

**CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2015-13
TUESDAY, MARCH 10, 2015
6:00 P.M.**

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Asceleta Hammond, CMC,
City Clerk

INVOCATION

Apostle S. Constancia Daley
Rhema Word Ministries International

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, CMC,
City Clerk

APPROVAL OF MINUTES

City Commission Meeting Minutes of
February 24, 2015
City Commission Workshop Minutes
of November 21, 2014
Special City Commission Meeting
Minutes of November 10, 2014

APPROVAL OF THE AGENDA

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.

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.

CONSENT AGENDA

1. A request from Robert Levine to transfer assignment and ownership of Burial Right Agreement #6378 for Block 9, Lot 40, Plot 2, in the center lawn back to the City of Pompano Beach. (Fiscal impact: \$1,392.30)

(Staff Contact: Robert A. McCaughan)

2. Approve ranking order for RLI T-19-15, Planning and Design Services for Old Pompano Area Improvements and authorize staff to negotiate a contract with the highest ranked firm Chen Moore & Associates. (No cost at this time)

(Staff Contact: Dennis W. Beach/Horacio Danovich)

3. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF MUNICIPAL LIENS AND ASSESSMENTS BETWEEN THE CITY OF POMPANO BEACH, JOSE ALIRIO ORTIZ, AND OMAR HABER, JR., TO RESOLVE PENDING FORECLOSURE LITIGATION ON REAL PROPERTY LOCATED AT 712 NE 3RD AVENUE IN POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Fawn Powers)

4. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC. TO PROVIDE LIFE SKILLS AND READING SERVICES FOR YOUTH; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Mark Beaudreau)

CONSENT AGENDA - CONTINUED

5. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE NATIONAL FLAG FOOTBALL ASSOCIATION, INC. TO PROVIDE LEADERSHIP, ADMINISTRATIVE, AND COACHING SERVICES FOR FLAG FOOTBALL GAMES AND PRACTICES FOR ELEMENTARY SCHOOL AGE CHILDREN; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Mark Beaudreau)



6. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT NUMBER ONE TO THE LOCALLY FUNDED AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE AESTHETIC IMPROVEMENTS TO THE HILLSBORO INLET SR-A1A BRIDGE PROJECT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact – CIP Project 05-901)

(Staff Contact: Robert A. McCaughan/Louis Friend)

7. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND COLONIAL PRESS INTERNATIONAL INC. PROVIDING FOR PUBLICATION AND MAILING OF TRADEWINDS MAGAZINE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,327.98)

(Staff Contact: Sandra King)



8. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE PARK KNOWN AS NORWOOD PINES PARK AS THE SGT. KIP A. JACOBY PARK; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Robert A. McCaughan)

CONSENT AGENDA - CONTINUED

9. **RES. NO. 2015-.....:** 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 BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT CERTAIN IMPROVEMENTS TO SR 814 (ATLANTIC BLVD.); PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Dennis W. Beach/Horacio Danovich)

10. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SUSAN ROME** TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL FOR A TERM OF OFFICE WHICH SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Asceletta Hammond)



11. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE IMPROVEMENTS ON STATE ROAD 834 (SAMPLE ROAD) FROM MILITARY TRAIL TO STATE ROAD 5 (US 1); PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$206,011)

(Staff Contact: Robert A. McCaughan)

12. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR (4) AMENDMENT NUMBER NINE (9) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 834 (SAMPLE ROAD) FROM MILITARY TRAIL TO STATE ROAD 5 (US 1); PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Robert A. McCaughan)

REGULAR AGENDA

13. Presentation and requested approval of the Pier Parking Garage Demand and Revenue Study and authorizing the Finance Director to coordinate and request such changes to the study as may be required as part of the project financing process. (No fiscal impact)

(Staff Contact: Suzette Sibble)



14. **P.H. 2015-39; ORD. NO. 2015-....: (ORDINANCE 2ND 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 COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM IMPLEMENTATION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND ELECTRONIC DATA, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$508,150)

FIRST READING: FEBRUARY 24, 2015

(Staff Contact: A. Randolph Brown/John Sfiropoulos)



15. **P.H. 2015-48; ORD. NO. 2015-....: (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 FIRST 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; AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY FUTURE NON-MATERIAL AMENDMENTS TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND TO THE PARCEL GROUND LEASES TO BE ENTERED INTO BY THE CITY PURSUANT TO THE TERMS OF THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Dennis W. Beach/Adriane Esteban)

REGULAR AGENDA - CONTINUED

16. **P.H. 2015-41; ORD. NO. 2015-.....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOB LORING ENTERPRISES, INC. RELATING TO THE GOLF PROFESSIONAL AND OPERATION AND CONTROL OF THE DRIVING RANGE AND PRO SHOP AT THE POMPANO BEACH MUNICIPAL GOLF COURSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau)

17. **P.H. 2015-42; ORD. NO. 2015-....: (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 AMENDMENT AGREEMENT AMONG THE CITY OF POMPANO BEACH AND THE POMPANO BEACH SEAFOOD FESTIVAL CORPORATION ALONG WITH THE GREATER POMPANO BEACH CHAMBER OF COMMERCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau)

18. **P.H. 2015-43; ORD. NO. 2015-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4220, "COMMERCIAL: OFFICE USES," TO MODIFY FLOOR AREA REQUIREMENTS FOR PROFESSIONAL OFFICES IN RM-12, RM-20, RM-30 AND RM-45 ZONING DISTRICTS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO MODIFY THE FLOOR AREA REQUIRED FOR BANKS AND FINANCIAL INSTITUTIONS IN MULTIFAMILY RESIDENTIAL DISTRICTS AND DELETING THE DISTINCTION OF BANKS AND FINANCIAL INSTITUTIONS BY FLOOR AREA; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MORE STRICTLY DEFINE CONSIGNMENT SHOPS AND THRIFT SHOPS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

REGULAR AGENDA - CONTINUED

19. **P.H. 2015-44; ORD. NO. 2015-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, “MISCELLANEOUS BUSINESSES,” BY AMENDING SECTION 115.17, “SECONDHAND DEALERS; SECONDARY METALS RECYCLERS,” TO IMPOSE ADDITIONAL REQUIREMENTS UPON PAWNBROKERS AND SECONDHAND DEALERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

20. **P.H. 2015-46; ORD. NO. 2015-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 100, “STREETS AND SIDEWALKS,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.01, “MINIMUM RIGHT-OF-WAY,” TO REVISE MINIMUM WIDTH REQUIREMENT FOR VARIOUS STREETS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

21. **P.H. 2015-45; ORD. NO. 2015-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5704, “FRONTAGE AND ACCESS,” TO PLACE RIGHT-OF-WAY MINIMUM WIDTH REQUIREMENTS WITHIN SECTION 100.01 OF THE CITY CODE OF ORDINANCES AND TO REVISE MINIMUM DISTANCE A STRUCTURE MAY BE PLACED TO RIGHT-OF-WAY; BY AMENDING SECTION 155.9401, “MEASUREMENT,” TO PROVIDE FOR SETBACK FOR STRUCTURES ON A CUL-DE-SAC AND TO PROVIDE REFERENCE TO SECTION 100.01 OF THE CITY CODE OF ORDINANCES WHEN MEASURING YARD SETBACK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

REGULAR AGENDA - CONTINUED

22. **P.H. 2015-47; ORD. NO. 2015-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, “DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT,” TO INCREASE MINIMUM REQUIRED UNIT SIZE FOR MULTI-FAMILY DWELLINGS; TO REVISE RESIDENTIAL AND NONRESIDENTIAL USE AREAS FOR PROPERTIES ABUTTING FLAGLER AVENUE AND DR. MARTIN LUTHER KING JR. BLVD.; AND TO REQUIRE OFF-STREET PARKING IN ENCLOSED STRUCTURES FOR CERTAIN RESIDENTIAL PROJECTS LOCATED EAST OF DIXIE HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

23. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE BROWARD METROPOLITAN PLANNING ORGANIZATION’S 2016-2021 MOBILITY PROJECTS PLAN FOR THE CITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Karen Friedman)

24. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT SENATE BILL (HB) NO. 4015, AN ACT RELATING TO PUBLIC LODGING ESTABLISHMENTS AND PUBLIC FOOD SERVICE ESTABLISHMENTS (AND ANY SIMILAR FLORIDA HOUSE OF REPRESENTATIVES OR SENATE BILLS) WHICH DELETES PROVISIONS THAT PREEMPT TO THE STATE THE REGULATION OF PUBLIC LODGING ESTABLISHMENTS AND PUBLIC FOOD SERVICE ESTABLISHMENTS; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE BROWARD LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, THE BROWARD COUNTY LEGISLATIVE DELEGATION, AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Gordon B. Linn)

REGULAR AGENDA - CONTINUED

25. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH, AS AN ATTORNEY AT LAW FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JANUARY 29, 2018; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

Ross McKelvey, Jr., Attorney At Law, Incumbent – District 1
Daniel R. Cogdill, Electrical Contractor, Incumbent – District 2
Paul Summa, Real Estate Appraiser, Incumbent – District 2
Walter Syrek, Architect, Incumbent – District 2
Donald Joseph, General Contractor – District 1
Charles H. Bechert, III, Attorney – District 3
David Baumwald, Real Estate Investor/Contractor – District 4

(Staff Contact: Asceleta Hammond)



26. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH, AS AN ELECTRICAL CONTRACTOR; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON APRIL 25, 2018; PROVIDING AN EFFECTIVE DATE.

SEE PREVIOUS ITEM FOR APPLICANTS

(Staff Contact: Asceleta Hammond)



27. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH, AS AN ARCHITECT; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON APRIL 25, 2018; PROVIDING AN EFFECTIVE DATE.

SEE PREVIOUS ITEM FOR APPLICANTS

(Staff Contact: Asceleta Hammond)



REGULAR AGENDA - CONTINUED

28. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH, AS A REAL ESTATE APPRAISER; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MARCH 27, 2018; PROVIDING AN EFFECTIVE DATE.

SEE PREVIOUS ITEM FOR APPLICANTS

(Staff Contact: Asceleta Hammond)



29. **RES. NO. 2015-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH FOR THE TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON MARCH 22, 2017; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

Claudia McMahon – Incumbent – District 3
Colleen Murphy – District 1

(Staff Contact: Asceleta Hammond)



REPORTS

City Manager
City Attorney
City Clerk
Internal Auditor
City Commission

ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2014	Beginning Balance	\$ 8,340.00
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