

City of Pompano Beach

City Commission Meeting

Commission Chambers

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



Agenda

Tuesday, September 27, 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*

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.

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 Lamar Fisher
Mayor, Presiding*

ROLL CALL

Asceleta Hammond, City Clerk

INVOCATION

*Apostle S. Constancia Daley
Rhema Word Ministries International*

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

16-196 Regular City Commission Meeting Minutes of September 13, 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. 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.

B. CONSENT AGENDA

1. **16-155** Approval of two requests from municipal cemetery plot owners who desire to transfer ownership back to the City of Pompano Beach.
(Fiscal Impact: \$3,950)
(Staff Contact: (Robert A. McCaughan)

2. **16-161** 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. 2 FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$129,885 RELATED TO WATER TREATMENT PLANT FILTER & HIGH SERVICE PUMPS 1-4 BUILDING HURRICANE HARDENING DESIGN SERVICES PURSUANT TO THE CONTRACT FOR CONSULTING/ PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$129,885)

(Staff Contact: A. Randolph Brown)



3. **16-175** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FIRST PRESBYTERIAN CHURCH OF POMPANO BEACH, FLORIDA, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

4. **16-177** 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 EMBRACING TEAM, INC. TO PROVIDE FREE CULTURALLY BASED PROGRAMMING AT MITCHELL MOORE PARK ANNEX BUILDING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)



5. **16-182** Approval to award Bid #E-56-16, Sample Road Beautification/FDOT (Rebid) to the lowest responsive, responsible bidder, VisualScape, Inc., in the amount of \$ 398,950.00.
(Fiscal Impact: \$398,950.00)

(Staff Contact: Robert McCaughan)
6. **16-183** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ATC GROUP SERVICES LLC TO INSTALL, OPERATE AND MAINTAIN A GROUNDWATER MONITORING WELL LOCATED IN THE RIGHT-OF-WAY OF NE 23RD STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)
7. **16-184** Request of ratification by City Commission for Emergency Procurement for purchase of Bi-Directional Antenna (BDA) Systems at Fire Stations 11 and 103 from vendor Signal Communications, LLC in the amount of \$93,566.96.
(Fiscal Impact: \$93,566.96)

(Staff Contact: John Jurgle)
8. **16-185** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO RELOCATE TREES FROM THE 1-95 CORRIDOR TO CITY FACILITIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$14,665 paid to City)

(Staff Contact: Robert McCaughan)

9. **16-190** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PREFERRED PATIENT CARE AND HMO APPLICATION WITH BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC. AND HEALTH OPTIONS, INC. PROVIDING FOR HEALTH CARE SERVICES AND SUPPLIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$596,743 is the approximate project increase.)

(Staff Contact: Ed Beecher)
10. **16-192** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ANNUAL ACCOUNTING AND RETENTION AGREEMENT (PROSHARE) AMONG BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., HEALTH OPTIONS, INC. AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$596,743 is the approximate project increase.)

(Staff Contact: Ed Beecher)
11. **16-193** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A ROTATION POLICY FOR INDEPENDENT AUDITING SERVICES FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)
12. **16-197** Authorize staff to negotiate a contract with the second highest ranked firm HDR Engineering, Inc. pursuant to RLI L-54-16 Continuing Contract for Professional Engineering and Consulting Services for the Municipal Air Park.
(Fiscal Impact: (No cost at this time.)

(Staff Contact: John Sfiropoulos/Steve Rocco)

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

13. **16-165** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HABITAT COLLIER PLAT LYING AT THE NORTHWEST CORNER OF NW 6 STREET AND NW 27 AVENUE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

END OF QUASI-JUDICIAL PROCEEDING

14. **16-121** **P.H. 2016-93: (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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$39,042)

(Staff Contact: Robin Bird/Karen Santen)

15. **16-123** **P.H. 2016-87: (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 BETWEEN THE CITY OF POMPANO BEACH AND INTERCOUNTY ENGINEERING INC. FOR THE REHABILITATION OF SANITARY SEWER MANHOLES THROUGHOUT THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$223,440.00 annually)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)



16. 16-124

P.H. 2016-88: (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 BETWEEN THE CITY OF POMPANO BEACH AND INSITUFORM TECHNOLOGIES, LLC FOR CURED IN PLACE PIPE REHABILITATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$3,715,647.80 over the (3) three year term of the contract)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)



17. 16-125

P.H. 2016-89: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO CLARIFY REQUIREMENTS FOR PULL CART STORAGE; BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

18. **16-128** **P.H. 2016-90: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO ADD A DEFINITION FOR DISASTER DEBRIS; AND BY CREATING A NEW SECTION 96.38, "DISASTER DEBRIS REMOVAL FROM GATED COMMUNITIES", FINDING THAT SAID DEBRIS CONSTITUTES A PUBLIC NUISANCE AND PROVIDING REQUIREMENTS FOR ITS REMOVAL FROM PRIVATE ROADS AND GATED COMMUNITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

19. **16-143** **P.H. 2016-91: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.036, "PARK ACQUISITION AND IMPROVEMENT FUND," TO UPDATE REFERENCES TO CORRECT CODE SECTIONS DUE TO CODE CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

20. **16-152** **P.H. 2016-92: (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 BETWEEN THE CITY OF POMPANO BEACH AND ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, FOR AMBULANCE BILLING AND RELATED PROFESSIONAL CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Estimated reimbursements of 600K-700K)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: John Jurgle)

21. **16-187** **P.H. 2016-95: (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 INDEPENDENT AUDITING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MARCUM LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$630,042 Maximum for Five Years)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Suzette Sibble)

22. **16-174** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE REVOCATION OF A PORTION OF A DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

23. **16-189** 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 PROFESSIONAL SERVICE AND LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CREATIVE CITY COLLABORATIVE OF POMPANO BEACH, INC.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$563,188.00)

(Staff Contact: Mark A. Beaudreau)



24. **16-173** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KENNETH KOCH; SAID TERM TO EXPIRE ON OCTOBER 26, 2016; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Ascelela Hammond)



APPLICANTS:

Charles H. Bechert, III - District 3
David Baumwald - District 4
Marcus A. McDougale - District 4
Russell Adams - District 5
Andy Cherenfant - District 5

25. **16-181** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 27, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)



APPLICANTS:

Angela Curtin - Incumbent - District 5

Des Frazier – District 4

Corey Thompson – District 4

Richard Sasso – City of Lighthouse Point

D. EXECUTIVE SESSION

26. **16-195** Advice concerning litigation in relation to settlement matters and/or strategy sessions. (Fiscal Impact: N/A)

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; Phyllis A. Korab, the Acting City Manager; Mark E. Berman, Esq., 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)

E. REPORTS

City Manager

City Attorney

City Clerk

City Commission

F. ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2015	Beginning Balance	\$10,000.00
June 11, 2016	Black on Black Crime Solutions Event	\$-500.00
August 1, 2016	3rd Annual Collier City Family Fun Day	\$-500.00
September 13, 2016	Casino Night in Rio Annual Event	\$-1000.00
	Total:	\$8,000.00

**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:

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.