

**CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2016-12
TUESDAY, MARCH 22, 2016
6:00 P.M.**

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Asceleta Hammond, CMC,
City Clerk

INVOCATION

Elder Whitney Rawls
Christ Fellowship Church of God in
Christ

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, CMC
City Clerk

APPROVAL OF MINUTES

City Commission Meeting Minutes of
March 8, 2016

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.

PROCLAMATIONS & SPECIAL PRESENTATIONS Mayor Fisher

Guardian Ad Litem Program Day proclamation presented to Kasandra L. Phillips, Circuit Director of the Guardian Ad Litem Program.

A proclamation to be presented to Jason Leutzinger, Driver Engineer, on behalf of the City of Pompano Beach Firefighters for Pompano Beach Fire Fighters Appreciation Month sponsored by the Muscular Dystrophy Association. Jeanceece Washington, Fundraising Coordinator with the Muscular Dystrophy Association will make the presentation.

PROCLAMATIONS & SPECIAL PRESENTATIONS - continued

Water Conservation Month proclamation presented to A. Randolph Brown, Utilities Director for the City of Pompano Beach.

The Pompano Beach Historical Society will present a plaque to the City Commission that shows the local history register with names and locations.

State Senator Chris Smith and State Representative Gwyndolen “Gwyn” Clarke-Reed will be making a presentation on the FY 2016 State Legislative Session.

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, ESTABLISHING AND APPROVING A PROCEDURE FOR PARTICIPATION IN CITY COMMISSION MEETINGS BY ELECTRONIC MEDIA TECHNOLOGY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark E. Berman)

2. Approval of a budget adjustment appropriating funds from General Fund Working Capital Reserve to the Local Housing Trust Fund account in the amount of \$245,745.00.

(Staff Contact: Miriam Carrillo)

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 AMENDMENT TO THE HEALTH CARE AGENCY AFFILIATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CITY COLLEGE, INC.; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: John Jurgle)

CONSENT AGENDA

4. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM KENNY DAVIS CONTRACTING, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Beth Dubow/Robin M. Bird)

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 SERVICE AND LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PYROTECNICO FIREWORKS, INC. FOR A 4TH OF JULY FIREWORKS DISPLAY OFF THE CITY'S FISHING PIER; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$36,750)

(Staff Contact: Mark Beaudreau)

6. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABOLISHING THE BUDGET REVIEW COMMITTEE; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: Mark E. Berman)

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 A THIRD AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TLC ENGINEERING FOR ARCHITECTURE, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: John Sfiropoulos)

CONSENT AGENDA – CONTINUED

8. **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 THIRD AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLERS ELECTRICAL ENGINEERING, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE. (No cost at this time)

(Staff Contact: John Sfiropoulos)

9. **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 ADDENDUM TO THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY ENABLING THE CITY OF POMPANO BEACH TO RECEIVE A GRANT FOR THE PURCHASE OF MASS CASUALTY INCIDENT/ACTIVE SHOOTER EQUIPMENT AS PART OF THE STATE EMS COUNTY GRANT FUNDING; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

(Staff Contact: John Jurgle)

10. **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 CONSENT TO ASSIGNMENT AND FIRST EXTENSION OF VENDING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RIGHT CHOICE VENDING/COFFEE, LLC; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Estimated Commission \$5,166)

(Staff Contact: Mark Beaudreau)

11. Approval to purchase playground equipment and surfacing for the Public Works Department from Kompan, Inc., per the Mecklenburg County/U.S. Communities Contract #110171, at a total cost of \$72,363.52.

(Staff Contact: Robert A. McCaughan/Hal Beard)

CONSENT AGENDA – CONTINUED

12. **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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT, CONTRACT NO. 8410, BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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

13. **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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT, CONTRACT NO. 10420, BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$3,000 previously budgeted FY2016 Other Professional account)

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

14. **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 \$139,750.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MATHEWS CONSULTING, INC. FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: A. Randolph Brown)



15. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL TWENTY-SIX NUISANCE ABATEMENT LIENS IN THE APPROXIMATE AMOUNT OF \$9,667.66, WHICH REFLECTS THE CITY'S ORIGINAL EXPENDITURE OF \$5,620.56 AND ACCRUING INTEREST OF APPROXIMATELY \$4,047.10 UPON HABITAT FOR HUMANITY OF BROWARD, INC. TAKING TITLE TO THREE VACANT LOTS LOCATED AT 2808 NW 2ND STREET, 2812 NW 2ND STREET, AND 2900 NW 2ND STREET, POMPANO BEACH, FLORIDA, AND PAYMENT IN FULL OF THREE UNSAFE STRUCTURE LIENS TOTALING \$5,469.09; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Greg Harrison)

REGULAR AGENDA

16. Presentation of the City of Pompano Beach Comprehensive Annual Financial Report, Single Audit Reports and Management Letter for the Fiscal Year ended September 30, 2015 and the results of the annual audit by RSM US LLP, Independent Certified Public Accountants.

(Staff Contact: Suzette Sibble)

17. **P.H. 2016-55; ORD. NO. 2016-....: (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 SECOND 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 FIRST 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; (iii) A FIRST AMENDMENT TO PARCEL R2 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-R2, LLC; (iv) A FIRST AMENDMENT TO PARCEL R3 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-R3, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

REGULAR AGENDA - CONTINUED

18. **P.H. 2016-49; ORD. NO. 2016-....: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2305, “PUBLIC HEARING SCHEDULING AND NOTICE,” TO EXPAND THE TIME PERIOD FOR REQUIRED PUBLIC NOTICE OF PUBLIC HEARINGS ON ZONING RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MARCH 8, 2016

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

19. **P.H. 2016-50; ORD. NO. 2016-....: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4204., “INSTITUTIONAL: COMMUNICATION USES,” TO MODIFY SEPARATION AND SCREENING REQUIREMENTS FOR FREESTANDING TELECOMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MARCH 8, 2016

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

20. **P.H. 2016-51; ORD. NO. 2016-....: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4302, “GENERAL,” TO PROVIDE RESTRICTIONS FOR LOCATION OF ACCESSORY USES AND STRUCTURES NEAR DUNE VEGETATION LINES; BY AMENDING SECTION 155.4303., “STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES,” TO PROVIDE STANDARDS FOR UNCOVERED PORCHES, DECKS, PATIOS, TERRACES AND WALKWAYS ON PROPERTIES WHICH INCLUDE AREA SEAWARD OF DUNE VEGETATION LINES; BY CREATING SECTION 155.9301., “REAR PROPERTY LINE AS RELATED TO MEASUREMENTS,” TO PROVIDE MEASUREMENT AND BOUNDARY STANDARDS FOR PROPERTIES

REGULAR AGENDA - CONTINUED

20. **P.H. 2016-51; ORD. NO. 2016-...: (ORDINANCE 2ND READING) - CONTINUED**

ABUTTING THE BEACH; BY AMENDING SECTION 155.9401., “MEASUREMENT,” TO MODIFY REQUIREMENTS FOR MEASUREMENT OF LOT AREA AND LOT COVERAGE FOR PROPERTIES ABUTTING THE BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MARCH 8, 2016

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

21. **P.H. 2016-52; ORD. NO. 2016-...: (ORDINANCE 2ND 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 STANDARDS FOR OFF-STREET PARKING IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MARCH 8, 2016

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

22. **P.H. 2016-53; ORD. NO. 2016-...: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 33, “BOARDS AND COMMISSIONS,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, “NUISANCE ABATEMENT BOARD,” BY CHANGING THE TERMS AND CONDITIONS OF THE MEMBERSHIP OF THE BOARD; BY AUTHORIZING COUNSEL FROM THE CITY ATTORNEY’S OFFICE TO PRESENT ALL CASES BEFORE THE BOARD; BY AUTHORIZING ADDITIONAL MUNICIPAL VIOLATIONS TO BE CONSIDERED AS A PUBLIC NUISANCE; AND TO OTHERWISE CONFORM THE CITY’S ORDINANCE WITH CHANGES IN SECTION 893.138 FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark E. Berman/Tracy A. Lyons)

REGULAR AGENDA - CONTINUED

23. **P.H. 2016-54; ORD. NO. 2016-....: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BLUEWATER MOVEMENTS, INC. FOR THE POMPANO BEACH SALTWATER CIRCUIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,659.63 In-Kind Services 3 events/year (May, June, August))

(Staff Contact: Mark Beaudreau)

24. **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 ROADWAY TRANSFER AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH FOR THE TRANSFER OF SR 814/ATLANTIC BOULEVARD FROM EAST OF NW 6TH AVENUE TO SR A1A (EXCLUDING S.C. FOX MEMORIAL BRIDGE – BRIDGE ID 860157) AND SR 811/DIXIE HIGHWAY FROM NORTHERN LIMIT OF BRIDGE 860032 TO SR834/SAMPLE ROAD; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Greg Harrison)

25. Consideration of a budget transfer of \$142,000 from Working Capital Reserve to fund two (2) additional Landscape Inspectors and purchase two (2) vehicles. (Fiscal impact: \$142,000 for the remainder of the current fiscal year. Cost for FY 2017 will be approximately \$185,600)

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

REGULAR AGENDA - CONTINUED

26. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CARMEN JONES; SAID TERM TO EXPIRE ON FEBRUARY 1, 2017; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

Joseph A. Grisafi (Resident) – District 1
Amanda Hart (Designer) – District 1
Carol Romano (Resident) – District 1
Donna Russo (Art Teacher) – District 1
Stephen Schorr (Attorney/Art Collector) – District 1
Edith Kappler (Resident) – District 2
Dahlia Baker (Program Assistant) – District 3
John Coté (Artist) – District 3
Michelle R. Coté (Bookkeeper) – District 3
Patricia Knight (Art Teacher) – District 3
Tyler Townsend (Museum/Collector) – District 3
David Baumwald (Remodeling) – District 4
Marie Goodrum Johnson (Educator) – District 4
Karen Leventhal (Writer) – District 5
David Miller (Graphic Artist) – District 5
Shellie Morrison (Business Owner) – District 5
Chérie Saleeby (Artist) – District 5
Ellen Schefler (Furniture Designer) – District 5
Agata Mosery (Designer) – Boca Raton

(Staff Contact: Asceletta Hammond)



REGULAR AGENDA - CONTINUED

27. **RES. NO. 2016-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE #2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON APRIL 4, 2019; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

Ray Lubomski – Incumbent/Alternate #2 – District 3

George E. Longobardi – District 1

John F. Neff – District 1

Raymond Nies – District 1

Amalia Papadimitriou – District 1

Charles H. Bechert, III – District 3

Daniel Horak – District 3

David Baumwald – District 4

Emma Ellington – District 4

Carmen Jones – District 4

Marcus A. McDougale – District 4

Andy Cherenfant – District 5

Linda H. Jones – District 5

(Staff Contact: Asceleta Hammond)



28. Consideration for choosing a director, alternate and second alternate to attend and vote at any Board of Directors or General Membership meeting of the Broward League of Cities meetings where he/she represents his/her municipality.

(Staff Contact: Dennis W. Beach)

EXECUTIVE SESSION

29. Advice concerning litigation in relation to settlement matters and/or strategy sessions.

Rocket Outdoor Advertising, LLC v. City of Pompano Beach, Florida; United States District Court Case No. 15-CV-62292-Huck/Otazo-Reyes

Those in attendance will be the City Commission members; Dennis W. Beach, the City Manager, Mark E. Berman, Esquire, the City Attorney; and Michael T. Burke, Esquire, of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

TIME CERTAIN: 7:30 P.M.

(Staff Contact: Mark E. Berman)

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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