

Meeting Date: January 26, 2016

Agenda Item

7

REQUESTED COMMISSION ACTION:

X Consent Ordinance X Resolution Consideration/ Discussion Presentation

SHORT TITLE 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 ELEVEN (11) 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 A1A (OCEAN BOULEVARD); FROM MILE POST 10.1 TO MILE POST 10.175; PROVIDING AN EFFECTIVE DATE. (NO COST)

Summary of Purpose and Why:

This eleventh Amendment to the FDOT MOA commits the city to maintaining the landscape and irrigation enhancements proposed in the Pier Parking Garage Project, impacting approximately 400 linear feet along SR A1A. These improvements will be maintained to FDOT standards ensuring landscaping will be aesthetically pleasing and safely maintained such that motorists' visibility is not obstructed and vertical clearance is maintained for pedestrian, bicyclist, and truck traffic.

- (1) Origin of request for this action: Staff
(2) Primary staff contact: Rob McCaughan Ext. 786-4507
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of N/A

Table with 4 columns: DEPARTMENTAL COORDINATION, DATE, DEPARTMENTAL RECOMMENDATION, DEPARTMENTAL HEAD SIGNATURE. Rows include Public Works, Finance, Budget, and City Attorney.

Advisory Board
Planning Director
Public Works Director
X City Manager

ACTION TAKEN BY COMMISSION:

Table with 4 columns: Ordinance/Workshop, Resolution, Consideration, Results. Rows include 1st Reading and 2nd Reading.



City Attorney's Communication #2016-327

January 7, 2016

TO: Robert A. McCaughan, Public Works Director

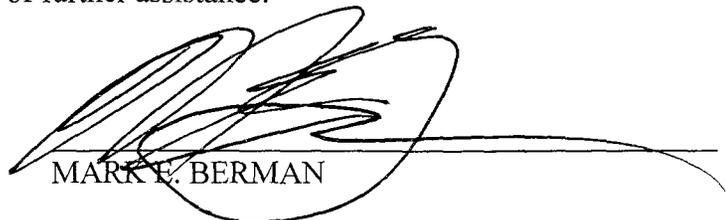
FROM: Mark E. Berman, City Attorney

RE: Amendment No. 11 to Landscape Inclusive Maintenance Memorandum of Agreement

As requested in your memorandum dated December 22, 2015, Public Works Department Memorandum No. 2016-11, the following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

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 ELEVEN (11) 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 A1A (OCEAN BOULEVARD) FROM MILE POST 10.1 TO MILE POST 10.175; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/pw/2016-327

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

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 ELEVEN (11) 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 A1A (OCEAN BOULEVARD) FROM MILE POST 10.1 TO MILE POST 10.175; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That an Amendment Number Eleven (11) between the City of Pompano Beach and the State of Florida Department of Transportation, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and the State of Florida Department of Transportation.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

SECTION No.: 86130
S.R. No.: A1A
PERMIT No: 2015-L-491-0011
COUNTY: Broward

**DISTRICT FOUR (4) AMENDMENT NUMBER ELEVEN (11) TO STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION LANDSCAPE INCLUSIVE
MEMORANDUM OF AGREEMENT**

THIS AMENDMENT Number Eleven (11) to the Agreement dated December 5, 2007, made and entered into this _____ day of _____ 20____ by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the POMPANO BEACH, a municipal corporation of the State of Florida, hereinafter called the AGENCY.

W I T N E S S E T H

WHEREAS, the parties entered into the Landscape Inclusive Maintenance of Agreement dated, December 5, 2007 for the purpose of maintaining the landscape improvements by the AGENCY on various roads including State Road A1A (Ocean Boulevard); and,

WHEREAS, the DEPARTMENT and the AGENCY have agreed to add additional landscape to be installed on State Road A1A (Ocean Boulevard) in accordance with the above referenced Agreement; and,

WHEREAS, the AGENCY by Resolution No. _____ dated _____, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorized its officers to do so; and,

NOW THEREFORE, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. Pursuant to Page 8, Paragraph 12 of the Landscape Inclusive Maintenance Memorandum of Agreement dated December 5, 2007, the DEPARTMENT will allow the AGENCY to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"**, State Road A1A (Ocean Boulevard) from (M.P. 10.1) to (M.P. 10.175). in accordance with the plans attached as **Exhibit "B"**.
2. The AGENCY shall agree to maintain the additional landscape improvements in the Agreement described above according the **Exhibit "C"** Maintenance Plan, attached to this Amendment.

Except as modified by this Amendment, all terms and conditions of the original Agreement and all Amendments thereto shall remain in full force and effect.

LIST OF EXHIBITS

Exhibit A - Landscape Improvements Limits and Maintenance Boundaries and Location Map

Exhibit B - Landscape Improvement Plans

Exhibit C - Maintenance Plan Landscape Improvements (*if applicable*)

In Witness whereof, the parties hereto have executed with this Amendment effective the ____ day _____ year written and approved.

CITY OF POMPANO BEACH

By: _____
Chairperson/Mayor/Manager

Attest: _____ (SEAL)
Clerk

Legal Review Date

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Development Director

Attest: _____ (SEAL)
Executive Secretary

Legal Review Date

Office of the General Counsel

**SECTION No.: 86130
S.R. No.: A1A
PERMIT No: 2015-L-491-0011
COUNTY: Broward**

EXHIBIT A

**LANDSCAPE IMPROVEMENTS PROJECT LIMITS
MAINTENANCE BOUNDARIES LIMITS AND LOCATION MAP**

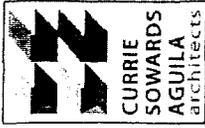
- I. **PERMIT PROJECT LIMITS:**
State Road A1A (Ocean Boulevard) from (M.P. 10.1) to (M.P. 10.175)

- II. **INCLUSIVE LANDSCAPE MAINTENANCE AGREEMENT LIMITS:**
State Road A1A (Ocean Boulevard) from M.P. 8.680 to (M.P. 12.039)

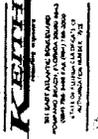
- III. **MAINTENANCE BOUNDARY LIMITS MAP:**

***All limits of the original agreement and amendments shall apply**

Please See Attached



CURRIE SOWARDS AGUILA ARCHITECTS
 ARCHITECTS
 1410 N. W. 10TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33136



K&E ENGINEERS
 ENGINEERS
 1410 N. W. 10TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33136

POMPANO BEACH
 PARKING
 GARAGE

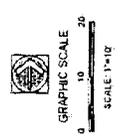
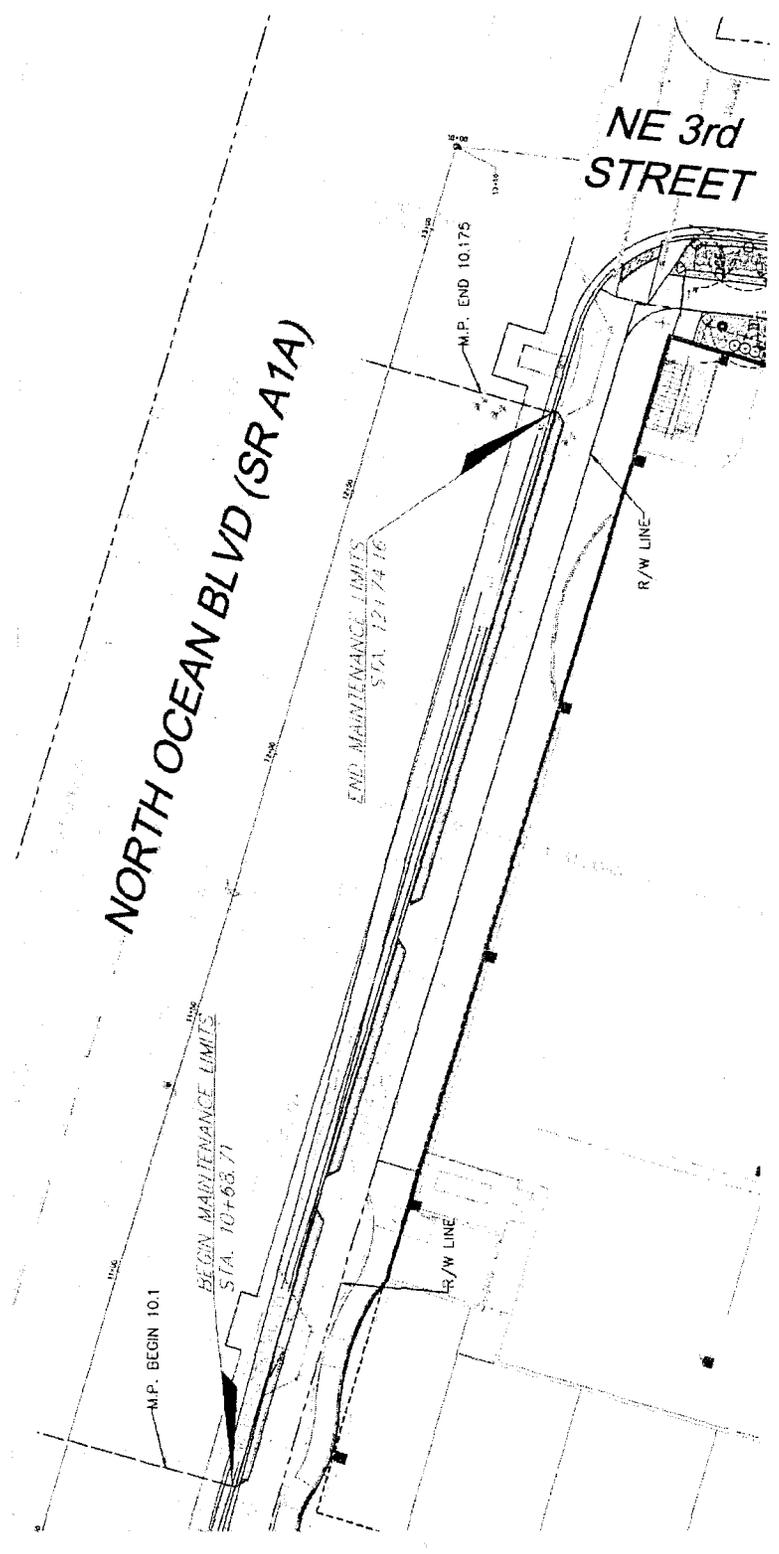
PROJECT NO. 10-1
 DATE: 10/10/10
 DRAWN BY: J. S. [unreadable]
 CHECKED BY: [unreadable]
 APPROVED BY: [unreadable]

THIS DRAWING IS THE PROPERTY OF CURRIE SOWARDS AGUILA ARCHITECTS AND K&E ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF CURRIE SOWARDS AGUILA ARCHITECTS AND K&E ENGINEERS.

LIMIT OF
 MAINTENANCE
 PLAN

DATE	10/10/10	SCALE	1"=10'
BY	J. S. [unreadable]		
CHECKED BY	[unreadable]		
APPROVED BY	[unreadable]		

LM-1



SECTION No.: 86130
S.R. No.: A1A
PERMIT No: 2015-L-491-0011
COUNTY: Broward

EXHIBIT B
LANDSCAPE IMPROVEMENT PLANS

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: **Michael J. Phillips, RLA**
Keith Associates Inc.
Date: November 13, 2015

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

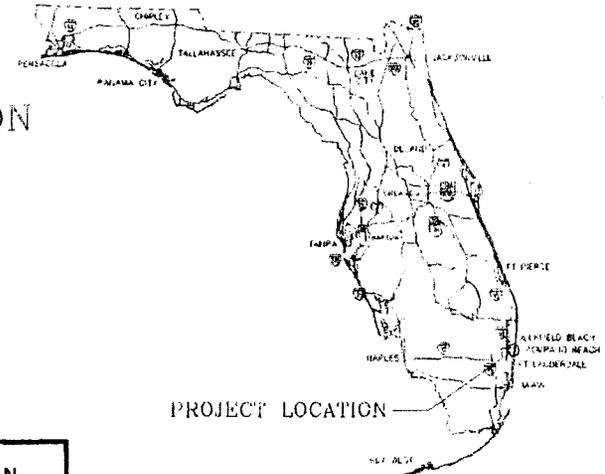
CONTRACT PLANS

POMPANO BEACH PARKING GARAGE

PROPOSED LANDSCAPE

NORTH OCEAN BOULEVARD
(STATE ROAD A1A)

POMPANO BEACH, FL.
BROWARD COUNTY



KEY SHEET OF REVISIONS	
DATE	DESCRIPTION
5/26/2015	PER FOOT COMMENTS

GOVERNING STANDARDS AND SPECIFICATIONS:

- 2015 FLORIDA DEPARTMENT OF TRANSPORTATION
- 1. 2015 ROADSIDE OFFSETS-DESIGN STANDARDS INDEX 700
- 2. 2015 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION
- 3. 2015 SIGHT DISTANCE AT INTERSECTIONS DESIGN STANDARDS INDEX 540
- 4. 2015 LANDSCAPE INSTALLATION DESIGN STANDARDS INDEX 514

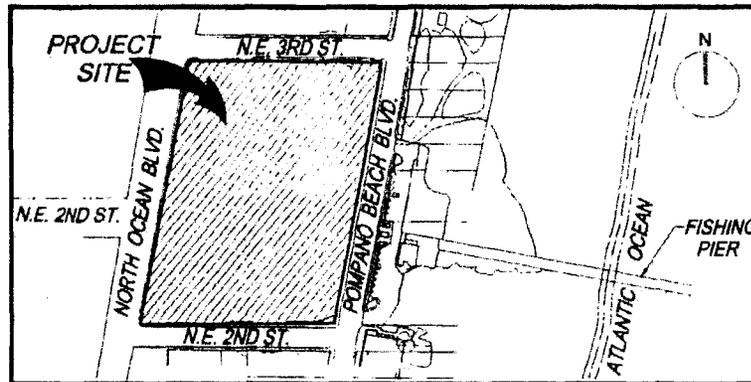
FOR DESIGN STANDARDS REVISIONS CLICK ON DESIGN STANDARDS LINK AT THE FOLLOWING WEB SITE:
<http://www.dot.state.fl.us/index.htm>

INDEX OF LANDSCAPE PLANS

SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET
2	LANDSCAPE PLAN
3	IRRIGATION PLAN

LIST OF REVISED INDEX DRAWINGS OF LANDSCAPE PLANS

SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET
2	LANDSCAPE PLAN
3	IRRIGATION PLAN



VICINITY MAP

A PORTION OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 13
EAST CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA
N.T.S.

LAND DESCRIPTION

LOTS 1 THROUGH 10, BLOCK 8 AND ALL OF LOTS 6 THROUGH 10 AND THOSE PORTIONS OF LOTS 1 THROUGH 5 LYING EAST OF THE EAST RIGHT OF WAY LINE OF STATE ROAD A-1-A, BLOCK 9, POMPANO BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 93 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

IN USE OF SEAL BY THESE PLANS MAY HAVE TRAFFIC DUE TO REPLICATION

PLANS PREPARED BY:

KEITH
consulting engineers

301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33080-6643
(954) 788-3400 FAX (954) 788-3500

STATE OF FLORIDA CERTIFICATE OF
AUTHORIZATION NUMBER - 7928

POSTED SPEED LIMIT 35 MPH
DESIGN SPEED LIMIT 45 MPH



FOOT PROJECT MANAGER: ELISABETH HASSETT, RLA
DISTRICT IV LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECT
IN CHARGE:

MICHAEL J. PHILLIPS, RLA

PL 4 101

LAC001760

A handwritten signature in black ink, likely of Michael J. Phillips.

MAINTENANCE PLAN Landscape Improvements

Project State Road No: A1A (Ocean Boulevard) from M.P. 8.680) to (M.P. 12.039)
Permit: 2015-L-491-0011
Maintaining Agency: City of Pompano Beach
RLA of Record: Michael J. Phillips
Date: November 13, 2015

I. GENERAL MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards, FDOT Plans Preparation Manual Vol. 1, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction*, as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. **The concluding section provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.**

WATERING REQUIREMENTS

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

IRRIGATION SYSTEM

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

INTEGRATED PLANT MANAGEMENT

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

WEEDING/HERBICIDE

All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended when using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage, resulting from overspray to the plantings, per the approved plans.

PLANT REPLACEMENT

Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a permit is required from FDOT for approval by the FDOT District Landscape Architect.

HARDSCAPE (SPECIALTY SURFACING)

All tree grates and specialty surfacing (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the pavers and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current *Interlocking Concrete Pavement Institute (ICPI), Guide Specifications for Pavers on an Aggregate Base, Section 23 14 13 Interlocking Concrete Pavers, Part 3.05*. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

HARDSCAPE (NON-STANDARD) TRAVELWAY SURFACING

It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway, including asphalt pavement (if applicable), caused or contributed by the installation or failure of non-standard surfacing, and/or the header curb, on the Department of Transportation right of way within the limits of this Agreement. Pavement restoration areas or "patches" will have a minimum length of 10-ft, measured from the edge of the header curb, and a width to cover full lanes for each lane affected by the restoration.

Pavement restoration will be performed in accordance with the most current edition of the *FDOT Standard Specifications for Road and Bridge Construction*, and the *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*.

It shall be the responsibility of the AGENCY to maintain all signs located within a non-standard surfacing area. Such maintenance to be provided by the AGENCY shall include repair and replacement of the sign panel, post, and base.

HARDSCAPE (LANDSCAPE ACCENT LIGHTING)

Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan. Landscape lighting shall meet requirements for the sea turtle nesting and hatching.

MAINTENANCE OF TRAFFIC CONTROL

Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING (ODA)

To avoid conflicts with permitted outdoor advertising, please reference the State of Florida website regarding the vegetation management of outdoor advertising. This website provides a portal to search the FDOT Outdoor Advertising Inventory Management System Database. The database contains an inventory of outdoor advertising structures, permits and other related information maintained by the Department.

Also, reference the *Florida Highway Beautification Program* website link for “*Vegetation Management at ODA signs*” “Florida Statutes” and “Florida Administrative Code” related to vegetation management at outdoor advertising sign, permit applications for vegetation management and determining mitigation value of roadside vegetation.

II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

Basic maintenance for this area outside of the guidelines provided above, is to keep the area clean and clear of fronds that have been shed or are hanging and need pulling. The Juniper groundcover should be prune to keep a low habit, and the lateral branching is to be trimmed so that the foliage does not grow beyond the curb.

REFERENCES

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up to date information.

Accessible Sidewalk (ADA)

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

Americans with Disabilities Act (ADA) (ADAAG)

http://www.ada.gov/2010ADAstandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase

<http://webstore.ansi.org>

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants*

<http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Plant-and-Apiary-Inspection/Plant-Inspection#pubs>

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2010 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*

http://www2.iccsafe.org/states/florida_codes/

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 544 Landscape Installation*

<http://www.dot.state.fl.us/rddesign/DS/15/IDx/00544.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 546 Sight Distance at Intersections*

<http://www.dot.state.fl.us/rddesign/DS/15/IDx/00546.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 600 Traffic Control through Work Zones*

<http://www.dot.state.fl.us/rddesign/DS/15/IDx/00600.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 700 Roadside Offsets*

<http://www.dot.state.fl.us/rddesign/DS/15/IDx/00700.pdf>

Florida Department of Transportation, *FDOT Plans Preparation Manual (PPM) Vol. I Chapter 2.11 Lateral Offset*

Table 2.11.5 Lateral Offset Clearance to Trees

Table 2.11.11 Recoverable Terrain

