

City of Pompano Beach

City Commission Meeting

Commission Chamber

100 West Atlantic Blvd.

Pompano Beach, FL 33060



Agenda - Final

Tuesday, April 23, 2019

6:00 PM

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceletha Hammond, City Clerk

CALL TO ORDER

*The Honorable Rex Hardin
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

[19-384](#)

Regular City Commission Meeting Minutes of April 9, 2019

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

[19-321](#)

Presentation of the Actuarial Valuation Report for the City of Pompano Beach Police and Firefighters' Retirement System as of October 1, 2018 as prepared and certified by The Nyhart Company.
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

[19-381](#)**Special Presentation to Lee Scharf**

Mayor Hardin will present Lee Scharf with a proclamation proclaiming "Lee Scharf Day" in the City of Pompano Beach. There will also be the presentation of a plaque of congratulations and appreciation by Mayor Hardin and Recreation Programs Director Mark Beaudreau for Mr. Scharf's efforts in the 2019 Special Olympic World Game. Mr. Scharf was a Gold Medal Winner.

[19-387](#)**Special Presentation and Thank You to the City Commission**

Chaplain Anita Chapman, Retired Deputy Sheriff and Program Manager of the Children's Village Foster Care Antiviolence Program will thank the City Commission for assisting the implementation of the children's antiviolence program.

Sheriff Gregory Tony will present letters of appreciation to BSO deputies and City staff for their assistance for supporting the children's goals from abstaining from violence.

B. PROCLAMATIONS[19-334](#)**Haitian Heritage Month**

Mayor Hardin will proclaim May as Haitian Heritage Month in the City of Pompano Beach.

Andy Cherenfant, Founder and President of Save Our Boys, Inc. will accept the proclamation.

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. [19-351](#) Donald A. Meyer is requesting to transfer Ownership of Block 1, Lot 1A, and Plot 3 in the West Lawn back to The Pompano Beach Cemetery. Burial Right Agreement #4498
(Fiscal Impact: \$850.00)

(Staff Contact: Robert McCaughan)

2. [19-371](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENTS NUMBER SEVENTEEN (17) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 5 (US 1) FROM MILE POST 9.153 TO MILE POST 9.207, RESPECTIVELY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

3. [19-372](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENT NUMBER SIXTEEN (16) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 9 (I-95) TO INCLUDE THE NORTHBOUND OFF RAMP FROM MILE POST 0.087 TO MILE POST 0.306; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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4. [19-358](#) Approval to award RFQ P-06-19, Construction Management At Risk (CMAR) Services for Emergency Operation Center and Fire Administration Building Complex Project to the highest ranked firm, Kaufman Lynn Construction, Inc.
(Fiscal Impact: N/A)
G.O. POMPANO!
(Staff Contact: Horacio Danovich)
5. [19-374](#) Approve ranking order for RFQ E-09-19 Construction Management At Risk (CMAR) Services for McNab Road and Bridge Improvements, and authorize staff to negotiate a contract with the highest ranked firm: Burkhardt Construction, Inc. (No cost at this time.)
(Fiscal Impact: N/A)
G.O. POMPANO!
(Staff Contact: Horacio Danovich)
6. [19-373](#) Approval to award Bid T-17-19 Cartridge Filters to the lowest responsive responsible bidder, American Melt Blown & Filtration Inc., at an estimated annual cost of \$86,400.00.
(Fiscal Impact: \$86,400.00)

(Staff Contact: A. Randolph Brown)
7. [19-359](#) 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: David Recor)
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8. [19-365](#) 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 AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE TO COMPLETE THE PUBLIC ART PROJECT KNOWN AS MOSAICS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)



Strategic Plan Initiative

(Staff Contact: Laura Atria/Phyllis Korab)

9. [19-383](#) A RESOLUTION 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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIVING WATER SURF SCHOOL, LLC TO PROVIDE INSTRUCTION IN OCEAN AWARENESS AND SURFING FUNDAMENTALS AT THE CITY'S NORTH OCEAN PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The City will receive \$4,500 as compensation for the use of North Ocean Park pavilions 4 & 5 from June 3 - August 23, 2019.)

(Staff Contact: Mark Beaudreau)

10. [19-385](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR VICE MAYOR MOSS TO SUPPORT THE ANNUAL LUNCHEON SPONSORED BY THE GREATER COLLIER CITY CIVIC ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to Exceed \$500.00)

(Staff Contact: Greg Harrison)

11. [19-362](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GHULAM “JOE” USMAN** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; FOR A TERM OF THREE YEARS, SAID TERM TO EXPIRE ON APRIL 9, 2022; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

**Strategic Plan Initiative**

(Staff Contact: Asceleta Hammond)

12. [19-363](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GWENDOLYN LEYS** TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

**Strategic Plan Initiative**

(Staff Contact: Asceleta Hammond)

13. [19-386](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JUDITH NISWONGER** TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR REX HARDIN, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

**Strategic Plan Initiative**

(Staff Contact: Asceleta Hammond)

E. REGULAR AGENDA

14. [19-368](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE POMPANO BEACH FIRE RESCUE STRATEGIC PLAN FOR 2019-2023; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

**Strategic Plan Initiative**

(Staff Contact: John Jurgle)

15. [19-370](#) 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 BROWARD COUNTY FOR INTERSECTION IMPROVEMENTS AT DR. MARTIN LUTHER KING, JR. BOULEVARD AND BLOUNT ROAD; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$86,123.14)

(Staff Contact: Horacio Danovich)

16. [19-288](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE AND CONSTRUCTION EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM MARCH 26, 2019

POSTPONED FROM MARCH 12, 2019

(Staff Contact: John Sfiropoulos)

17. [19-265](#)**P.H. 2019-53: (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 PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #52; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,723,368.64)

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

G.O. POMPANO!

(Staff Contact: Horacio Danovich)

18. [19-266](#)**P.H. 2019-54: (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 PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #61; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,746,702.82)

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

G.O. POMPANO!

(Staff Contact: Horacio Danovich)

19. [19-267](#)

P.H. 2019-52: (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 PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION, FOR FIRE STATION #114; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,750,000.00)

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

G.O. POMPANO!

(Staff Contact: Horacio Danovich)

20. [19-326](#)**P.H. 2019-66: (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 155.2411., "TREE PERMIT," TO CLARIFY TREE PERMIT REQUIREMENTS; BY AMENDING SECTION 155.4228., "INDUSTRIAL; WAREHOUSING AND FREIGHT MOVEMENT USES," AND SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO SIMPLIFY SCREENING AND BUFFER REQUIREMENTS; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO MODIFY LANDSCAPING AREA REQUIREMENTS BETWEEN VEHICULAR USE AREAS AND BUILDINGS; BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO EXPAND EXCEPTIONS FOR TREE PRESERVATION; BY AMENDING SECTION 155.5902., "MAINTENANCE," TO ADOPT STATE APPRAISAL METHOD FOR MAINTENANCE GUARANTEES; BY AMENDING SECTION 155.8202., "SPECIFIC VIOLATIONS," PROVIDING FOR VIOLATION OF NONCOMPLIANCE WITH APPROVED LANDSCAPE PLAN; BY AMENDING ARTICLE 9, PART 5, "DEFINITIONS AND INTERPRETATION" TO MODIFY THE DEFINITION OF "TREE ABUSE" TO PROVIDE FOR ADDITIONAL TREE PROTECTION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2019



Strategic Plan Initiative

(Staff Contact: Wade F. Collum/David Recor)

21. [19-343](#)**P.H. 2019-64: (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 FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND PICCADILLY HOLDINGS RESTAURANTS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Services to be provided on a stand-by basis per agreement rates.)

FIRST READING: APRIL 9, 2019

(Staff Contact: Mark A. Beaudreau)

22. [19-342](#)**P.H. 2019-65: (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 FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Services to be provided on a stand-by basis per agreement rates.)

FIRST READING: APRIL 9, 2019

(Staff Contact: Mark A. Beaudreau)

23. [19-369](#)

Discussion and Consideration item for the annual performance evaluation of Charter Officers - City Manager, City Clerk and Internal Auditor.

(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	\$12,000.00
Mar. 5, 2019	Broward League of Cities Annual Gala	\$5000.00
Mar. 5, 2019	Sample McDougald House Event	\$3000.00
	Total:	\$4,000.00

**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.