Meeting Date: N	March 8, 2016		Agenda l	tem 9	
REQUESTED CO	MMISSION ACTION:				
X Consent	Ordinance ——	X Resolu	ition	Consideration/ Discussion	Presentation
SHORT TITLE	BEACH, FLORID OFFICIALS TO TWELVE (12) TO AGREEMENT BE OF FLORIDA DE LANDSCAPE IMP	A, APPROVIEXECUTE A LANDSCAPE TWEEN THE PEPARTMENT ROVEMENTS	NG AND A DISTRICT INCLUSIVE CITY OF PO OF TRAIN ON STATE	UTHORIZING THI FOUR (4) AMEN MAINTENANCE M OMPANO BEACH NSPORTATION F ROAD 834 (SAMP	TY OF POMPANO E PROPER CITY DMENT NUMBER IEMORANDUM OF AND THE STATE FOR ADDITIONAL PLE ROAD); FROM EFFECTIVE DATE.
Summary of Purpose and Why:  This twelfth amendment to the FDOT MOA commits the city to maintaining the landscape and irrigation enhancements proposed in the WaWa Full Service Project, impacting approximately 230 linear feet along north side of Sample Road. 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:  FDOT, District 4					
•	contact: Rob McCa contract, if applicable:				Ext. 786-4507
(4) Fiscal impact	and source of N/A				
DEPARTMENTAL COORDINATION Public Works Finance Budget City Attorney	DATE 2/25/2016 2/26/14 2/29//4	DEPARTMEN RECOMMEN Approve	DATION	DEPARTMENTAL H	HEAD SIGNATURE
Advisory Boar Planning Direct Public Works X City Manager	ctor Director		mwW.	Searl	
ACTION TAKEN E Ordinance Workshop 1st Reading 2nd Reading	BY COMMISSION: Resoluti	<del></del>	Resu	Consideration ults:	Results:



#### City Attorney's Communication #2016-540

February 24, 2016

TO:

Robert A. McCaughan, Public Works Director

FROM:

Jill R. Mesojedec, FRP, Paralegal

VIA:

Mark E. Berman, City Attorney

RE:

Amendment No. 12 to Landscape Inclusive Maintenance Memorandum of

Agreement

As requested in your memorandum dated February 22, 2016, Public Works Department Memorandum No. 2016-18, I have prepared and attached the following captioned resolution:

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 TWELVE (12) 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 MILE POST 9.435 TO MILE POST 9.478; PROVIDING AN EFFECTIVE DATE.

Please attach the proper city signature page to the agreement prior to presentation to the City Commission.

JILL'R MESOJEDEC

/jrm

l:cor/pw/2014-540

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 TWELVE (12) 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 MILE POST 9.435 TO MILE POST 9.478; PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** That an Amendment Number Twelve (12) 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.

<b>SECTION 3.</b> This Resolution shall	become effective upon passage.		
PASSED AND ADOPTED this	day of	, 2016.	
	LAMAR FISHER, MAYOR		
ATTEST:		•	
ASCELETA HAMMOND, CITY CLERK	-		

SECTION NO: S.R. NO.(S): 86020 834

COUNTY:

Broward

PERMIT NO .:

2015-L-491-0005

# DISTRICT FOUR (4) AMENDMENT NUMBER TWELVE (12) TO STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LANDSCAPE INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT

This is Amendment Number Twelve (12) 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 CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, hereinafter called the "AGENCY".

WHEREAS, the parties entered into the Inclusive Landscape Maintenance Memorandum of Agreement dated December 5, 2007 for the purpose of maintaining the landscape improvements by the AGENCY on various State Road(s) including State Road 834 (Sample Road); and

WHEREAS, the DEPARTMENT and the AGENCY have agreed to add additional landscape improvements to be installed on State Road 834 (Sample Road) in accordance with the above referenced Agreement;

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

- Pursuant to paragraph one (1) page one (1) of Amendment Number Six (6) Inclusive Landscape Maintenance Memorandum of Agreement for State Road 834 (Sample Road) dated August 9, 2013, the DEPARTMENT will allow an adjacent property owner to construct additional landscape improvements or to modify an improvement located as indicated in Exhibit "A", State Road 834 (Sample Road) from (M.P.9.435) to (M.P. 9.478) in accordance with the plans dated January 5, 2016 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 AGEEMENT shall remain in full force and effect.

#### **Exhibits**

Exhibit "A: - LANDSCAPE IMPROVEMENTS LIMITS AND MAINTENANCE BOUNDARIES

Exhibit "B" - LANDSCAPE IMPROVEMENT PLANS

Exhibit "C"- Maintenance Plan Landscape Improvements

In Witness whereof, effective theday		have executed with this Amendmen and approved.
CITY OF POMPANO BEACH a municipal corporation.		State of Florida Department of Transportation
BY:		BY:
City Manager or Designee		Transportation Development Director
Attest:	 Date	Attest:(Seal) Executive Secretary
Legal Review		Legal Review
Attorney	Date	Office of General Counsel Date

	" CITY":
WITNESSES:	CITY OF POMPANO BEACH
	By:LAMAR FISHER, MAYOR
	By:
Attest:	(SEAL)
By: Asceleta Hammond CITY CLERK	
Approved As To Form:	
Mark E. Berman CITY ATTORNEY	
STATE OF FLORIDA COUNTY OF BROWARD	
The foregoing instruments were acknowled 2015, by LAMAR FISHER as Mayor, DENNIS W. BEACClerk of the City of Pompano Beach, Florida, a munic	
NOTARY'S SEAL	NOTARY PUBLIC, STATE OF FLORIDA
	(Name of Acknowledger Typed, Printed or Stamped)
	Commission Number

SECTION NO: S.R. NO.(S): 86020 834

COUNTY:

Broward

PERMIT NO.:

2015-L-491-0005

#### **EXHIBIT A**

### LANDSCAPE IMPROVEMENTS LIMITS AND MAINTENANCE BOUNDARIES

I. PERMIT PROJECT LOCATION:

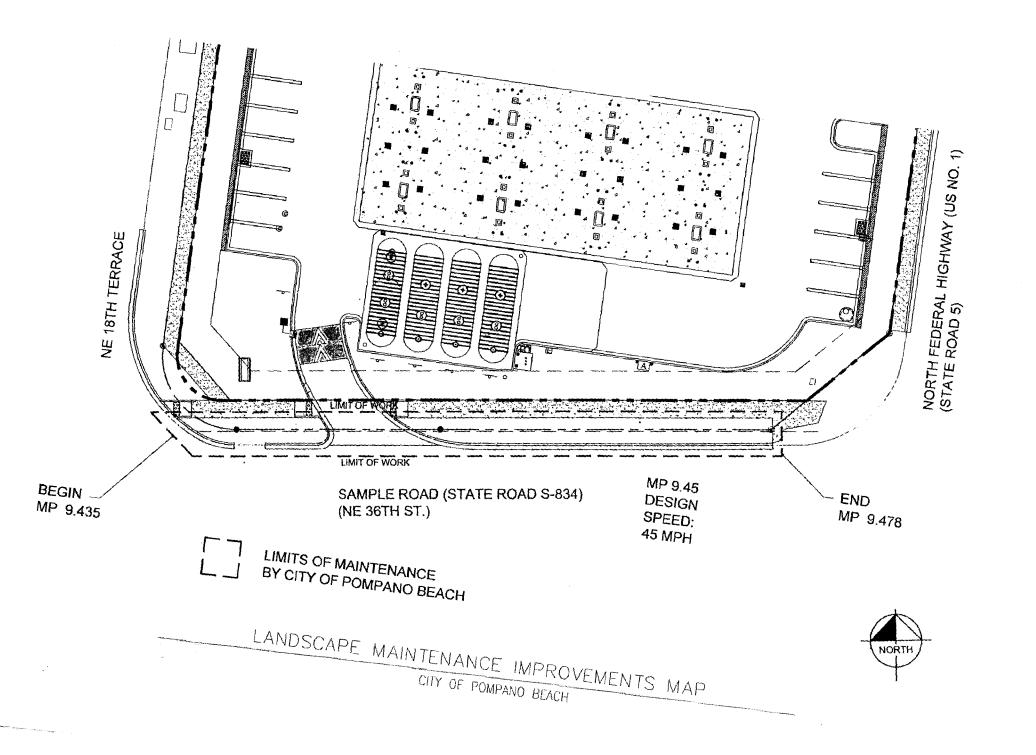
State Road 834 (Sample Road) from (M.P. 9.435) to (M.P. 9.478)

II. INCLUSIVE LANDSCAPE MEMORANDUM OF AGREEMENT LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES FOR THE ROADWAY:

State Road 834 (Sample Road) from (M.P. 5.030) (Florida Turnpike) to (M.P. 9.481) (State Road 5)

(All maintenance boundaries of original agreement apply)

See attached map



SECTION NO:

86020 5

S.R. NO.(S): COUNTY:

Broward

PERMIT NO.:

2015-L-491-0005

#### **EXHIBIT B**

#### LANDSCAPE IMPROVEMENT PLANS

The Agency agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

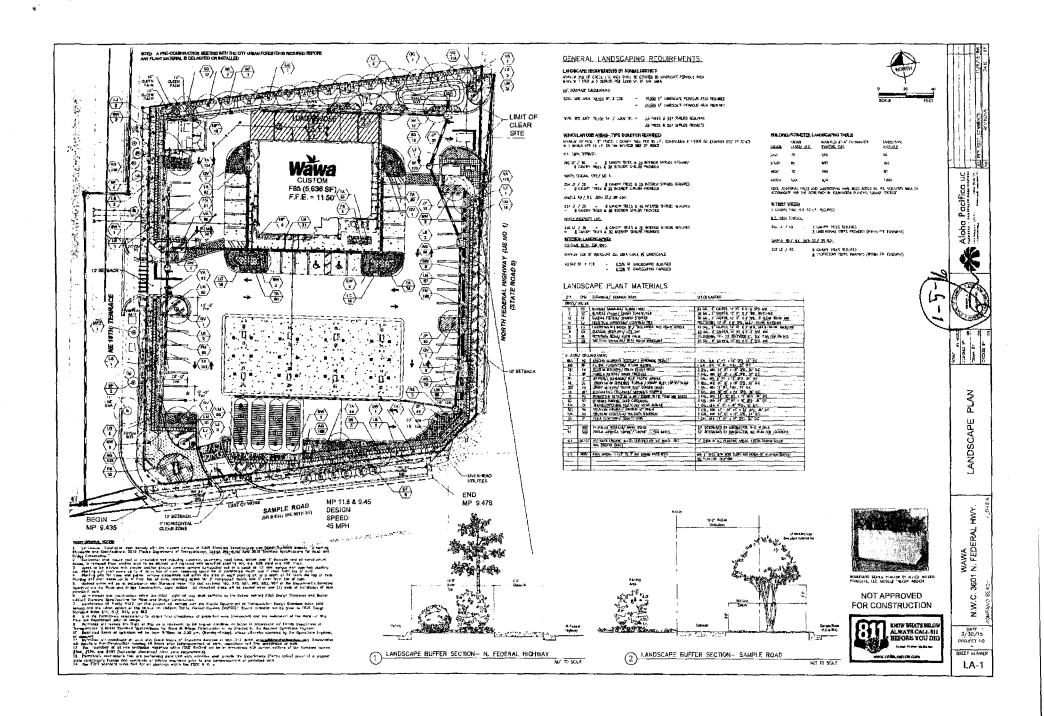
Please see attached plans prepared by: Greg A. Reynolds, RLA

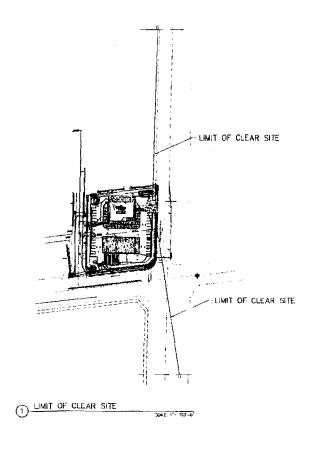
Aloha Pacifica LLC Planning &

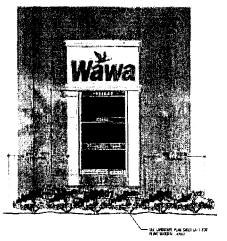
**Landscape Architecture** 

Dated: January 5, 2016

Sheets LA 1-4







MONUMENT SIGN LANDSCAPING



OUTDOOR ADVERTISING AERIAL

NOT APPROVED FOR CONSTRUCTION



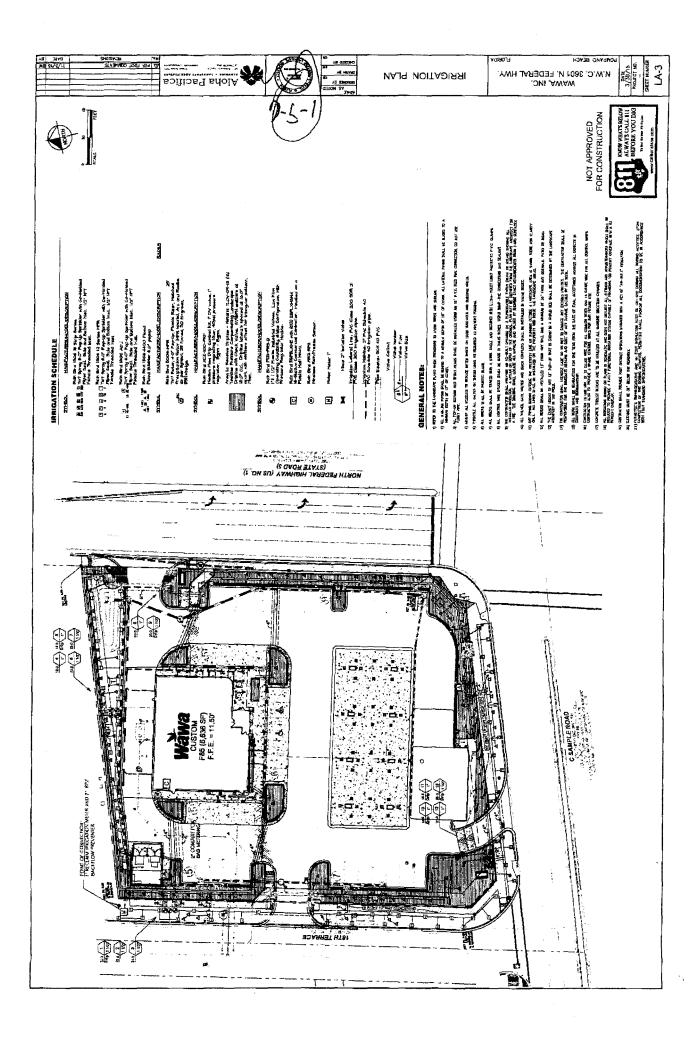
APE DETAILS COMMENT

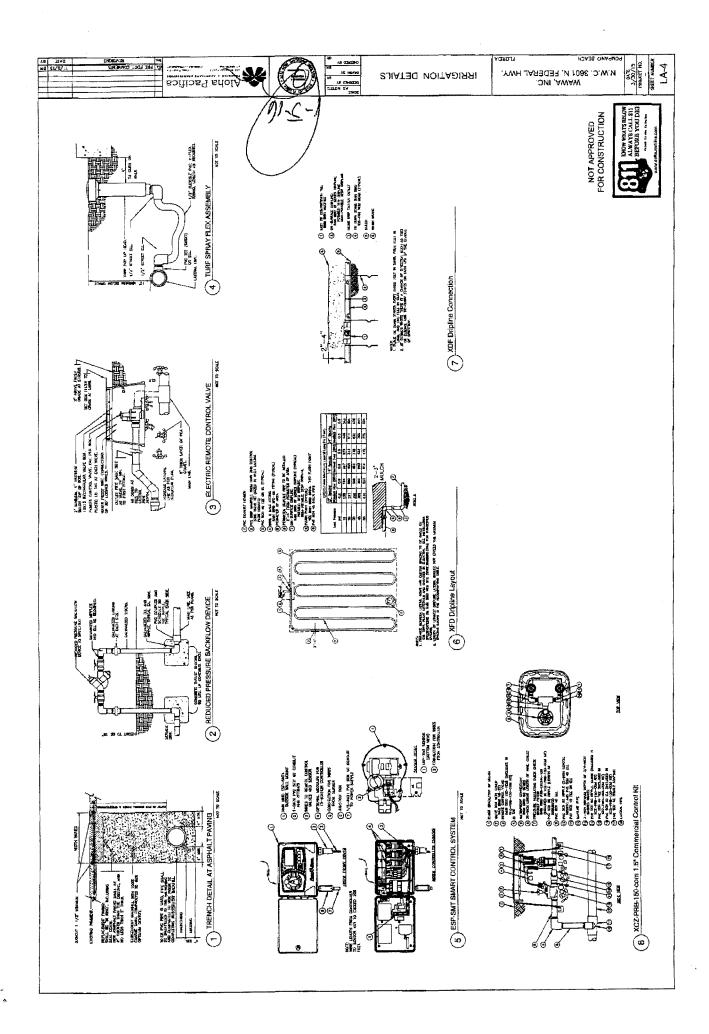
LANDSCAPE DETAILS

WAWA, INC. N.W.C. 3601 N. PEDERAL HWY.

10/25/13
PROJECT NO.
BILLY NUMBER

LA-2





SECTION NO:

86020

S.R. NO.(S): COUNTY: 834 Broward

PERMIT NO.:

2015-L-491-0005

#### **EXHIBIT C**

#### LANDSCAPE MAINTENANCE PLAN

This Exhibit forms an integral part of the DISTRICT FOUR (4) LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

See attached

## MAINTENANCE PLAN Landscape Improvements

Project State Road No(s):

5 (US 1) from MP. 9.435 to M.P. 9.478

Permit No(s):

2015-L-491-0005

Maintaining Agency:

City of Pompano Beach

RLA of Record:

Greg A. Reynolds

Date:

January 5, 2016

## II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

Spanish Stopper (street tree) is perfectly adapted to open, sunny locations where it will flourish with little care once it becomes established. It requires minimal maintenance in regards to pruning. Trees should be pruned to maintain a clean, natural growth habit.

With proper maintenance the plantings will thrive and provide a clean and orderly appearance that will be aesthetically pleasing for the surrounding area.

#### **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) <a href="http://www.access-board.gov/guidelines-and-standards/streets-sidewalks">http://www.access-board.gov/guidelines-and-standards/streets-sidewalks</a>

Americans with Disabilities Act (ADA) (ADAAG) <a href="http://www.ada.gov/2010ADAstandards\_index.htm">http://www.ada.gov/2010ADAstandards\_index.htm</a>

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

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

S:\Transportation Development\Design\In-House Design\Landscape Architecture\AGREEMENTS\T MOA\POMPANG
BEACH\INCLUSIVE POMPANO\AMENDMENT 12(2015=1-491-0005)WAWA\PompBehinel\_12(Permit2015-L-491-0005)2-1816.doc

#### http://www.dot.state.fl.us/rddesign/PPMManual/2014PPM.shtm

Florida Department of Transportation, FDOT Standard Specifications for Road and Bridge Construction, Section 580 Landscape Installation http://www.dot.state.fl.us/specificationsoffice/Maintenance/Jul14/Files/SS5800000.doc

http://www.dot.state.fl.us/specificationsoffice/Implemented/Workbooks/JulWorkbook2014 /Files/SP5800000FA.pdf

Florida Department of Transportation, Landscape Architecture Website www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook* <a href="http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm">http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm</a>

Florida Department of Transportation Outdoor Advertising Database <a href="http://www2.dot.state.fl.us/rightofway/">http://www2.dot.state.fl.us/rightofway/</a>

Florida Exotic Pest Plant Council Invasive Plant Lists <a href="http://www.fleppc.org/list/list.htm">http://www.fleppc.org/list/list.htm</a>

Florida Irrigation Society <a href="http://www.fisstate.org">http://www.fisstate.org</a>

Florida Power and Light (FPL), Plant the Right Tree in the Right Place <a href="http://www.fpl.com/residential/trees/right">http://www.fpl.com/residential/trees/right</a> tree right place.shtml

A Guide to Roadside Vegetation Management <a href="http://www.dot.state.fl.us/statemaintenanceoffice/DOT%20Final%20(3)Turf%20Management%20Guide%20UF.pdf">http://www.dot.state.fl.us/statemaintenanceoffice/DOT%20Final%20(3)Turf%20Management%20Guide%20UF.pdf</a>

Interlocking Concrete Pavement Institute (ICPI) <a href="http://www.icpi.org/">http://www.icpi.org/</a>

International Society of Arboriculture (ISA) <a href="https://www.isa-arbor.com">www.isa-arbor.com</a>

UF IFAS: Selecting Tropical and Subtropical Tree Species for Wind Resistance <a href="http://edis.ifas.ufl.edu/pdffiles/FR/FR17500.pdf">http://edis.ifas.ufl.edu/pdffiles/FR/FR17500.pdf</a>

UF IFAS: Fertilization of Field-grown and Landscape Palms in Florida http://edis.ifas.ufl.edu/ep261

U.S. Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices*<a href="http://www.mutcd.fhwa.dot.gov">http://www.mutcd.fhwa.dot.gov</a>