

**CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2009-20
TUESDAY, MARCH 24, 2009
7:00 P.M.**

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Mary L. Chambers, MMC,
City Clerk

INVOCATION

Pastor Jack Noble
First Presbyterian Church

PLEDGE OF ALLEGIANCE

Led by Mary L. Chambers, MMC,
City Clerk

APPROVAL OF MINUTES

Regular City Commission Meeting
Minutes of March 10, 2009

APPROVAL OF THE AGENDA City Commission

ART IN PUBLIC PLACES PRESENTATION

Certificates will be presented to the following students by Parks and Recreation Director Tim Tracey, Elizabeth Massey, Education Advisory Board member and Mayor Lamar Fisher:

CYPRESS ELEMENTARY SCHOOL – Paulette Samai, Principal

Gabriella Goldberg	Jimena Soto
McKenzie Harrigan	Anna Esquibel

POMPANO BEACH ELEMENTARY – Michelle N. Garcia, Principal

Bree Radecki	Shane Schulte
Iris Jefferies	Fritzner Surpris
Frantz Paul	

ART IN PUBLIC PLACES - CONTINUED

POMPANO BEACH MIDDLE SCHOOL – Sonja Braziel, Principal

Brandon Bejarano	Connor Whittaker
Deja Bentley	Kayla Oldum
Sarai Welch	Courtney Anger
Diego Arriago	Jessica Moraes
Dontae Petrus	

BLANCHE ELY HIGH SCHOOL – Karlton Johnson, Principal

Rena Boothe	Limosha McIntosh
Destine' Bell	Samantha Johnson

PROCLAMATIONS

Mayor Lamar Fisher

Florida Lighthouse Day 2009 proclamation presented to Hib Casselberry of the Hillsboro Lighthouse Preservation Society, Inc.

Water Conservation proclamation presented to Carole Morris, Lead Intergovernmental Representative, South Florida Water Management District.

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.

CONSENT AGENDA

1. Approval of a budget adjustment in the amount of \$60,000 in the Pier Fund for the purpose of releasing the reverter clause on the Blount Deed to the City.

(Staff Contact: Brian Donovan/Gordon Linn)

2. Approval to award Bid H-15-09, Force Main Replacement (S.E. 13th Street), to the low bidder, DBF Construction LLC, in the amount of \$97,725, and approval of accompanying budget adjustment.

(Staff Contact: Helen Gray)

CONSENT AGENDA - CONTINUED

3. Approval to purchase contracting services to replace a stormwater outfall pipe from Molloy Brothers Inc. per the City of Fort Lauderdale contract in the amount of \$48,650, to be paid for from the Stormwater budget.

(Staff Contact: A. Randolph Brown)

4. Approval to purchase contracting services to rehabilitate manholes, as needed, per the Collier County contract #08-5064, from Chaz Equipment Company, Inc., in the estimated annual amount of \$259,000, to be paid for from the Utilities Department budget.

(Staff Contact: A. Randolph Brown)

5. Approve ranking order for RFP H-17-09, “Pompano Beach Fire Assessment Fee Program Update,” and authorize staff to negotiate a contract with the highest-ranked firm, Management Research and Consulting Associates, Inc. (No cost at this time)

(Staff Contact: Brian Donovan)

6. Approval to purchase contracting services to rehabilitate sanitary sewers and manholes, as needed, per the Manatee County contract #08-1033FL, from Insituform Technologies, Inc., in the estimated annual amount of \$468,600, to be paid for from the Utilities Department budget.

(Staff Contact: A. Randolph Brown)

7. **RES. NO. 2009-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. FOR CONTINUING CONTRACT FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

TABLED: MARCH 10, 2009

(Staff Contact: Helen Gray)

CONSENT AGENDA - CONTINUED

8. **RES. NO. 2009-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND EAC CONSULTING, INC. FOR CONTINUING CONTRACT FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

TABLED: MARCH 10, 2009

(Staff Contact: Helen Gray)

9. **RES. NO. 2009-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY FOR THE AMOUNT OF \$40,956; THAT WILL BE UTILIZED FOR COMMUNITY POLICING, RELATING TO PARTICIPATION IN THE 2008 BYRNE JUSTICE ASSISTANCE GRANT; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Major William Knowles, BSO)

10. **RES. NO. 2009-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUMMER FOOD SERVICE PROGRAM FOR CHILDREN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FLORIDA DEPARTMENT OF EDUCATION, DIVISION OF SUPPORT SERVICES, FOOD AND NUTRITION MANAGEMENT; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Joyce Jackson/Tim Tracey)

REGULAR AGENDA

11. Presentation of the Actuarial Valuation Report for the City of Pompano Beach General Employees' Retirement System by Board Actuary, Ira Summer.

(Staff Contact: Keith Chadwell)

REGULAR AGENDA - CONTINUED

12. Status report on Ortanique as of March 17, 2009.

(Staff Contact: Barbara DeLeon)

QUASI-JUDICIAL PROCEEDING

13. **RES. NO. 2009-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REAFFIRMING THE ALLOCATION OF ONE HUNDRED RESERVE UNITS FOR A PROPOSED AFFORDABLE HOUSING PROJECT FOR SENIORS LOCATED AT 207-227 NW 31ST AVENUE; PROVIDING AN EFFECTIVE DATE.

TABLED: FEBRUARY 24, 2009

(Staff Contact: Larry Schuster)

14. **P.H. 2009-34; ORD. NO. 2009-....: (PUBLIC HEARING 1ST READING)** AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING PARCELS OF PROPERTY LOCATED BOTH EAST AND WEST OF NE 23RD AVENUE AND SOUTH OF NE 16TH STREET, AND A PARCEL NORTH OF NE 16TH STREET AND WEST OF NE 24TH AVENUE FROM B-3 (GENERAL BUSINESS) AND M-1 (MARINA BUSINESS), ALL WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL) OVERLAY TO B-3 (GENERAL BUSINESS) AND M-1 (MARINA BUSINESS) ALL WITH A MODIFIED PCD (PLANNED COMMERCIAL/INDUSTRIAL) OVERLAY; REVISING THE MASTER SITE PLAN TO THE PREVIOUSLY ADOPTED OVERLAY; PROVIDING FOR ALLOCATION OF THE FLEXIBILITY RULE FOR COMMERCIAL USE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Vicky Newson/Robin M. Bird)

END OF QUASI-JUDICIAL PROCEEDING

REGULAR AGENDA - CONTINUED

15. **P.H. 2009-33; ORD. NO. 2009-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 100, “STREETS AND SIDEWALKS,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.48, “COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY,” TO MODIFY THE DEFINITION OF COMMUNICATION SERVICES; TO PROVIDE DIMENSIONAL LIMITS FOR COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; AND TO ADOPT PROVISIONS CONTAINED IN THE FLORIDA CONSUMER CHOICE ACT OF 2007; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Helen Gray)

16. **P.H. 2009-36; ORD. NO. 2009-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH RELATING TO LAND USE PLANNING; PROVIDING FOR AN AMENDMENT OF THE ADOPTED CITY OF POMPANO BEACH COMPREHENSIVE PLAN – FUTURE LAND USE ELEMENT FOR THE RESIDENTIAL AREA LOCATED IN THE SEABOARD HIGHLANDS NEIGHBORHOOD, NORTH OF NORTHWEST 3RD STREET AND EAST OF THE SOUTH EXTENSION OF NORTHWEST 15TH AVENUE; REQUESTING THAT THE BROWARD COUNTY PLANNING COUNCIL RECERTIFY THE CITY OF POMPANO BEACH LAND USE PLAN INCLUDING THE AMENDMENT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING SECOND READING WILL BE HELD ON APRIL 14, 2009

(Staff Contact: Larry Schuster)

17. **P.H. 2009-38; ORD. NO. 2009-....: (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 LEASE BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA REPRESENTATIVE GWYNDOLEN CLARKE-REED; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Willie Hopkins)

REGULAR AGENDA - CONTINUED

18. **P.H. 2009-35; ORD. NO. 2009-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH ESTABLISHING A TEMPORARY SUSPENSION ON THE ISSUANCE OF VIOLATIONS BY CODE ENFORCEMENT INSPECTORS, AND ON THE PROSECUTION OF PREVIOUSLY CITED VIOLATIONS, FOR RECYCLING BINS LOCATED IN DESIGNATED PARKING SPACES AND FOR RECYCLING BINS WITHOUT ENCLOSURES; PROVIDING FOR THE DURATION OF THE SUSPENSION; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

SECOND READING: MARCH 10, 2009

(Staff Contact: Robin M. Bird/Robert A. McCaughan)

19. **P.H. 2009-37; ORD. NO. 2009-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "BUSINESS TAX RECEIPTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," TO INCREASE CERTAIN BUSINESS TAX RECEIPTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Ed Snyder)

20. **RES. NO. 2009-.....:** A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN ALLTECH GROUP PARCEL II, LLC AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED ON PALMAIRE DRIVE WEST AND EAST OF OAKS CLUBHOUSE DRIVE; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Gordon B. Linn)

CITY COMMISSION MEETING – MARCH 24, 2009 - AGENDA NO. 2009-20

REPORTS

City Manager

City Attorney

City Clerk

Internal Auditor

City Commission

ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2008	Beginning Balance	\$ 8,340.00
Oct. 14, 2008	Broward County Minority	715.00
	Builders Coalition, Inc. Banquet	
Oct. 14, 2008	Broward County Mayor's Gala	2,000.00
Feb. 10, 2009	Historical Preservation Committee	<u>1,000.00</u>
	CURRENT BALANCE	\$ 4,625.00

**CITY OF POMPANO BEACH, FLORIDA
AUDIENCE TO BE HEARD
REQUEST FORM**

NAME: _____

TITLE: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

**THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK
TWENTY (20) MINUTES PRIOR TO THE SCHEDULED MEETING.**

ALL DISCUSSION IS LIMITED TO THREE (3) MINUTES

SUBJECT ON WHICH YOU WISH TO SPEAK: _____

**IT IS UNLAWFUL FOR ANY INDIVIDUAL TO DISTURB OR INTERRUPT
ANY MEETING OF THE CITY COMMISSION. THE USE OF SLANDEROUS,
OBSCENE OR PROFANE LANGUAGE, PERSONALLY ABUSIVE ATTACKS
UPON ANY PERSON, PHYSICAL VIOLENCE OR THE THREAT THEREOF,
OR OTHER LOUD AND BOISTEROUS BEHAVIOR WHICH DISTURBS OR
OTHERWISE DISRUPTS THE ORDERLY CONDUCT OF THE MEETING AND
A FAILURE TO COMPLY WITH ANY LAWFUL DECISION OR ORDER OF
THE MAYOR OR OF A MAJORITY OF THE COMMISSION SHALL
CONSTITUTE A DISTURBANCE. PERSONALLY ABUSIVE ATTACKS**

CITY COMMISSION MEETING – MARCH 24, 2009 - AGENDA NO. 2009-20

INCLUDE INSULTS, DISCOURTEOUS COMMENTS AND DEFAMATORY STATEMENTS.