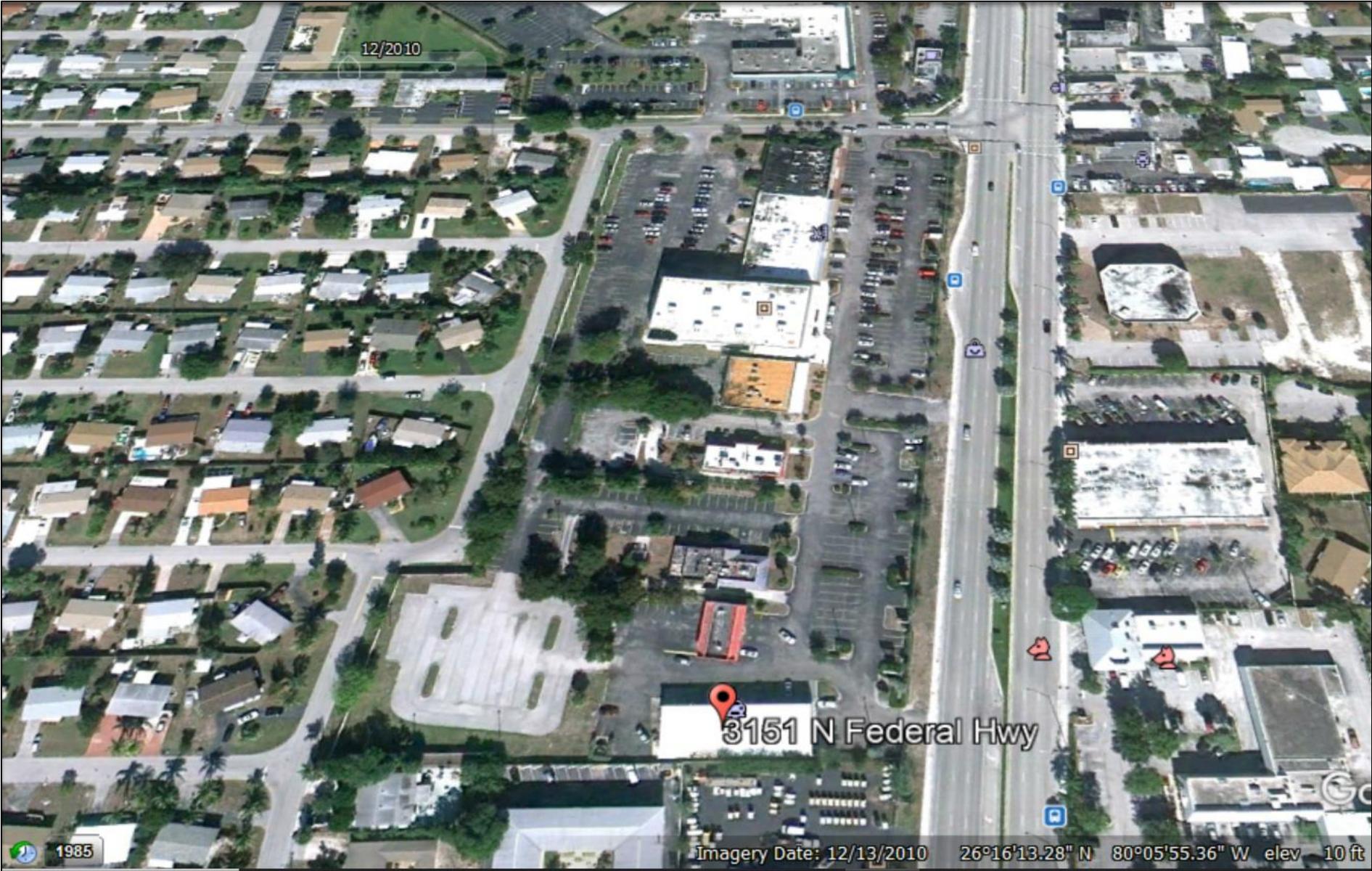
# Criteria for Flex Request per Section 154.61(D)

Consistency with the Comprehensive Plan's Goals, Objectives, and Policies

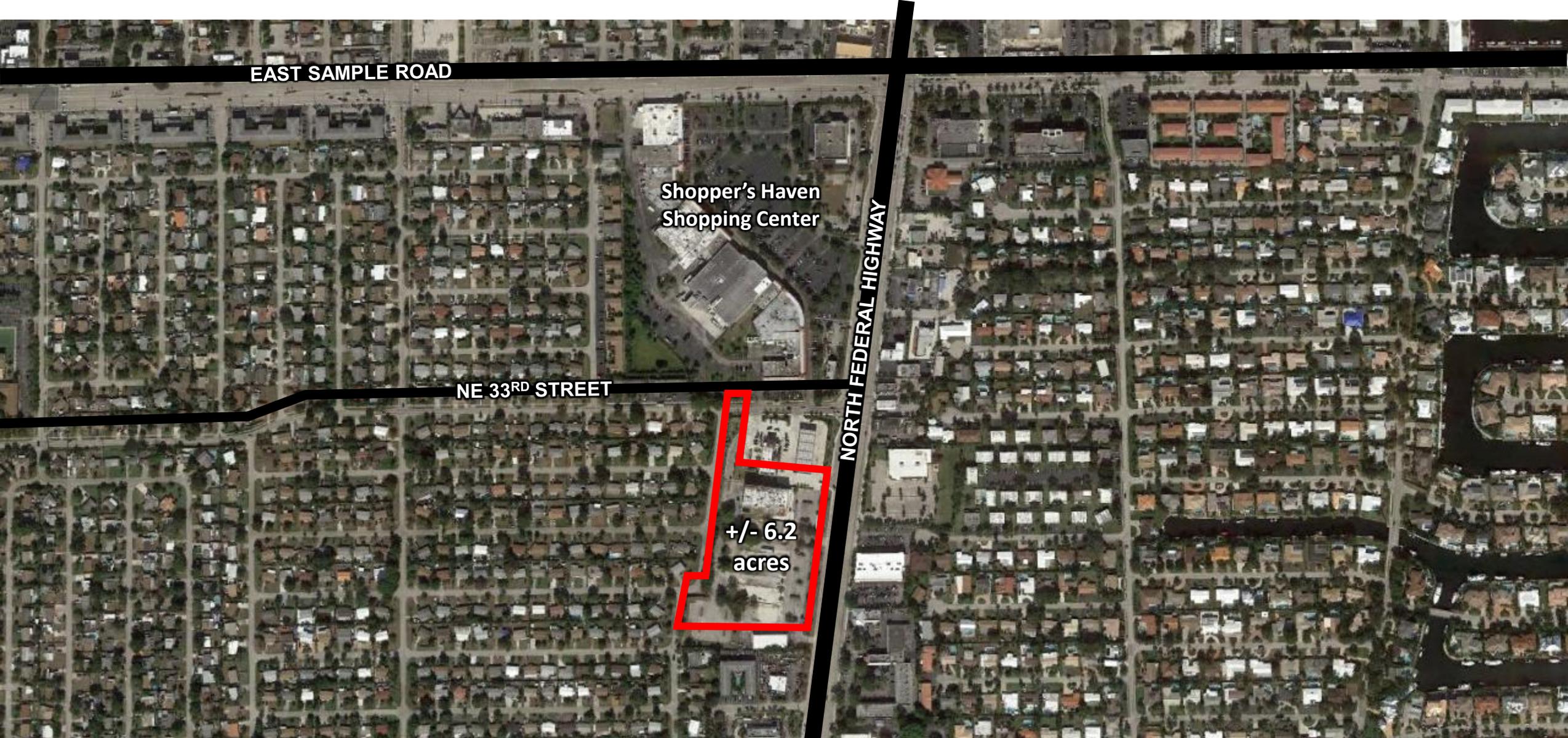
The Use of the Flex Units will produce a reasonable development pattern

Compliance with Affordable Housing Requirements

# Previous Structures – Club Cinema

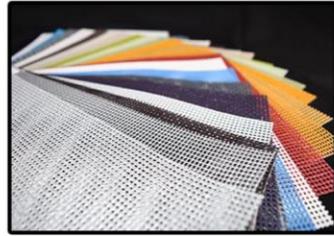


# Property Location – B-3 Zoning

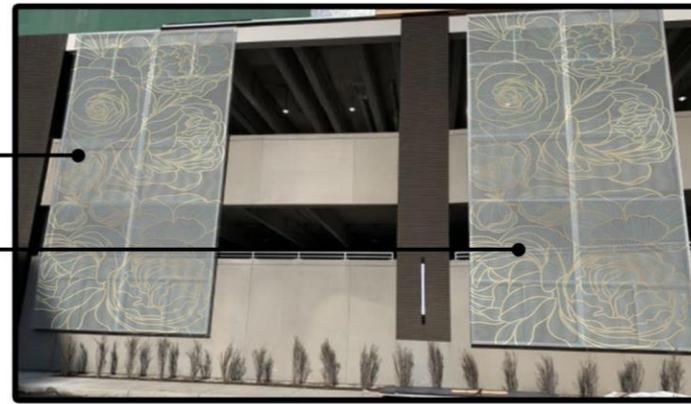




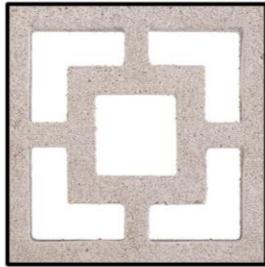
ALUM/IMPACT GLASS HORIZONTAL SLIDER WINDOW WITH BLACK FRAME AND LIGHT GREY TINT



TYPE 1A-PES VENTILATED MESH



FLEX FACADES BY STRUCTURE FLEX PES-MESH SCREENING WITH CUSTOM GRAPHICS



BREEZE BLOCK SQUARE-ON-SQUARE



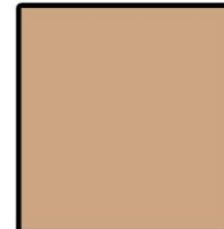
ALUMINUM PICKET RAILING IN BLACK FINISH



EXTRA WHITE SW 7006



IRON ORE SW 7069



TOTALLY TAN SW 6115



WIRE CUT BLACK BRICK VENEER WITH WHITE GROUT



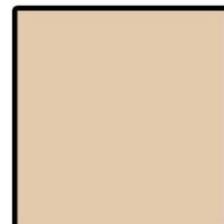
6 INCH COMPOSITE WOOD PANELING OVER METAL FRAMING IN PERUVIAN TEAK



ARGOS SW 7065



FUNCTIONAL GRAY SW 7024

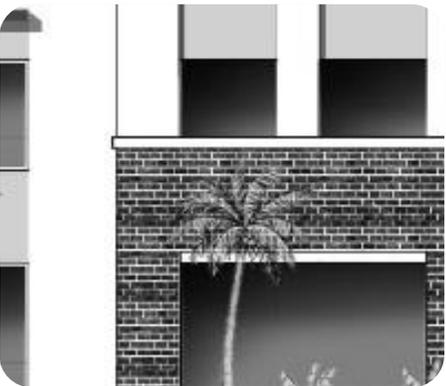


INTERACTIVE CREAM SW 6113

LOOK AND FEEL IMAGE BOARD

POMPANO BEACH

AAC PRESENTATION -12/07/2021



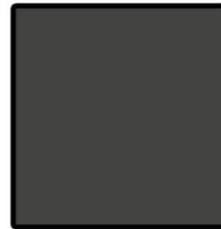
- iii Material and color variation; and  
Stucco, score lines and various colors were chosen to enhance material variation.

COLOR SCHEME

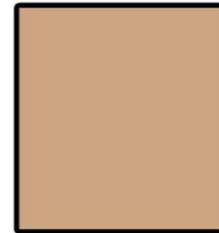
MATERIAL SCHEME



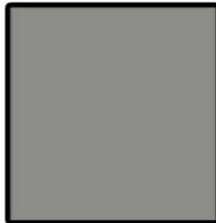
EXTRA WHITE  
SW 7006



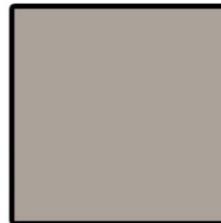
IRON ORE  
SW 7069



TOTALLY TAN  
SW 6115



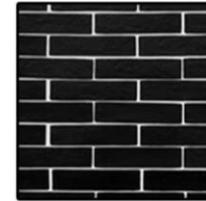
ARGOS  
SW 7065



FUNCTIONAL  
GRAY  
SW 7024



INTERACTIVE  
CREAM  
SW 6113



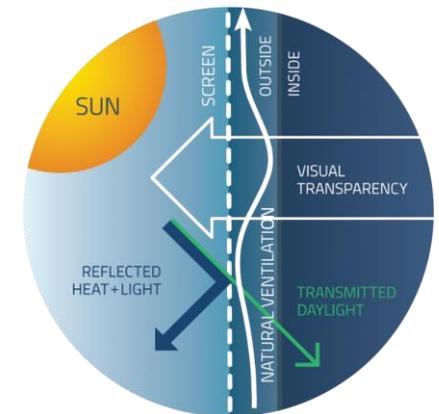
WIRE CUT BLACK BRICK  
VENEER WITH WHITE GROUT



6 INCH COMPOSITE WOOD  
PANELING OVER METAL  
FRAMING IN PERUVIAN TEAK



SCREENING MATERIAL



GARAGE SCREENING DETAILS

GARAGE SCREENING EXAMPLES

- GRAPHIC SCREEN – TYPE 1A–PES VENTILATED MESH
- a. POLYVINYL COATED POLYESTER VENTILATED FABRIC MESH
  - b. CUSTOM GRAPHIC APPLIED TO MESH WITH 10 TO 53% OPEN MESH FABRIC
  - c. FIRE RATING: FIRE RESISTANT (PASSING ASTM E–84 "CLASS A" AND NFPA 701)
  - d. WARRANTY: 10 YEARS
  - e. EXPECTED LIFE CYCLE: 20 YEARS
  - f. 100% RECYCLABLE MATERIAL

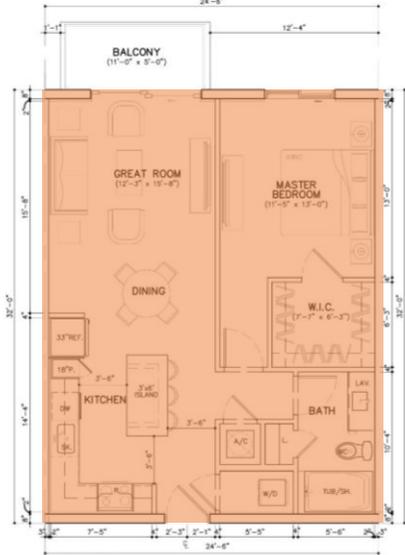
GARAGE SCREEN IMAGE BOARD

POMPANO BEACH

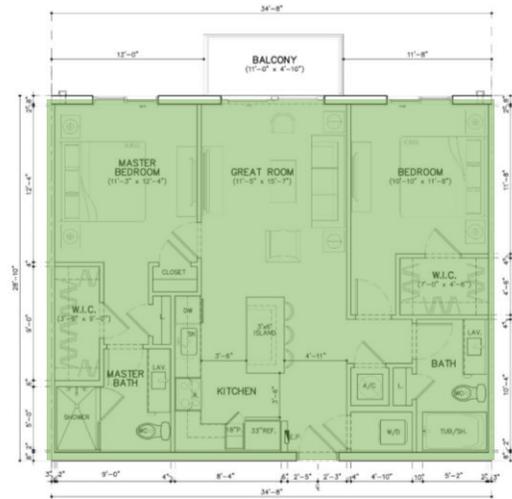
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**UNIT ST** (180 / 18TH)  
 GROSS A/C AREA = 575 SQ. FT. (28 DU'S)  
 BALCONY = 47.5 SQ. FT.



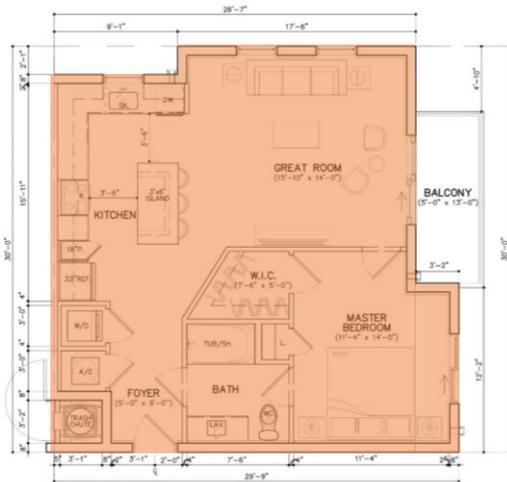
**UNIT A1** (180 / 18TH)  
 GROSS A/C AREA = 784 SQ. FT. (66 DU'S)  
 BALCONY = 55 SQ. FT.



**UNIT B1** (280 / 28TH)  
 GROSS A/C AREA = 999 SQ. FT. (66 DU'S)  
 BALCONY = 53 SQ. FT.



**UNIT B2** (280 / 28TH)  
 GROSS A/C AREA = 1064 SQ. FT. (25 DU'S)  
 BALCONY = 74 SQ. FT.



**UNIT A2** (180 / 18TH)  
 GROSS A/C AREA = 818 SQ. FT. (12 DU'S)  
 BALCONY = 64 SQ. FT.



**UNIT B3** (280 / 28TH)  
 GROSS A/C AREA = 1074 SQ. FT. (54 DU'S)  
 BALCONY = 82 SQ. FT.



**UNIT C1** (380 / 28TH)  
 GROSS A/C AREA = 1263 SQ. FT. (14 DU'S)  
 BALCONY = 80 SQ. FT.

**UNIT PLANS**

SCALE: 1/4"=1'-0"

P2 SUBMITTAL 11.17.2021

**UNIT PLANS**

**POMPANO BEACH**

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**GARAGE MATERIALS**

DECORATIVE MESH SCREEN

ALUMINUM GLASS WINDOW

BRICK VENEER

SCORE LINE

VENTILATED MESH

COMPOSITE WOOD PANELING



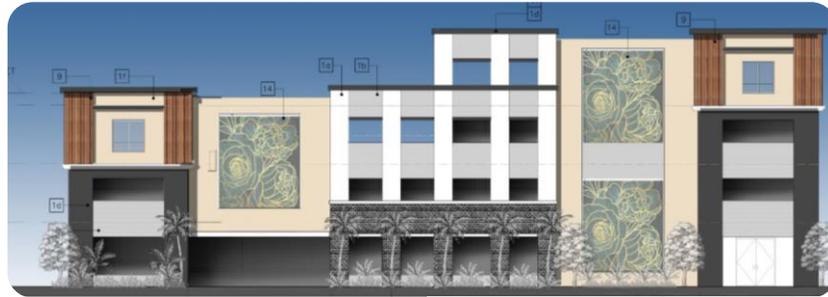
**WEST ELEVATION**



3 NORTH ELEVATION

ELEVATION LEGEND

- 1 MEDIUM TEXTURED PAINTED STUCCO
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. LIGHT COOL GREY (ARGOS-SW 7055)
  - c. LIGHT WARM GREY (FUNCTIONAL GRAY-SW 7024)
  - d. CHARCOAL (IRON ORE-SW 7069)
  - e. DARK TAN (TOTALLY TAN-SW 6115)
  - f. LIGHT TAN (INTERACTIVE CREAM-SW 6113)
- 2 ALUM/IMPACT GLASS STOREFRONT (BLACK FRAMES WITH LIGHT GREY TINTED GLASS)
- 3 ALUM/IMPACT GLASS HORIZONTAL SLIDER WINDOW WITH 1" FLAT PROFILE MUNTIN PATTERN (BLACK FRAMES AND WHITE MUNTINS WITH LIGHT GREY TINTED GLASS)
- 4 ALUM/IMPACT SLIDING GLASS DOOR (6'-6" WIDE X 8' HIGH OR 8' WIDE X 8' HIGH) WITH BLACK FRAME AND LIGHT GREY TINTED GLASS
- 5 ALUMINUM PICKET RAILING SYSTEM (42" HIGH W/ BLACK FINISH)
- 6 HIGH CONCRETE EYEBROW W/ STUCCO PAINTED FINISH
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. CHARCOAL (IRON ORE-SW 7069)
- 7 3/4" STUCCO W/ HORIZONTAL 3/4" WIDE X 1/4" DEEP SCORELINES SPACED @ 12" O.C.
- 8 WREDCUT BRICK VENEER W/ WHITE GROUT
  - a. MANUFACTURER (OR APPROVED EQUAL): EL DORADO STONE
  - b. STYLE: CAPISTRANO ADOBE
  - c. COLOR: BLACK
- 9 EXTERIOR GRADE COMPOSITE WOOD PANELING OVER METAL FRAMING. ALL FASTENERS CONCEALED. GC TO SUBMIT SHOP DRAWINGS FOR A/E REVIEW AND APPROVAL.
  - a. MANUFACTURER (OR APPROVED EQUAL): NEWTECHWOOD
  - b. STYLE: 6" NOMINAL WIDTH OF PANELS-ALL WEATHER SIDING
  - c. COLOR: PERUVIAN TEAK
- 10 4" X 12" X 12" BREEZE BLOCK
  - a. MANUFACTURER (OR APPROVED EQUAL): OROCO.COM
  - b. STYLE: SQUARE ON SQUARE
  - c. WHITE-SLUMP FINISH
- 11 1" RAISED SMOOTH STUCCO BAND
  - a. COLORS VARIES (SEE COLORED ELEVATIONS)
  - b. HEIGHT VARIES FROM 6" TO 12" HIGH
- 12 1" RAISED SMOOTH PAINTED STUCCO PANEL 14" WIDE X 42" HIGH
  - a. WHITE (EXTRA WHITE PAINT-SW 7006)
  - b. LIGHT TAN (INTERACTIVE CREAM-SW 6113)
- 13 BUILDING AND COMMERCIAL SURFACE MOUNTED AND BACKLIT CHANNEL LETTER SIGNAGE (UNDER SEPARATE PERMIT)
  - a. COLOR: BLACK
- 14 GRAPHIC SCREEN - TYPE 1A-PES VENTILATED MESH
  - a. POLYVINYL COATED POLYESTER VENTILATED FABRIC MESH
  - b. CUSTOM GRAPHIC APPLIED TO MESH WITH 10 TO 33% OPEN MESH FABRIC
  - c. FIRE RATING: FIRE RESISTANT (PASSING ASTM E-84 "CLASS A" AND NFPA 701)
  - d. WARRANTY: 10 YEARS
  - e. EXPECTED LIFE CYCLE: 20 YEARS
  - f. 100% RECYCLABLE MATERIAL



1 EAST ELEVATION



2 WEST ELEVATION



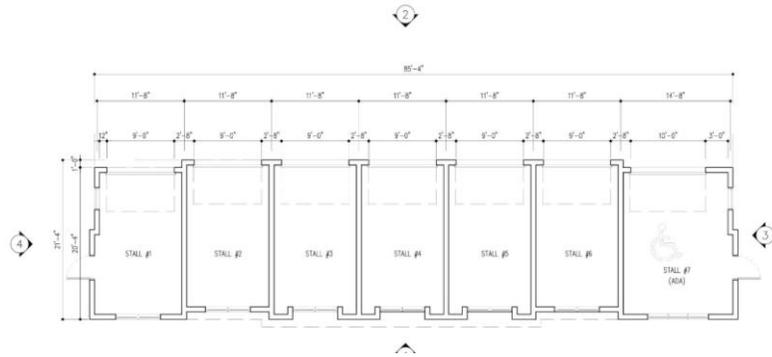
4 SOUTH ELEVATION

COLOR SCHEME

<b>A</b>	<b>B</b>	<b>C</b>
EXTRA WHITE SW 7006	ARGOS SW 7055	FUNCTIONAL GRAY SW 7024
<b>D</b>	<b>E</b>	<b>F</b>
INTERACTIVE CREAM SW 6113	IRON ORE SW 7069	TOTALLY TAN SW 6115



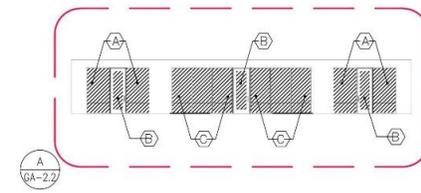
KEY PLAN  
SCALE: N.T.S



1 EAST ELEVATION ( FACING FEDERAL HIGHWAY)



2 WEST ELEVATION

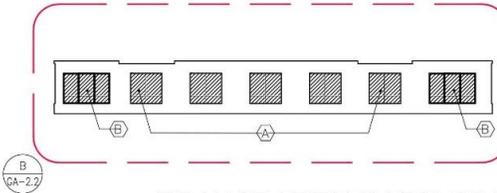


OVERALL STORE FRONT AREA: 697 SF (100%)  
 GLAZING AREA REQUIRED: 209 SF (30%)  
 GLAZING AREA PROVIDED: 382 SF (55%)

TYPE OF WINDOWS AND QUANTITY

A: 37 SF X 4 =148 SF  
 B: 14 SF X 3 =42 SF  
 C: 32 SF X 6 =192 SF

TOTAL: 382 SF



OVERALL STORE FRONT AREA: 873 SF (100%)  
 GLAZING AREA REQUIRED: 261 SF (30%)  
 GLAZING AREA PROVIDED: 274 SF (31%)

TYPE OF WINDOWS AND QUANTITY

A: 34 SF X 5 =170 SF  
 B: 52 SF X 2 =104 SF

TOTAL: 274 SF

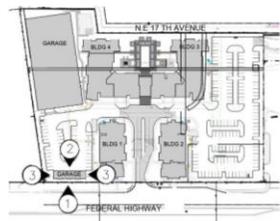
TRANSPARENCY DIAGRAM  
 1/16"=1'-0"



3 SOUTH/NORTH ELEVATION

COLOR SCHEME

A	B	C
EXTRA WHITE SW 7006	ARGOS SW 7065	FUNCTIONAL GRAY SW 7024
D	E	F
INTERACTIVE CREAM SW 6113	IRON ORE SW 7069	TOTALLY TAN SW 6115



KEY PLAN  
 SCALE: N.T.S.

iv Varied proportions of openings.

Varied Proportions of openings have been incorporated all around garage

@ RESI BLDG



TYP. 5' X 5' WINDOW

@ GARAGE



TYP. 5' X 5' OPENING  
WITH FRAME  
(NO GLASS)

@ RESI BLDG



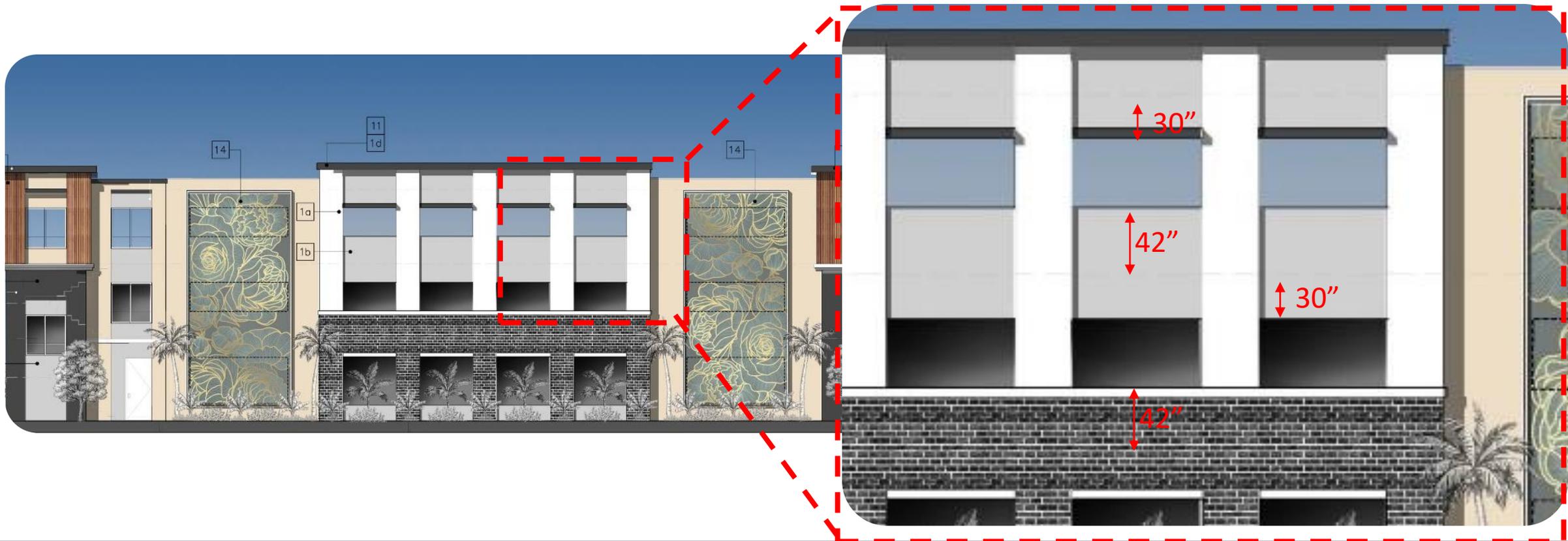
@ GARAGE



The garage is designed with the same elements as the residential building. Introducing the same aluminum frames (without glass) in the proportion of windows, balcony articulation at the corners of the garage, concrete eyebrows and consistent architectural language as the residential building.

- b No vehicles parked within or on the roof of the deck or garage shall be visible from the street. All openings shall be treated with decorative screening or in a manner that creates the appearance of an active use area and conceals all internal elements such as plumbing pipes, fans, ducts and lighting, and;

All openings are 42" from the floor and screened to not allow visibility to the interior of the garage. Screening all internal elements.



- 3 If the deck or garage is accessed from the street, there shall be only one point of access to the garage area from that street.

The entry to the garage is accessed through our property, we are not providing any access to the garage from the street.



- d The exposed top level of a parking structure shall be covered a minimum of 60% with a shade producing structure such as, but not limited to, a vined pergola or retractable canvas shade structure.

We are providing 64% of shade providing structure (refer to roof plan)



### GARAGE

POMPANO BEACH

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- c No deck or garage ramp areas shall be visible from the street and shall be internal to the building.

Garage was designed to eliminate any ramps visible from the street. All opening are straight.

