

# **City of Pompano Beach**

**City Commission Meeting**

**Commission Chamber**

*100 West Atlantic Blvd.*

*Pompano Beach, FL 33060*



## **Agenda**

**Tuesday, May 8, 2018**

**6:00 PM**

### **City Commission**

*Lamar Fisher, Mayor*

*Charlotte J. Burrie, Vice 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*

**CALL TO ORDER**

*The Honorable Lamar Fisher  
Mayor, Presiding*

**ROLL CALL**

*Asceleta Hammond, City Clerk*

**INVOCATION**

*Elder Harold Westley  
Newborn Holiness Church*

**PLEDGE OF ALLEGIANCE**

*Led by Asceleta Hammond, City Clerk*

**APPROVAL OF MINUTES**

[18-364](#) Regular City Commission Meeting Minutes of April 24, 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**

[18-354](#) **Legislative Update**

The following legislators will provide the Commission and residents with an update of information at the State and local level.

State Senator Perry Thurston, Jr.  
State Senator Gary Farmer  
State Representative Patricia Williams  
Yolanda Jackson, Esq. of Becker & Poliakoff

[18-361](#)**Community Garden Interns**

David Miller, Apprentice for the City's Community Garden will introduce Trenton Brooks and Howard Castin, Blanche Ely High School Engineering Program students who will speak about their experience as interns at the Community Garden.

**B. PROCLAMATIONS**[18-355](#)**Water Reuse Week**

Mayor Lamar Fisher will proclaim Water Reuse Week in the City of Pompano Beach and present a proclamation to City of Pompano Beach Utilities Director A. Randolph Brown.

[18-357](#)**National Safe Boating Week**

Mayor Lamar Fisher will proclaim National Safe Boating Week in the City of Pompano Beach.

Accepting the proclamation will be Richard Leys, representative from the U.S. Coast Guard Pompano Beach Flotilla 34 and CDR Stephen Izzi from the Pompano Beach/Lighthouse Point U.S. Power Squadron.

**C. 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)

**D. CONSENT AGENDA**

1.     [18-324](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2018 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

2.     [18-323](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2018 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

3.     [18-348](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF DECLARATION OF COVENANTS AND RESTRICTIONS EXECUTED BY SANDRA POOLE FOR THE PROPERTY LOCATED AT 1642 NE 28TH COURT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$12,819.00 Program Income)

(Staff Contact: Miriam Carrillo)

4.     [18-351](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CLARIFYING AND RESTATING THE ROADWAY DIMENSIONS SURROUNDING KESTER PARK, APPROVING SUCH CLARIFICATION AND RESTATEMENT OF THE ROADWAYS; PROVIDING FOR RECORDATION OF THE ATTACHED SURVEY AS RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jae Eun Kim)

5.     [18-352](#)     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 LOCALLY FUNDED AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO THE DESIGN OF CONSTRUCTION PLANS FOR CONSTRUCTION (MILLING AND RESURFACING) OF MARTIN LUTHER KING, JR. BOULEVARD FROM POWERLINE ROAD TO EAST OF SR-9/I-95; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

6.     [18-353](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE METROPOLITAN PLANNING ORGANIZATION'S (MPO) EFFORTS TO ENHANCE/IMPROVE THE CYPRESS CREEK GREENWAY BY IDENTIFYING ADDITIONAL FEATURES INCLUDING BUT NOT LIMITED TO SIGNAGE, LANDSCAPE, AMENITIES AS WELL AS INTERSECTION SAFETY IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

7.     [18-360](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN UNDERGROUND EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY (FPL); PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

**E. REGULAR AGENDA**

**QUASI-JUDICIAL PROCEEDING**

8.     [18-350](#)     A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A TERMINATION/RELEASE OF DECLARATION OF COVENANTS BY AND AMONG TOP SELF STORAGE THREE, LLC, THE GORI FAMILY LIMITED PARTNERSHIP AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

**END OF QUASI-JUDICIAL PROCEEDING**

9. [18-220](#)**P.H. 2018-49: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM MARCH 27, 2018**

**(Staff Contact: John Sfiropoulos)**

10. [18-349](#)**P.H. 2018-66: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO PROVIDE REQUIREMENTS FOR DOCKING OF BOATS ADJACENT TO MULTI-FAMILY AND COMMERCIAL ZONED LOTS; AND AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR VARIOUS STRUCTURES IN THE WATERWAYS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

11. [18-356](#)**P.H. 2018-65: (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 FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DIMARIA FRANK PROPERTIES, INC., FORMERLY KNOWN AS DIMARIA PROPERTIES, LLC, FOR THE OPERATION OF A KIOSK LOCATED AT BEACHFRONT PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City will receive an annual rental amount of \$33,000.00)

(Staff Contact: Mark Beaudreau)



12. [18-347](#)**P.H. 2018-68: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 153, "RENTAL HOUSING CODE," BY AMENDING SECTION 153.05, "DEFINITIONS," TO MODIFY DEFINITIONS, RELATED TO VARIOUS COMMUNITY RESIDENCES; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO PROVIDE SPECIAL EXCEPTION REQUIREMENTS AND REVIEW STANDARDS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.2432, "REASONABLE ACCOMMODATION," TO MODIFY STANDARDS AND PROCEDURES FOR REASONABLE ACCOMMODATION AND ESTABLISH SAME FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING ARTICLE 2, "ADMINISTRATION," PART 4, "APPLICATION-SPECIFIC REVIEW PROCEDURES," TO CREATE SECTION 155.2434, "COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE," TO ESTABLISH PURPOSE, APPLICABILITY AND PROCEDURES; BY AMENDING ARTICLE 3, "ZONING DISTRICTS" OF THE ZONING CODE, TO DESIGNATE SPECIFIC RESIDENTIAL, BUSINESS AND COMMERCIAL DISTRICTS WITHIN THE CITY FOR LOCATION OF COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING TABLE 155.3708.H.2 "PRINCIPAL USES REGULATING TABLE," TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING TABLE 155.3709.E.2, "PRINCIPAL USES REGULATING TABLE," TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING ARTICLE 4, "USE STANDARDS" OF THE ZONING CODE TO DESIGNATE ZONING DISTRICTS, AND MODIFY AND PROVIDE DEFINITION REQUIREMENTS AND STANDARDS FOR RESIDENTIAL HOUSEHOLD LIVING USES, FAMILY COMMUNITY RESIDENCES, TRANSITIONAL COMMUNITY RESIDENCES, RESIDENTIAL GROUP LIVING USES, RECOVERY COMMUNITIES, CONTINUING CARE RETIREMENT COMMUNITIES, AND ROOMING AND BOARDING HOUSES; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO MODIFY AND ESTABLISH THE MINIMUM NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.8402, "CIVIL REMEDIES," TO PROVIDE FOR REVOCATION OF COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATES, INCLUDING PROCEDURES, NOTICE AND APPEAL; BY AMENDING ARTICLE 9, "DEFINITIONS

AND INTERPRETATION” OF THE ZONING CODE, TO MODIFY AND PROVIDE DEFINITIONS RELATING TO DISABILITY, DWELLINGS, FAMILIES, FAMILY COMMUNITY RESIDENCES, ASSISTED LIVING FACILITIES, COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, TRANSITIONAL COMMUNITY RESIDENCES AND SIMILAR USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)



**Strategic Plan Initiative**

(Staff Contact: Jennifer Gomez/David Recor)

13. [18-335](#)

Approval to award Bid L-09-17 (Step 2) Construction Services for Old Pompano Streetscape Improvements Section 108 Loan Project to the lowest bidder, The Whiting-Turner Contracting Co., at a cost of \$4,781,828.65.

(Fiscal Impact: \$4,781,828.65)

(Staff Contact: Horacio Danovich)

14. [18-362](#)

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 MAY 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

James R. Bunn, *Incumbent*, District 3



**Strategic Plan Initiative**

(Staff Contact: Asceleta Hammond)

**F. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**G. ADJOURNMENT**

**BALANCE IN CONTINGENCY**

Oct. 1, 2017	Beginning Balance	\$10,000.00
March 27, 2018	ET Express Booster (Donation to basketball team)	\$2,500.00
April 10, 2018	Dreamers 4 Change Foundation	\$982.92
	Total:	\$6,517.08

**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.