

# **City of Pompano Beach**

**City Commission Meeting  
Commission Chamber**

*100 West Atlantic Blvd.  
Pompano Beach, FL 33060*



## **Agenda**

**Tuesday, November 13, 2018**

**6:00 PM**

### **City Commission**

*Charlotte J. Burrie, Acting Mayor*

*Rex Hardin, Commissioner*

*Barry Moss, Commissioner*

*Beverly Perkins, Commissioner*

*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceletha Hammond, City Clerk*

## **GOVERNMENT IN THE SUNSHINE**

The State of Florida pioneered the concept of "Government in the Sunshine," and, accordingly, all meetings of the Pompano Beach City Commission – except those to discuss labor negotiations are public. The Commission welcomes the involvement and participation of the citizens.

## **PROCEDURE**

The City Commission has adopted Robert's Rules of Order, Newly Revised.

## **CITY COMMISSION MEETING TIMES**

The City Commission meets two (2) times a month:

Second Tuesday of the month: City Commission Meeting – 6:00 p.m.

Fourth Tuesday of the month: City Commission Meeting – 6:00 p.m.

## **ADDRESSING THE CITY COMMISSION**

"Audience To Be Heard" is scheduled for a thirty (30) minute period at the beginning of the 6:00 p.m. City Commission Meeting, and will be continued to the end of the meeting for those speakers who were not heard during the initial thirty-minute period. All persons interested in speaking during "Audience To Be Heard" must fill out and submit a request form to the City Clerk prior to the call of order of the meeting. Speakers will be limited to three minutes to speak on any matter, which is NOT on the Regular Agenda, or removed from the Consent Agenda, and are requested to approach the podium and state his/her name and address and, if appropriate, the organization they represent, for the record. A request form can be found on the last page of the Agenda program.

## **HEARING IMPAIRED**

If you require the services of a Sign Interpreter, please notify the City Manager's Office 24 hours in advance.

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**NOTE:** Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**CALL TO ORDER**

*The Honorable Charlotte Burrie  
Acting Mayor, Presiding*

**ROLL CALL**

*Asceleta Hammond, City Clerk*

**INVOCATION**

*Rev. Dr. Greg Fitch  
Psychology and Hospital Chaplain*

**PLEDGE OF ALLEGIANCE**

*Led by Asceleta Hammond, City Clerk*

**APPROVAL OF MINUTES**

**19-75** Regular City Commission Meeting Minutes of October 23, 2018

**APPROVAL OF 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.

**A. SPECIAL PRESENTATION**

**19-72** **Recognition to Vice Mayor/Commissioner Charlotte Burrie**


On behalf of the City Commission, City Manager Greg Harrison will make a special presentation to Vice Mayor/Commissioner Charlotte Burrie for her years of service on the City Commission.

**B. 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.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

**C. CONSENT AGENDA**

1. **18-627** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE FINAL ARTWORK DESIGN AND INSTALLATION LOCATION BY ARTIST YA LAFORD FINE ART, LLC FOR THE COLLIER CITY ARTIST RESIDENCE PROGRAM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$30,000)  
 **Strategic Plan Initiative**  
(Staff Contact: Laura Atria/Phyllis Korab)
2. **18-658** Approve ranking order for (RFQ) P-33-18, Planning and Design Services for the Dixie Highway Streetscape Improvement Project and authorize staff to negotiate a contract with the highest ranked firm, Kimley-Horn and Associates (no cost at this time).  
(Fiscal Impact: N/A)  
**G.O. POMPANO!**  
(Staff Contact: Horacio Danovich)
3. **19-07** Approve ranking order and short-list for RLI P-32-18, Design/Build Services for Fire Stations 52, 61 and 114 (Step 1), with the short-listed firms: West Construction, Inc., Kaufman Lynn Construction, Inc., and DiPompeo Construction, Corp. to be solicited for Step 2.  
(Fiscal Impact: N/A)  
**G.O. POMPANO!**  
(Staff Contact: Horacio Danovich)

4. **19-76** Approve ranking of RFQ P-50-18 Planning and Design Services for Seven Park Facility Improvement Projects with the following firms, Keith & Associates, Bermell Ajamil & Partners, Inc., and Walters Zackria Associates to establish a contract.

(Fiscal Impact: N/A)

**G.O. POMPANO!**

(Staff Contact: Horacio Danovich)

5. **19-62** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY LOCATED AT 124 S. DIXIE HIGHWAY FROM JAMES A. CROSSER AND PAMELA G. LAMONT TO THE CITY OF POMPANO BEACH IN EXCHANGE FOR THE RELEASE OF MUNICIPAL LIENS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

6. **19-65** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN PROGRAM FOR DRINKING WATER; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF WATER AND SEWER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$342,300, plus interest from Water Utility fees (approximately \$17k annually))

(Staff Contact: A. Randolph Brown/Shana Coombs)

7. **19-60** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH, BROWARD SHERIFF'S OFFICE AND THE OTHER PARTICIPATING AGENCIES, AND A SUBRECIPIENT AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH, RELATING TO PARTICIPATION IN THE 2017 EDWARD BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$63,678.00)

**(Staff Contact:** Andrew Jean-Pierre)

8. **18-642** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SIGHT VISIBILITY EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JOHN RAPP AND CANDYCE RAPP; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Maggie Barszewski/David Recor)

**D. REGULAR AGENDA****QUASI-JUDICIAL PROCEEDING**

9. 18-640

**P.H. 2019-15: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THE RIGHT-OF-WAY LOCATED ON A PORTION OF LOT 1, BLOCK 10 OF HARBOR VILLAGE SECTION "C" ACCORDING TO PLAT BOOK 33, PAGE 47 (AKA 2600 NE 5th STREET); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

10. 19-59

**P.H. 2019-14: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE ABANDONING A CERTAIN PORTION OF THE RIGHTS-OF-WAY OF NW 7TH WAY, NW 16TH LANE (ALSO REFERRED TO AS NW 16TH PLACE), NW 16TH COURT, NW 7TH AVENUE, AND NW 5TH AVENUE LYING SOUTH OF NW 17TH STREET AND SITUATED ON BOTH THE EAST AND WEST SIDES OF NW 6TH AVENUE, BETWEEN NW 7TH WAY AND NW 5TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

**END OF QUASI-JUDICIAL PROCEEDING**

11. 19-61

A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN NATIONAL RETAIL PROPERTIES LP AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 2671 N. FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,800,000)



**Strategic Plan Initiative**

(Staff Contact: Cassandra LeMasurier)

12. **19-66** A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN CUMM PARTNERS, INC. AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 1207 E. ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500,000)

**(Staff Contact:** Cassandra LeMasurier)

13. **19-57** Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2018.

(Fiscal Impact: \$1,215,048)

**(Staff Contact:** Erjeta Diamanti)

14. **19-64** Approval to Award P-28-18 Water Treatment Plant Transfer Station Rehabilitation to the lowest responsive responsible bidder, All Florida Contracting Services , LLC., at a cost of \$2,478,543.00

(Fiscal Impact: \$2,478,543.00)

**(Staff Contact:** Tammy Good/Phil Hyer)

15. **18-621** **P.H. 2019-07: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE 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 TELE-VAC SOUTH INCORPORATED FOR INSPECTION AND CLEANING OF STORM WATER SYSTEMS AND UTILITIES JET-VAC ON CALL SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$250,000)

**FIRST READING: OCTOBER 23, 2018**

**(Staff Contact:** A. Randolph Brown/Kerone Grant)



## 16. 19-55

**P.H. 2019-09: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO MODIFY SPECIFIC PROHIBITED USES; BY AMENDING SECTION 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES; BY AMENDING SECTION 155.4215., "COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES," TO MODIFY CERTAIN ADDITIONAL PERMITTED USES; BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES AND ESTABLISH STANDARDS FOR SAME; BY AMENDING SECTION 155.4227., "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," TO MODIFY CERTAIN PERMITTED USES; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE TO CONFORM WITH MODIFICATIONS MADE FOR PERMITTED USES IN VARIOUS ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 23, 2018**

**(Staff Contact: Daniel Keester-O'Mills/David Recor)**

## 17. 18-533

**P.H. 2019-11: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.60, "DEFINITIONS," TO CORRECT DEFINITIONS FOR SAID CHAPTER; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY THE AUTHORIZED ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.73, "CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS," TO UPDATE PROCEDURES AND REQUIREMENTS FOR APPLICATIONS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY LEVEL OF SERVICE AND FEE REQUIREMENTS FOR NEW DEVELOPMENT; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO CLARIFY THE REQUIREMENTS FOR CERTAIN PROJECTS; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING 155.2101., "SUMMARY TABLE," TO CORRECT TERMINOLOGY; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY AND PROVIDE ADDITIONAL SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2425., "CONCURRENCY REVIEW CERTIFICATE," TO CORRECT TERMINOLOGY AND CLARIFY GENERAL REQUIREMENTS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 155.2426., "REALLOCATION OF FLEXIBILITY OR RESERVE UNITS," TO CORRECT REQUIREMENTS FOR FLEXIBILITY UNITS AND DELETE REFERENCES TO RESERVE HOUSING UNITS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PURPOSE OF AND STANDARDS FOR THE AOD; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CORRECT STANDARDS FOR AUTOMOTIVE PART SALES BUSINESSES THAT DO NOT PROVIDE INSTALLATION OF SAID PARTS; BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

## 18. 18-659

**P.H. 2019-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.20, "GENERAL," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 152.24, "PERMITS," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.26, "INSPECTIONS," TO MODIFY THE TIME FOR SUBMISSION OF CERTIFICATES OF ELEVATION; BY AMENDING SECTION 152.27, "VARIANCES," TO CREATE ADDITIONAL STANDARDS FOR VARIANCE APPROVAL; BY AMENDING SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," TO PROVIDE ADDITIONAL ALTERNATIVE CRITERIA FOR CRITICAL FACILITIES BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

## 19. 19-03

**P.H. 2019-12: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.08, "COMPREHENSIVE PLAN AMENDMENTS," TO PROVIDE CONSISTENCY FOR COMPREHENSIVE PLAN AMENDMENT ADVERTISING REQUIREMENTS AND TO MODIFY NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: (David Recor/Jean Dolan)

20. 19-73

**P.H. 2019-17: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," BY ELIMINATING ANNUAL RATE CHARGES BY AND THROUGH AN ORDINANCE; PROVIDING FOR LISTING OF CURRENT WASTE HAULING AND DISPOSAL RATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchem)

21. 19-70

**P.H. 2019-16: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,319,965.00, which was previously approved in FY 2019 departmental budgets)

(Staff Contact: Bobby Bush/Ed Beecher)

**E. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**F ADJOURNMENT**

**BALANCE IN CONTINGENCY**

Oct. 1, 2018	Beginning Balance	\$10,000.00
	Total:	\$10,000.00

**CITY OF POMPANO BEACH, FLORIDA  
AUDIENCE TO BE HEARD  
REQUEST FORM**

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

**EACH SPEAKER IS LIMITED TO THREE (3) MINUTES**

SUBJECT YOU DESIRE TO SPEAK ON:

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**NOTE:** THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK PRIOR TO THE CALL TO ORDER OF THE MEETING. THE CITY CLERK WILL CALL RESIDENTS AND/OR TAXPAYERS, TO INCLUDE AUTHORIZED REPRESENTATIVES FOR PERSONS PERMITTED TO BE HEARD, AS WELL AS EMPLOYEES OF THE CITY TO SPEAK FIRST. OTHERS DESIRING TO SPEAK WILL THEREAFTER BE CALLED TO SPEAK, EXCEPT WHEN THE PERSON IS A USER OF THE CITY'S WATER OR SEWER SYSTEM AND WISHES TO BE HEARD ON A MATTER RELATED TO THE CITY'S WATER AND/OR SEWER SYSTEM.