

**CITY OF POMPANO BEACH  
CITY COMMISSION MEETING  
AGENDA NO. 2016-10  
TUESDAY, FEBRUARY 23, 2016  
6:00 P.M.**

**CALL TO ORDER**

The Honorable Lamar Fisher  
Mayor, Presiding

**ROLL CALL**

Asceleta Hammond, CMC,  
City Clerk

**INVOCATION**

Reverend Dr. Greg Fitch,  
Hospice and Hospital Chaplain

**PLEDGE OF ALLEGIANCE**

Led by Asceleta Hammond, CMC  
City Clerk

**APPROVAL OF MINUTES**

City Commission Meeting Minutes of  
February 9, 2016  
City Commission Workshop Minutes  
of November 12, 2015  
City Commission Workshop Minutes  
of February 24, 2015

**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.

**SPECIAL PRESENTATION**

Luciano Samelli, President of Marketing and New Business Development of LS Events will provide information regarding the Fourth Annual Pompano Beach Brazilian Festival.

A Special Award of Recognition will be presented by Mayor Fisher to Mr. Thomas H. DiGiorgio, Sr., former Chairman of the Architectural Appearance Committee, and founding member.

**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. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BW US 1 SAMPLE, LLC; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Robin M. Bird/Jennifer Gomez)

2. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE 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)



3. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST EXTENSION BETWEEN THE CITY OF POMPANO BEACH AND BROWARD RUGBY ASSOCIATION, INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Mark Beaudreau)



**CONSENT AGENDA**

4. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND EXTENSION AND AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PBFC PAL HAMMERHEADS INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Mark Beaudreau)



5. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND 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. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF AN EMERGENCY GENERATOR BETWEEN THE CITY OF POMPANO BEACH AND TAW POWER SYSTEMS, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$34,375)

(Staff Contact: Robert A. McCaughan)

7. **RES. NO. 2016-.....:** 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. 1 IN THE AMOUNT OF \$99,400.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MCCAFFERTY BRINSON CONSULTING, LLC FOR CONTINUING ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: A. Randolph Brown/Alessandra Delfico)



**REGULAR AGENDA**

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**QUASI-JUDICIAL PROCEEDING**

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8. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF’S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE BLANCHE ELY COMMERCIAL REDEVELOPMENT PLAT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Maggie Barszewski/Robin M. Bird)

9. **P.H. 2016-46; ORD. NO. 2016-....: (ORDINANCE 2<sup>ND</sup> READING)**  
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY FOR SW 13<sup>TH</sup> STREET LYING EAST OF I-95 AND WEST OF SW 9<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 9, 2016**

(Staff Contact: Maggie Barszewski/Robin M. Bird)

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**END OF QUASI-JUDICIAL PROCEEDING**

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**REGULAR AGENDA - CONTINUED**

10. **P.H. 2016-45; ORD. NO. 2016-....: (ORDINANCE 2<sup>ND</sup> READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MWH AMERICAS, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 9, 2016**

(Staff Contact: A. Randolph Brown)



**REGULAR AGENDA - CONTINUED**

11. **P.H. 2016-43; ORD. NO. 2016-....: (ORDINANCE 2<sup>ND</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO MODIFY REVIEW STANDARDS FOR APPLICATIONS FOR SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 9, 2016**

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

12. **P.H. 2016-39; ORD. NO. 2016-....: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP, AND TO PROVIDE ADDITIONAL STANDARDS FOR THRIFT SHOPS: BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND THE CHART TO REFLECT SAID CHANGES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

13. **P.H. 2016-40; ORD. NO. 2016-....: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO

**REGULAR AGENDA - CONTINUED**

13. **P.H. 2016-40; ORD. NO. 2016-...: (PUBLIC HEARING 1<sup>ST</sup> READING) - CONTINUED**

REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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

14. **P.H. 2016-41; ORD. NO. 2016-...: (PUBLIC HEARING 1<sup>ST</sup> READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE STANDARDS FOR GROCERY AND CONVENIENCE STORES; TO MODIFY THE PERMITTED LOCATIONS FOR, THE DEFINITION OF, AND STANDARDS FOR LOCAL LIQUOR OR PACKAGE STORES, REGIONAL LIQUOR OR PACKAGE STORES AND BEER OR WINE STORES; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES" TO AMEND THE DEFINITION OF FOOD AND OR BEVERAGE PRODUCTS MANUFACTURING; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO AMEND THE DEFINITION OF ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY AND PROVIDE FOR DISTRICTS WHERE PERMITTED; AMENDING THE DEFINITION OF PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE AND PROVIDING FOR DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND THE USES THAT ARE EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR VARIOUS ALCOHOL BEVERAGE ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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

**REGULAR AGENDA - CONTINUED**

15. **P.H. 2016-42; ORD. NO. 2016-....: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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

16. **P.H. 2016-44; ORD. NO. 2016-....: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703, “ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD),” TO MODIFY THE PERMITTED PRINCIPAL USES, PROHIBITED USES, STANDARDS SPECIFIC TO COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENTS AND SEPARATION REQUIREMENT FOR SALES OF ALCOHOLIC BEVERAGES AND EXEMPTIONS; BY AMENDING SECTION 155.3708, “DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DP),” TO AMEND CHART TO REFLECT SAID CHANGES AND AMEND THE MODIFIED USE STANDARDS FOR THE DPOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

**REGULAR AGENDA - CONTINUED**

17. **P.H. 2016-47; ORD. NO. 2016-...: (ORDINANCE 2<sup>ND</sup> READING)**  
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO MODIFY DEFINITIONS FOR SOLID WASTE, RECOVERABLE MATERIALS AND FOR OTHER GARBAGE-RELATED ITEMS; BY AMENDING SECTION 96.11, "COLLECTION TIMES," TO MODIFY DAYS AND TIMES FOR RESIDENTIAL AND COMMERCIAL COLLECTION OF GARBAGE; BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO MODIFY REQUIREMENTS FOR COLLECTION OF TRASH, BULK TRASH AND RECOVERABLE MATERIALS FROM RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY; BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; BY AMENDING SECTION 96.14, "INSPECTION AND CONDITION OF RECEPTACLES," TO MODIFY REQUIREMENTS FOR GARBAGE RECEPTACLES UTILIZED FOR DISPOSAL OF GARBAGE; BY AMENDING SECTION 96.15, "PREPARATION OF REFUSE," TO MODIFY REQUIREMENTS FOR DISPOSAL OF REFUSE; BY AMENDING SECTION 96.17, "BUSINESS TAX RECEIPT FOR HAULING TRASH," TO RETITLE THE SECTION AND MODIFY TERMS TO REFER TO SOLID WASTE AND RECOVERABLE MATERIALS; BY AMENDING SECTION 96.20, "SINGLE-FAMILY RECYCLABLE WASTE," TO RETITLE THE SECTION AND MODIFY REQUIREMENTS FOR APPLICABILITY FOR ALL RESIDENTIAL RECYCLABLE WASTE; BY DELETING SECTION 96.21, "MULTI-FAMILY RECYCLABLE WASTE," IN ITS ENTIRETY; BY CREATING A NEW SECTION 96.22, "REQUIREMENTS FOR RECOVERED MATERIALS HAULERS," TO PROVIDE REQUIREMENTS FOR REGISTRATION AND LICENSE AGREEMENT FOR HAULERS OF RECOVERED MATERIALS OPERATING IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 9, 2016**

(Staff Contact: Russell Ketchem/Robert A. McCaughan)

**REGULAR AGENDA - CONTINUED**

18. **P.H. 2016-48; ORD. NO. 2016-....: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDED AND RESTATED SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CRS MAX CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**STAFF HAS REQUESTED THIS ITEM BE TABLED UNTIL MARCH 8, 2016.**

(Staff Contact: Robin M. Bird/Paola West)

**REPORTS**

City Manager  
City Attorney  
City Clerk  
Internal Auditor  
City Commission

**ADJOURNMENT**

**BALANCE IN CONTINGENCY**

Oct. 1, 2015	Beginning Balance	\$ 10,000.00
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