

City of Pompano Beach

City Commission Meeting

Commission Chamber

100 West Atlantic Blvd.

Pompano Beach, FL 33060



Agenda - Final

Tuesday, October 9, 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

*Rabbi Tzvi Dechter
Chadbad of North Broward Beaches*

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[18-656](#)

Regular City Commission Meeting Minutes of September 25, 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

[18-644](#)

City to Receive KAPOW Award

John Casbarro, President of Learning for Success, Inc. along with Nick Lazazzara, City of Pompano Parks and Recreation Supervisor, Colin Divine, Cypress Elementary Teacher and Sabine Phillips, Principal at Crystal Lake Middle School will present the Mayor and City Commission with awards for the City's support of partnerships with schools in the City of Pompano Beach through the KAPOW (Kids and the Power of Work) Program.

[18-648](#)**Relay for Life Fundraiser Results**

The City of Pompano Beach Urban Forester who also serves as the City's representative for Relay for Life "TREE TEAM," Wade Collum, will announce the total dollar amount collected over the past year from City employees who participated in the City's Dress Down Days Program. The money will be donated to Relay for Life, the signature fundraiser for the American Cancer Society.

[18-653](#)**Presentation of AARP Age-Friendly Network Certificate**

Kevin Soyt and Richard Aronowitz, residents of Pompano Beach and Volunteers for the AARP Network of Age-Friendly Communities, will present the Mayor and City Commission with a certificate of membership into the World Health Organization (WHO) Global Network for Age-friendly Cities and Communities. By joining the Network, the City of Pompano Beach commits to promoting the values and principles central to the WHO Age-friendly approach, and actively participating in the Network including the sharing of experiences with other members.

B. PROCLAMATIONS[18-643](#)**National School Lunch Week**

Mayor Lamar Fisher will present a proclamation acknowledging National School Lunch Week in Pompano Beach to Darlene Moppert, Program Manager, Nutrition Education and Training, Food and Nutrition Services for the Broward County Schools.

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. [18-599](#) Approval to award Bid P-39-18 Janitorial Services to the lowest responsive responsible bidder, Image Janitorial Services at a cost of \$113,988.00 annually.
(Fiscal Impact: \$113,988.00)

(Staff Contact: Robert McCaughan)

2. [18-639](#) Curtis D. Williams is requesting to Transfer Ownership of Block 67, Lot 03, Plot 5, in the North Lawn to the City of Pompano Beach.
(Fiscal Impact: \$716.19)

(Staff Contact: Robert A. McCaughan)

3. [18-513](#) 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. 4 IN THE AMOUNT OF \$102,900.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC. FOR HURRICANE HARDENING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WATER TREATMENT PLANT SLUDGE DEWATERING BUILDING; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$102,900.00)

(Staff Contact: A. Randolph Brown/Tammy Good)

4. [18-580](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SINGLE PROJECT CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND MATHEWS CONSULTING, INC. IN ACCORDANCE WITH RLI NO. L-03-16 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN, PERMITTING, BIDDING AND CONSTRUCTION OF THE RECOMMENDED GATEWAY DRIVE NEIGHBORHOOD STORMWATER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$196,023.00)

(Staff Contact: A. Randolph Brown/Tammy Good)

5. [18-596](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/David Recor)

6. [18-636](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REPEALING RESOLUTION NO. 2017-116, AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED PARKING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO TC, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

7. [18-632](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND CHERIE SALEEBY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000.00)



Strategic Plan Initiative

(Staff Contact: Laura Atria/David Recor)

8. [18-612](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM SUMMAN WESTERN INVESTMENT, INC. TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

9. [18-625](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND 14TH STREET TOWNHOMES ASSOCIATION, INC. REGARDING THE UNDERGROUNDING OF OVERHEAD UTILITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 40% of project costs not to exceed \$109,000)

(Staff Contact: John Sfiropoulos)

10. [18-645](#) 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 DINA AND EMAN, INC. TO USE CERTAIN RIGHT-OF-WAY FOR THE INSTALLATION AND MAINTENANCE OF MONITORING WELLS WITHOUT INTERFERENCE OR COST TO PUBLIC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

11. [18-633](#) 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 DEAN PAZIN FOR THE PROPERTY LOCATED AT 2417 NE 13TH TERRACE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

12. [18-634](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER, TO EXECUTE ON BEHALF OF THE CITY, THE AMENDED HOME OWNERSHIP AGREEMENTS FOR THE CITY'S FIRST TIME HOMEBUYER PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

13. [18-635](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM BARBARA R. STEIN, INDIVIDUALLY AND AS TRUSTEE FOR THE BARBARA R. STEIN REVOCABLE TRUST AGREEMENT TO THE CITY OF POMPANO BEACH IN EXCHANGE FOR THE RELEASE OF MUNICIPAL LIENS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)



Strategic Plan Initiative

(Staff Contact: Cassandra LeMasurier)

14. [18-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT BIDS NOT TO EXCEED \$75,000 FOR PROPERTIES LOCATED IN POMPANO BEACH BEING SOLD BY BROWARD COUNTY AT TAX DEED AUCTION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

E. REGULAR AGENDA

15. [19-02](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE PROPOSED FIRE ADMINISTRATION AND EMERGENCY OPERATIONS CENTER AS THE CHIEF HARRY L. SMALL AND LT. WOODROW J. POITIER BUILDING; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(**Staff Contact:** John Jurgle)

16. [18-655](#) **P.H. 2019-03: (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 FOURTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC, 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; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: Additional base rent revenue of \$19,800 plus \$2.46/SF)

(**Staff Contact:** Adriane Esteban)

17. [18-598](#) Consideration to dual name NW 8th Street “Bishop D. E. Russell, Sr.” Street.
(Fiscal Impact: \$500 provided by Requester)

(**Staff Contact:** Robert McCaughan)

18. [18-638](#) Consideration to dual name NW 3rd Terrace “Evans Terrace”.
(Fiscal Impact: \$500 provided by Requester)

(**Staff Contact:** Robert McCaughan)

19. [18-641](#)**P.H. 2019-01: (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 SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLSBORO INLET FISHING CENTER, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$182,136 in annual revenue)

(Staff Contact: Robert McCaughan)

20. [19-06](#)**P.H. 2019-05: (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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MTT AIRPARK HOLDINGS, LLC; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,829.78 to be paid to the city monthly)

FIRST READING: OCTOBER 23, 2018

(Staff Contact: Robert McCaughan/Steven Rocco)

21. [19-01](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2019 THROUGH 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,851,001 for General Capital Projects FY 2019

Voted G.O Bond Projects \$72,979,585 for FY 2019)

(Staff Contact: Erjeta Diamanti/Horacio Danovich)

22. [18-649](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM; AND, IF AWARDED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE GRANT AGREEMENT; PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT TO CITIZENS, NEIGHBORHOODS AND COMMUNITY-BASED ORGANIZATIONS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$493,448 grant award)

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

23. [18-511](#)**P.H. 2018-97: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.04, "ENFORCEMENT OF PROVISIONS," TO PROVIDE AUTHORITY TO PARK RANGERS TO ENFORCE PARKING VIOLATIONS WITHIN CITY PARKS; BY AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.02, "AUTHORITY OF LAW ENFORCEMENT OFFICERS," TO PROVIDE AUTHORIZATION TO PARK RANGERS TO ENFORCE ANIMAL VIOLATIONS OBSERVED WITHIN THE CITY PARKS; BY AMENDING SECTION 90.38, "DOG PARK," TO PROVIDE PARK RANGERS WITH AUTHORITY TO ENFORCE THE RULES AND REGULATIONS OF THE CITY'S DOG PARK AND DESIGNATED DOG AREAS IN OTHER PARKS; BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," TO DEFINE THE DUTIES AND AUTHORITY OF PARK RANGERS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO ENUMERATE ADDITIONAL PROHIBITED ACTS WITHIN ANY MUNICIPAL RECREATION FACILITY, MUNICIPAL BEACH AND ADJACENT AREAS THERETO; TO PROVIDE FOR PENALTIES FOR CERTAIN PROHIBITED ACTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 25, 2018



Strategic Plan Initiative

(Staff Contact: Mark Beaudreau)

24. [16-32](#)

P.H. 2018-77: (PUBLIC HEARING 2ND 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)

TABLED FROM SEPTEMBER 11, 2018

TABLED FROM JUNE 26, 2018

TABLED FROM JUNE 12, 2018

FIRST READING: JANUARY 10, 2017

(Staff Contact: Maggie Barszewski/David Recor)

25. [18-400](#)

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 BROWARD COUNTY FOR EVACUATION SHELTER STAFFING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM SEPTEMBER 11, 2018

TABLED FROM JUNE 26, 2018

TABLED FROM JUNE 12, 2018

(Staff Contact: Maggie Barszewski/David Recor)

26. [18-647](#)

P.H. 2019-02: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.02, "PERMIT REQUIRED," TO ADDRESS CONDITIONS UNDER WHICH CERTAIN PERMITS ARE NOT REQUIRED CONSISTENT WITH STATE LAW; BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY THE DEFINITION OF SEAWARD MEASUREMENT REFERENCE LINE TO INCLUDE PROPERTY LINES EXTENDING INTO THE WATERWAY; AND BY AMENDING SECTION 151.07, "BACKFILLING SEAWALLS," TO ADDRESS POTENTIAL RUNOFF OR EROSION CAUSED BY SEAWALL RESTORATION PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

27. [18-650](#)

P.H. 2018-04: (PUBLIC HEARING 1ST READING)

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 96.62, "SALE OR USE OF PLASTIC BEVERAGE STRAWS," TO PROHIBIT THE DISTRIBUTION AND USE OF PLASTIC BEVERAGE STRAWS ON CITY PROPERTY TO PROMOTE RESOURCE CONSERVATION AND TO REDUCE ENVIRONMENTAL HAZARDS FROM SOLID WASTE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

28. [18-637](#)

Consideration for canceling the City Commission Meetings of November 27, 2018 and December 25, 2018.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

29. [18-657](#) Discussion and Consideration item for the annual performance evaluation of the City Attorney, Mark E. Berman.
(Fiscal Impact: To be determined by City Commission)

(Staff Contact: Ed Beecher)

F. REPORTS

City Manager

City Attorney

City Clerk

City Commission

G. 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:

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.