

# **City of Pompano Beach**

## **City Commission Meeting**

### **Commission Chambers**

*100 West Atlantic Blvd.*

*Pompano Beach, FL 33060*



## **Agenda**

**Tuesday, July 26, 2016**

**6:00 PM**

### **City Commission**

*Lamar Fisher, Mayor*

*Charlotte J. Burrie, Vice Mayor*

*Barry Dockswell, Commissioner*

*Rex Hardin, Commissioner*

*Ed Phillips, Commissioner*

*Barry Moss, Commissioner*

*Dennis W. Beach, City Manager*

*Mark Berman, City Attorney*

*Asceletha Hammond, City Clerk*

**CALL TO ORDER**

*The Honorable Lamar Fisher  
Mayor, Presiding*

**ROLL CALL**

*Asceleta Hammond, City Clerk*

**INVOCATION**

*Rabbi Tzvi Dechter  
Chabad of North Broward Beaches*

**PLEDGE OF ALLEGIANCE**

*Led by Asceleta Hammond, City Clerk*

**APPROVAL OF MINUTES**

[16-46](#)

City Commission Meeting Minutes of July 12, 2016

**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**

*Mayor Fisher*

2016 BLANCHE ELY SCHOLARSHIP PROGRAM

**B. PROCLAMATIONS***Mayor Fisher*

Mayor Fisher presented a Proclamation to Ms. Sydney Blackburn in honor of her accomplishments in the sports arena.

**C. AUDIENCE TO BE HEARD**

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.

**D. CONSENT AGENDA**1. [16-12](#)

Approval to award Bid #L-43-16 Carbon Dioxide, Liquid, Bulk Delivery (Co-operative Bid) to the sole responsive, responsible bidder Airgas USA, LLC to establish an annual contract. The estimated annual cost to the City for carbon dioxide is \$112,250.00. (Fiscal Impact: 112,250.00)

**Summary Explanation/Background:**

Bid L-43-16 was issued to establish an annual contract for the purchase of carbon dioxide for the Water Treatment Plant to be ordered as needed. The bid includes carbon dioxide, liquid, bulk delivered. The City of Pompano Beach issued this bid as the lead agency for the South Florida Governmental Purchasing Cooperative, on behalf of the City and five other governmental agencies. Bid award is recommended to the sole responsive, responsible bidder Airgas USA, LLC at the unit prices bid. Based upon the prices bid, and the City’s portion of the estimated contract usage, annual expenditures for carbon dioxide could total \$112,250.00. The contract period is one year, commencing September 10, 2016, with contract renewals possible as stated in the bid specifications. City Commission approval of this contract award is requested.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** As needed, from budgeted funds in account 412-3320-533.52-05 Operating Supplies / Chemical / Horticultural

**(Staff Contact:** A. Randolph Brown)

2.     [16-13](#)     Approval to award Bid #E-36-16, Repainting of Water Treatment Plant Storage Tanks to the lowest responsive, responsible bidder, J & J Inc. d/b/a Eagle Painting, in the amount of \$ 70,410.00. (Fiscal Impact: 70,410.00)

Summary Explanation/Background:

Bid E-36-16 was issued for the Utilities Department to establish a contract for the repainting of the Water Storage Tanks at the Pompano Beach Water Treatment and Reuse Water Treatment Plants. The work consists of furnishing all labor, equipment, tools, and materials for the repainting of the four million-gallon and two million-gallon storage tanks at the Reuse Water Treatment Plant, and both five million-gallon storage tanks at the Water Treatment Plant. The Bid award is recommended to the lowest responsive, responsible bidder, J & J Inc. d/b/a Eagle Painting, in the amount of \$70,410.00. The General Services Department performed outreach to local painting contractors to inform them about this project. A total of eighteen (18) local companies were notified. City Commission approval of the contract award is requested.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** \$42,905.00 from budgeted funds in account 420-7534-533.65-12/ Utility R&R Fund, CIP 15-256/WTP Facility Painting, and \$27,505.00 from budgeted funds in account 420-7568-533.65-12

**(Staff Contact:** A. Randolph Brown)

3. [16-14](#) Approve ranking order for RFP L-51-16 Repairs and Calibration of Flow Meters and Related Devices and authorize staff to negotiate a contract with the highest ranked firm P.C. Controls, Inc. (Fiscal Impact: (No cost at this time.)

**Summary Explanation/Background:**

RFP L-51-16 was issued to obtain responses from firms to provide professional services to the City for the repair and calibration of flow meters and related devices for the City of Pompano Beach Utilities Department. City Commission approval of the ranking order presented by the Selection/Evaluation Committee is requested and authorization is requested for appropriate City staff to negotiate a contract with the highest ranked firm, P.C. Controls, Inc. Further authorization is requested to continue with the succeeding ranked firms should an impasse occur in the negotiations with the recommended firm.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** No cost at this time.

**(Staff Contact:** A. Randolph Brown)

4. [16-15](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FORMAL COMPETITIVE BIDS FOR THE PURCHASE OF MAINTENANCE IMPROVEMENTS FOR THE WELLS AND SCADA SYSTEM FROM DATA FLOW SYSTEMS, INC. IN THE SUM OF \$87,864.00; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: 87,864.00.)

**Summary Explanation/Background:**

At the request of the Utilities Department, the City seeks to purchase maintenance improvements for the wells and SCADA system from Data Flow Systems, Inc., the manufacturer and sole authorized distributor/dealer and service and repair provider for the TAC II SCADA Telemetry system used by the City. City Commission approval of the Resolution waiving bids is requested.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** \$87,864.00 from budgeted funds in accounts 420-7264-533.65-11 & 412-3320-533.64-40 Budgeted Capital Outlay Water Plant Maintenance CIP #05-886

**(Staff Contact:** A. Randolph Brown)

5.     [16-17](#)     Approve ranking order for RFP L-50-16 Independent Auditing Services, and authorize staff to negotiate a contract with the highest ranked firm RSM US LLP.  
(Fiscal Impact: No cost at this time.)

**TABLED FROM JULY 26, 2016**

**Summary Explanation/Background:**

RFP L-50-16 was issued to obtain responses from professional firms to provide independent auditing services to the City to prepare the annual audit of financial statements. City Commission approval of the ranking order presented by the Audit Selection/Evaluation Committee is requested, and authorization is requested for appropriate City staff to negotiate contracts with the highest ranked firm, RSM US LLP. Further authorization is requested to continue with the succeeding ranked firms should an impasse occur in the negotiations with the recommended firm. This solicitation was assigned a voluntary 15% Local Business participation goal and a 15% Small Business Enterprise (SBE) participation goal; the highest ranked proposer has indicated no Local Business participation and 15% SBE participation.

This item was tabled at the July 26, 2016 City Commission meeting at the request of the City Commission pending the review of the minutes transcripts for the July 2011 City Commission meeting, to be provided to the Commission by the City Clerk's Office. Please refer to Finance Department memo #16-140 for further discussion and Attachment 1 to said memo for a copy of the minutes transcripts.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** No cost at this time.

**(Staff Contact:** Suzette Sibble)

6.     [16-21](#)     Approval to award Bid #E-39-16, Repainting of Sulfuric Acid Storage Tanks to the sole responsive, responsible bidder, Southland Painting, Corp., in the amount of \$ 130,410.00. (Fiscal Impact: \$ 130,410.00)

Summary Explanation/Background:

Bid E-39-16 was issued for the Utilities Department to establish a contract for the repainting of three sulfuric acid storage tanks at the Water Treatment Plant. The work consists of furnishing all labor, equipment, tools, and materials for interior and exterior remediation and coating of sulfuric acid bulk tanks 1, 2, and 3 located at the Pompano Beach Water Treatment Plant. The Bid award is recommended to the sole responsive, responsible bidder, Southland Painting, Corp., in the amount of \$130,410.00. The General Services Department performed outreach to local painting contractors to inform them about this project. A total of eighteen (18) local companies were notified. City Commission approval of the contract award is requested.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** \$130,410.00 from budgeted funds in account 420-7534-533.65-12/ Utility R&R Fund, CIP 15-256/Water Treatment Plant Facility Painting

**(Staff Contact:** A. Randolph Brown)

7. [16-42](#)

Approval to award Bid #E-34-16, Sample Road Beautification to the sole responsive, responsible bidder, Landscape Service Professionals, Inc., in the amount of \$ 381,365.71. (Fiscal Impact: \$ 381,365.71)

**Summary Explanation/Background:**

Bid E-34-16 was issued for the Public Works Department to establish a contract for furnishing all labor, equipment, tools, and materials for the installation of irrigation, and replacement of sod, trees, and shrubs. The project location is S.R. 834 / Sample Road - from Military Trail to U. S. 1, in Pompano Beach. The Bid award is recommended to the sole responsive, responsible bidder, Landscape Service Professionals, Inc., in the amount of \$381,365.71. General Services Department performed outreach to local landscape enhancement contractors to inform them about this project. A total of eight (8) local companies were notified. This solicitation was assigned a voluntary 10% Local Business participation goal and a 10% Small Business Enterprise (SBE) participation goal; the sole responsive responsible bidder has indicated 0% Local Business participation and 0% SBE participation. City Commission approval of the contract award is requested.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** \$381,365.71 from budgeted funds in account 302-7500-530.65-12/ Capital Project Fund, CIP 14-222/Enhance FDOT Landscaping

**(Staff Contact:** Robert McCaughan)



8.     [16-27](#)     Approve ranking order for RFP E-22-16 Chemical Building Elevator Modernization, and authorize staff to negotiate and enter into a contract with the highest-ranked firm, Maverick United Elevator, Inc. (Fiscal Impact: No cost at this time.)

Summary Explanation/Background:

RFP E-22-16 was issued to establish a contract to modernize the elevator in the chemical building at the Pompano Beach Water Treatment Plant. The scope of work includes replacing all needed infrastructure such as pumps, motors, valves, controllers, etc., as needed to modernize the lime elevator to industry standards. City Commission approval of the ranking order presented by the Selection/Evaluation Committee is requested, and authorization is requested for appropriate City staff to negotiate and enter into a contract with the highest-ranked firm, Maverick United Elevator, Inc. Further authorization is requested to negotiate and enter into a contract with the succeeding ranked firm should an impasse occur in the negotiations with the recommended firm. The General Services Department performed outreach to local elevator installation and repair companies to inform them about this project. A total of three (3) local companies were notified.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** No cost at this time. 420-7264-533.65-11/05886/Capital Projects/Water Treatment Plant Maintenance

(Staff Contact: A. Randolph Brown)

9. [16-23](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY METEVIA TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER TO FILL THE UNEXPIRED TERM OF KENNETH KOCH; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

A Resolution to appoint Whitney Metevia to the Charter Amendment Advisory Board as appointee of Mayor Lamar Fisher to fill the unexpired term of Kenneth Koch; said term to coincide with the term of the appointing Mayor.

**Origin of request for this action:** City Clerk's Office

**Fiscal impact and source of funding:** None

**(Staff Contact:** Asceleta Hammond)

10. [16-04](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BRIAN RENDA TO PAINT A MURAL ENTITLED WORLD PEACE, ON AN EXTERIOR WALL OF A BUILDING LOCATED AT 31 NE 1ST STREET IN THE ALLEY BEHIND THE BAILEY CONTEMPORARY ARTS BUILDING; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$230)

Summary Explanation/Background:

In accordance with Section § 160.04 POWERS AND DUTIES OF THE COMMITTEE, the Public Art Committee has the power to make recommendations to the City Commission on art and artist selection. At the May 19th, 2016 Public Art Committee meeting, the Committee voted to purchase Brian Renda's "Renda Writer" World Peace Mural. At the September 21st 2015 City Commission meeting, the Commission approved the FY 2016 Public Art Annual Plan, which included a \$10,000 Contingency / Opportunity Fund. The Public Art Committee recommended \$230 of the Contingency / Opportunity line item to be used to purchase the artwork. The location will be on an exterior wall located at 31 NE 1st Street, in the alley behind the Bailey Contemporary Arts Building.

City Commission approval of the selected mural, World Peace, is requested, as well as authorization to pay \$230 to Brian Renda.

This is a companion agenda item to the License Agreement, with the property owner, T E P M, Inc.

**Origin of request for this action:** Public Art Committee

**Fiscal impact and source of funding:** \$230 from the previously approved FY 2016 Public Art Fund/ Contingency Account 315-1510-539.99-10

**(Staff Contact:** Laura Atria/Robin Bird)

11. [16-05](#)

A RESOLUTION 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 T E P M, INC. FOR THE USE OF THE BACK EXTERIOR WALL OF THE BUILDING LOCATED AT 31 NE 1ST STREET FOR THE PAINTING OF A MURAL ENTITLED, "WORLD PEACE"; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$10)

Summary Explanation/Background:

In accordance with Section § 160.04 POWERS AND DUTIES OF THE COMMITTEE, the Public Art Committee has the power to make recommendations to the City Commission on art, artist selection, and location selection. At the May 19th, 2016 Public Art Committee meeting, the Committee voted to purchase Brian Renda's "Renda Writer" World Peace Mural. The mural will be installed at 31 NE 1st St., Pompano Beach, FL which is owned by T E P M, Inc.

This agenda item is to enter into a license agreement with T E P M, Inc. This license agreement will allow the City to place the Mural onto the building's wall for a fee of \$10. The Mural must stay on the wall for a period of at least one year.

This is a companion agenda item to the agreement with the artist, Brian Renda.

City Commission approval of a license agreement on the selected mural location, 31 NE 1st St. is requested.

**Origin of request for this action:** Public Art Committee

**Fiscal impact and source of funding:** \$10 from the previously budgeted Contingency Account #315-1510-539.99-10

**(Staff Contact:** Laura Atria/Robin Bird)

12. [16-07](#) A RESOLUTION OF THE CITY OF POMPANO BEACH AMENDING SECTION 2 OF POMPANO BEACH RESOLUTION NO. 96-130 REGARDING THE AUTHORITY OF THE CITY MANAGER TO TRANSFER FUNDS IN THE BUDGET OF THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE (Fiscal Impact: N/A)

Summary Explanation/Background:

This amendment clarifies that funds can be transferred between any line items of any division and between departments of the same fund.

**Origin of request for this action:** Click here to enter origin of request text.

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Erjeta Diamanti/Brian Donovan)

13. [16-20](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEM AND FIRE DAMPERS AT THE PUBLIC SAFETY COMPLEX COMMUNICATION ROOM BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$48,636.48)

Summary Explanation/Background:

The existing Public Safety Building does not meet the minimum fire safety requirements based on current NFPA code as it relates to the fire sprinkler system. This agreement is supplemental to the original scope approved on February 10, 2015, and is a result of building department plan review comments, which involved a combination of not meeting minimum code requirements as currently designed, as well as changes in the code. The scope as part of this agreement consists of the following:

protecting under raised floor (old 911 room) with fire suppression system

installation of wet system in areas protected by suppression/clean agent (data center)

installation of fire dampers in clean agent protected areas

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** 07-930, budget adjustment attached, \$48,636.48

**(Staff Contact:** Horacio Danovich/Tammy Good)

14. [16-25](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN ASSIGNMENT OF THE REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ALEXIS RHODE ISLAND, LLC TO FRANKIE & VIENNA, LLC; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

In 2013, many property owners in the Harbor Village Shoppes participated in the CRA's incentive programs to renovate the facades of their existing buildings and construct an arcade structure over City sidewalk and attached to their buildings. These arcade structures provided covered sidewalk café areas that promoted additional pedestrian activity. As part of the process to build the arcade structures, each property owner had to enter into a Revocable License Agreement with the City of Pompano Beach. Alexis Rhode Island, LLC was one of those property owners, however this company recently accepted an offer from Frankie & Vienna, LLC to purchase their building. The Assignment in this agenda item is needed for the new property owner to continue utilizing the arcade structure for outdoor dining.

**Origin of request for this action:** Alexis Rhode Island, LLC

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Adriane Esteban/Robin Bird)

15. [16-26](#)

A RESOLUTION 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 THE NORTH POMPANO STEELERS BOOSTER CLUB INC. TO OPERATE THE CONCESSION STAND AT NORTH POMPANO PARK DURING THE FOOTBALL SEASON; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

This is a license agreement for the North Pompano Steelers Booster Club to supervise and operate the concession stand at North Pompano Park during the football season to raise funds to benefit the Steelers Football and Cheerleading Programs being held at North Pompano Park.

**Origin of request for this action:** Parks, Recreation and Cultural Arts Department

**Fiscal impact and source of funding:** None

**(Staff Contact:** Mark Beaudreau)



16. [16-39](#)

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. 3 FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$57,895.00 RELATED TO THE IMPROVEMENTS TO DR. MARTIN LUTHER, KING, JR. BLVD., PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KEITH AND ASSOCIATES, INC. FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$57,895.00)

**Summary Explanation/Background:**

Staff is seeking City Commission approval of a Resolution to execute Work Authorization No. 3 with Keith and Associates, Inc. ("KA") in the sum of \$57,895.00. KA will assist with design modifications to the medians on MLK Boulevard between Powerline Road and NW 31 Avenue. The modifications are necessary due to Broward County Traffic Engineering comments. In addition, KA will assist with necessary services in support of the design of a traffic signal at the intersection of NW 27 Avenue and MLK Boulevard. Staff recommends approval.

**Origin of request for this action:** City Commission

**Fiscal impact and source of funding:** \$57,895.00 - Fund Balance - General Funds

**(Staff Contact:** Horacio Danovich/Dennis W. Beach)

17. [16-40](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY RELATING TO THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF DR. MARTIN LUTHER KING, JR. BOULEVARD AND NW 27TH AVENUE; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$90,000.00)

Summary Explanation/Background:

Staff is seeking City Commission approval of a Resolution to enter into an Interlocal Agreement between the City and the Pompano Beach CRA. This agreement will allow the City to reimburse the CRA for services rendered by Calvin, Giordano and Associates, Inc. pertaining to the design of a new traffic signal at the intersection of MLK Boulevard and NW 27 Avenue. Staff recommends approval.

**Origin of request for this action:** City Commission

**Fiscal impact and source of funding:** \$90,000.00 - Fund Balance - General Fund

**(Staff Contact:** Horacio Danovich/Dennis W. Beach)

**E. REGULAR AGENDA**

**QUASI-JUDICIAL PROCEEDING**

18. [16-18](#)

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 ALPHA 250 NORTH PLAT; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

The applicant, Michael Gai, of Sun-Tech Engineering, Inc. on behalf of IDI Gazeley, wishes to amend the note on the Alpha 250 North Plat for the purpose of amending the Non-Vehicular Access Line(s) along Blount Road, to allow for a 40-foot right-out-only access opening with the centerline located approximately 519 linear feet south of the north plat limits. A Site Plan was approved by the Planning & Zoning Board on April 27, 2016. Staff has no objections to the changes.

**Origin of request for this action:** Michael Gai, of Sun-Tech Engineering, Inc.

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Maggie Barszewski/Robin Bird)

19. [16-30](#)

P.H. 2016-77: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO UTILITY EASEMENTS LYING ON A PARCEL LOCATED ALONG DR. MARTIN LUTHER KING, JR. BOULEVARD EAST OF NW 6TH AVENUE AND SOUTH OF NW 4TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Francisco Rojo, on behalf of City Vista Associates, LLC

**Fiscal impact and source of funding:** N/A

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

20. [16-31](#)

P.H. 2016-78: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT UTILITY EASEMENT LYING EAST OF NORTHWEST 31ST AVENUE AND NORTH OF NW 8TH STREET ALONG THE SOUTHERN PERIMETER OF THE FLOWERS DISTRIBUTION CENTER PLAT, TRACT "A", AND COMMONLY KNOWN AS 930 NW 31st AVENUE; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** John Glorieux of 1 Three 453, LLC

**Fiscal impact and source of funding:** N/A

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

21. [16-43](#)

P.H. 2016-37: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTHEAST OF THE I-95 NORTH-BOUND COPANS ROAD EXIT RAMP AND NORTH OF NW 21ST COURT, ADJACENT TO AND PART OF WHAT IS COMMONLY KNOWN AS 350 WEST COPANS ROAD FROM RS-4 (SINGLE-FAMILY RESIDENCE) AND B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 26, 2016

TABLED FROM MAY 10, 2016

Summary Explanation/Background:

This item was tabled from May 10, 2016 Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Linda C. Strutt Consulting, Inc. on behalf of AN Imports of Ft. L., Inc.

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Robin Bird/Maggie Barszewski)

**END OF QUASI-JUDICIAL PROCEEDING**

22. [16-32](#)

P.H. 2016-84: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

## Summary Explanation/Background:

The Applicant is proposing a change in the land use designation of the 8.9 gross-acre property located north of NE 14th Street, south of NE 17th Street on the east side of Federal Hwy. The property has Commercial (C), a Medium High (MH) and a Low Medium (LM) Future Land Use designations. The property straddles the base of a canal and currently includes a marina, a boat yard and vacant property. The Applicant is requesting a change in land use to Mixed Use Residential (MUR). In this small scale land use plan amendment the Applicant is proposing a maximum of 343 Dwelling Units and 650,000 total square feet. Of the total square footage, 10% (65,000 sq. ft.) is set aside for Commercial Use. This request is less than the maximums allowed via the MUR High land use category. The Applicant has provided a draft Voluntary Declaration of Restrictive Covenants (attached) restricting development to such maximums. Furthermore, in order to accommodate a comment from the Planning and Zoning Board when it was first heard last January, the applicant included in the Covenant "At least 10,000 sq. ft. of commercial space will be vertically integrated with multi-family residential uses in any mixed-use development plan for the property." The Covenant also includes other restrictions concerning design guidelines for compatibility with adjacent properties and pedestrian access to the waterway. The Planning & Zoning Board unanimously recommended approval of this amendment on May 25, 2016, with four conditions, three of which had to be met prior to placement on the Commission agenda (which has been done). The fourth condition was to have an executed Covenant prior to second reading, in case Broward County requires additional stipulations.

**Origin of request for this action:** Graham Penn

**Fiscal impact and source of funding:** N/A

(**Staff Contact:** Maggie Barszewski/ Robin Bird)

23. [16-44](#)

Approval to award Bid L-24-16, Cured-In-Place Pipe Rehabilitation, Annual Contract to the responsive, responsible bidder Insituform Technologies LLC, at an estimated cost of \$3,715,647.80 over the (3) three year term of the contract.

TABLED FROM MAY 24, 2016

Summary Explanation/Background:

Please note this item was tabled from the May 24, 2016 City Commission Meeting. Also, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** As needed from budgeted funds in account 420-7248-535.65-12/CIP 04-870 Reline Gravity Wastewater Mains.

(**Staff Contact:** A. Randolph Brown)



24. [16-33](#)

P.H. 2016-75: (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 AN AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$571,725)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Staff initiated

**Fiscal impact and source of funding:** \$571,725- Account #001-9910599-31-60-OtherProfessional Services

**(Staff Contact:** Mark Beaudreau)

25. [16-34](#)

P.H. 2016-79: (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 FIRST AMENDMENT TO THE AGREEMENT FOR PARKING MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. TO EXTEND CURRENT SERVICES TO PROVIDE FOR MANAGEMENT OF THE PARKING GARAGE LOCATED AT 275 SEA BREEZE WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$420,510)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

Please note that from the 1st reading to the 2nd reading of this ordinance, the following language has been added to Section 8.2.2 of the proposed agreement:

“The amounts shown in said Exhibit are maximum amounts and the actual amount owed and paid will be based upon specific hours of service, which may fluctuate from period to period.”

**Origin of request for this action:** Public Works/Finance Department

**Fiscal impact and source of funding:** FY 2016 (August 1, 2016-September 30, 2016)- \$43,300; FY 2017-\$269,843; FY 2018-\$107,367 (October 1, 2017- January 30, 2018). \$420,510 in total from the Parking Enterprise Fund. # 472-4710-545-3160 (professional services)

**(Staff Contact:** Robert McCaughan/Suzette Sibble)

26. [16-35](#)

P.H. 2016-80: (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 SECOND AMENDMENT TO THE AGREEMENT FOR UTILITY BILL PRINTING AND MAILING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MUNICIPAL CODE CORPORATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Approx. \$30,000 annually)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Finance Department

**Fiscal impact and source of funding:** Approximately \$30,000 annually as budgeted in 412-3310-533-4650 (Utility Fund)

**(Staff Contact:** Suzette Sibble)

27. [16-36](#)

P.H. 2016-81: (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 THIRD AMENDMENT TO THE AGREEMENT FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$160,000 annually)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Russell Ketchem, Solid Waste Manager

**Fiscal impact and source of funding:** \$160,000 annually (489-4920-534.31-60)

**(Staff Contact:** Robert McCaughan)

28. [16-37](#)

P.H. 2016-82: (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 AN AMENDED AND RESTATED SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CRS MAX CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$23,000)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** Department of Development Services

**Fiscal impact and source of funding:** \$23,000. Funded as part of FY 2016 Budget

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

29. [16-38](#)

P.H. 2016-76: (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 CONSTRUCTION MANAGER-AT-RISK WITH A GMP CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR SERVICES RELATING TO THE CONSTRUCTION OF THE CITY OF POMPANO BEACH FISHING PIER PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

Summary Explanation/Background:

This item was approved for first reading at the July 12th Commission Meeting. Due to the transition to the new agenda management software, the prior agenda coversheet has been provided as part of the backup material.

**Origin of request for this action:** City Commission

**Fiscal impact and source of funding:** No fiscal impact at this time. CIP Project No. 14-236. Source of funding: account 452-7514-579-65-03

**(Staff Contact:** Dennis W. Beach/Horacio Danovich)

30. [16-09](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING AN EXEMPTION; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$13,047,175)

Summary Explanation/Background:

The purpose of the Fire Assessment Fee is to provide a dedicated source of funding for Fire Operations; the fees paid to the City under this program can not be used for any other purpose. The costs, covered by the fees, are apportioned by service demand (calls) that are placed on Fire Operations by Institutional, Industrial/Warehouse, Residential and Commercial properties.

The Resolution attached is the Preliminary Assessment Rate Resolution required to be passed by the Commission as part of the annual process of adopting a Fire Assessment Fee for Fiscal Year 2017, per the Assessment Ordinance. It should be noted that there is NO increase proposed in the fire assessment rates for residential, commercial, industrial and/or institutional categories as part of the Fiscal Year 2017 Recommended Budget. The residential rate will remain at \$134.

The Fire Assessment Fee is anticipated to generate \$13 million in revenue for the Fire Department; this covers approximately 68% of eligible costs. Remaining costs are covered by other fees and property taxes.

Rate Summary

Property Type	Proposed Rates
*Commercial	\$0.19
*Institutional	\$0.23
*Warehouse/Industrial	\$0.10
Residential	\$134.00

\* Per square foot.

**Origin of request for this action:** City Manager's Office

**Fiscal impact and source of funding:** Revenue: \$13,047,175

**(Staff Contact:** Brian Donovan)

31. [16-11](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF COVENANTS REGARDING PROPERTY LOCATED AT 501 HAMMONDVILLE ROAD; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

This property recently went through site plan review, in order to construct a new multi-story mixed-use building (P&Z: 15-12000057). The property is currently owned by City Vista Associates, LLC (recently purchased from the Community Redevelopment Agency). During the most recent title search, the applicant discovered there was a deed restriction for a portion of the property, which stated that the only permitted use was a parking lot. After researching how the Declaration of Restriction came to be, the restriction for the property to be solely used as a parking lot was concurrent with a rezoning application. The language in the Declaration states that it may “only be released if requested in writing and if approved by the Zoning Director.” Although, given that this item was previously approved by the City Commission, prior to the sign off by the Director of Development Services staff is seeking confirmation of no objection to the release of the restriction.

**Origin of request for this action:** Francisco Rojo

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Daniel Keester/ Robin Bird)



32. [16-06](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CHRISTOPHER MULLON TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

Summary Explanation/Background:

This is a Resolution to appoint \_\_\_\_\_ to the Parks and Recreation Advisory Board for a term of three (3) years; said term to expire on August 22, 2019.

APPLICANTS:

Walter Head, Incumbent - District 2

Christopher Mullon, Incumbent - District 3

Rafal Dradrach, District 1

Bruno Munoz, District 1

Philip J. Schulte, District 3

Hazel K. Armbrister, District 4

David Baumwald, District 4

Marguerite K. Luster, District 4

Shelton Pooler, District 4

John Reed, District 4

Bettye A. Walker, District 4

Marcus A. McDougale, District 4

Andy Cherenfant, District 5

Richard Leys, District 3

Frank Shulman, District 5

Richard Sasso, Lighthouse Point

This is a Commission's Appointment.

The Board's membership is as follows: Charles H. Bechert, III (District 3/Alternate 2), Christopher G. Mullon (District 3), Walter Head (District 2), Walter Clark (District 5), Albert Hill (District 4), Rafael Katz (District 1), Kenneth C. Arnold (District 3), and Latoya T. Almonord (District 4/Alternate 1).

**Origin of request for this action:** City Clerk's Office

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Asceletha Hammond)

## APPLICANTS:

Walter Head, Incumbent - District 2  
Christopher Mullon, Incumbent - District 3  
Rafal Dradrach, District 1  
Bruno Munoz, District 1  
Philip J. Schulte, District 3  
Hazel K. Armbrister, District 4  
David Baumwald, District 4  
Marguerite K. Luster, District 4  
Shelton Pooler, District 4  
John Reed, District 4  
Bettye A. Walker, District 4  
Marcus A. McDougale, District 4  
Andy Cherenfant, District 5  
Richard Leys, District 3  
Frank Shulman, District 5  
Richard Sasso, Lighthouse Point

33. [16-22](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WALTER HEAD TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO THE PREVIOUS LIST OF APPLICANTS

Summary Explanation/Background:

All relevant backup material is provided under the previous item along with a list of applicants for your review.

**Origin of request for this action:** City Clerk

**Fiscal impact and source of funding:** None

**(Staff Contact:** Asceleta Hammond)

34. [16-01](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

**Summary Explanation/Background:**

The City Commission does not conduct City Commission meetings during the month of August. It is necessary for the City to provide for unfinished matters as the City Commission has funded and authorized. This resolution provides the City Manager the authority to follow through on such matters which would be subject to ratification upon their return in September.

**Origin of request for this action:** City Commission

**Fiscal impact and source of funding:** N/A

**(Staff Contact:** Dennis W. Beach)

**F. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**G. ADJOURNMENT****BALANCE IN CONTINGENCY**

Oct. 1, 2015	Beginning Balance	\$10,000.00
June 11, 2016	Black on Black Crime Solutions Event	\$ - 500
Total:		\$9,500.00

**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.