

MEETING RESULTS!!!
CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2007-10
TUESDAY, MARCH 13, 2007
7:00 P.M.

CALL TO ORDER

The Honorable John C. Rayson
Interim Mayor, Presiding

ROLL CALL

Mary L. Chambers, CMC, City Clerk

INVOCATION

The Honorable John C. Rayson
Interim Mayor

PLEDGE OF ALLEGIANCE

Led by Mary L. Chambers, CMC,

APPROVAL OF MINUTES

APPROVED AS SUBMITTED
Regular City Commission Meeting
of February 27, 2007

APPROVED AS SUBMITTED
City Commission Workshop Meeting
Minutes of September 19, 2006.

APPROVAL OF THE AGENDA

APPROVED AS SUBMITTED
City Commission

PROCLAMATION

Interim Mayor John C. Rayson

American Cancer Society Relay for Life proclamation presented to Kathleen Ward from the American Cancer Society and Jill Narus, Team Development Director.

SPECIAL PRESENTATION

Edith Lederberg, Executive Director of the Aging & Disability Resource Center of Broward County, presented a commemorative plaque to the Mayor and City Commission in honor of the City reaching the twenty-year plateau in Fair Share Contributions to the Aging and Disability Resource Center.

SPECIAL PRESENTATIONS

Interim Mayor John C. Rayson and Gregory Jones, Unit Director of Thomas D. Stephanis Boys & Girls Club of Pompano Beach

Proclamation and Awards presented to winners of the Boys & Girls Club Youth of the Month/Year Program.

James Wilson	January 2006 Recipient	Brandon Taylor	July 2006 Recipient
Chernard Duval	February 2006 Recipient	Tyler Wharton	August 2006 Recipient
John McCall	March 2006 Recipient	Laresha Peterman	September 2006 Recipient
Diana Smith	April 2006 Recipient	Shamere Deveaux	October 2006 Recipient
Darryl Brown	May 2006 Recipient	Alton Johnson	November 2006 Recipient
Dexter Smith	June 2006 Recipient	Brian McFadden	December 2006 Recipient

THOMAS D. STEPHANIS BOYS AND GIRLS CLUB 2007 YOUTH OF THE YEAR

Alton Johnson 2007 Youth of the Year Recipient

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

APPROVED

1. Approval to transfer and assign two cemetery plots from the estate of Mr. and Mrs. Hilton H. Tappan to Angela J. Schack.

(Staff Contact: Robert A. McCaughan)

APPROVED

2. Approve ranking order for RFP H-14-07 “Professional Consulting Services for a Tree Inventory,” and authorize staff to negotiate a contract with the highest-ranked firm, ArborPro, Inc.

(Staff Contact: Robert A. McCaughan)

APPROVED

3. Approval to award Bid H-16-07, PVC Pipe and Meter Boxes for the Reuse System, to the low bidder for items 1 & 4, HD Supply Waterworks, and the low bidder for item 2 and the low responsive bidder for item 3, Ferguson Enterprises, Inc.

(Staff Contact: A. Randolph Brown)

ADOPTED

4. **RES. NO. 2007-144:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHOAL CREEK – POMPANO HOLDINGS, LLC, AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHOAL CREEK PROPERTIES – POMPANO, LLC; PROVIDING FOR A GRANT OF A DRAINAGE EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Don Jessen/Helen Gray)

ADOPTED

5. **RES. NO. 2007-145:** 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 COLIN BAENZIGER D/B/A COLIN BAENZIGER & ASSOCIATES FOR CONSULTING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Gordon Linn)

CONSENT AGENDA – CONTINUED

ADOPTED

6. **RES. NO. 2007-146:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A NONEXCLUSIVE DRAINAGE EASEMENT AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO CENTER OF COMMERCE, LLC. FOR CONSTRUCTION, MAINTENANCE AND USE OF A MASTER DRAINAGE SYSTEM SERVING CITY AND POMPANO CENTER OF COMMERCE, LLC. PROPERTY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Helen Gray/Fawn Powers)

ADOPTED

7. **RES. NO. 2007-147:** 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 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR INSTALLATION OF MONITORING WELLS AND SOIL GAS MONITORING POINTS ON CITY PROPERTY TO ASSESS EXISTING ENVIRONMENTAL CONTAMINATION; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Helen Gray)

APPROVED

8. Approval of a \$50,000 budget adjustment from the Wastewater Contingency Account to cover unanticipated expenses for Wastewater pumps, motors, and fittings.

(Staff Contact: A. Randolph Brown/Brian Donovan)

ADOPTED

9. **RES. NO 2007-148:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING EXPENDITURES FROM THE CITY OF POMPANO BEACH LAW ENFORCEMENT TRUST FUND (LETF) FOR TWO LICENSE PLATE RECOGNITION SYSTEMS; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Frank Lightbourn)

APPROVED

10. Approval to replace 32 pedestrian light poles and fixtures along beach walkway per the School Board of Broward County contract, Bid #24-052R, from Florida Electric Contracting Service, Inc.

(Staff Contact: Rob McCaughan)

REGULAR AGENDA

ACCEPTED THE REPORT

11. Summary Activity Report of Internal Audit Projects for the 4-month period from November 2006 through February 2007 to the City Commission.

(Staff Contact: Barbara DeLeon)

QUASI-JUDICIAL PROCEEDING

APPROVED FIRST READING

12. **P.H. 2007-44; ORD. NO. 2007-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING SECTION 155.005, “ZONING DISTRICTS”, OF CHAPTER 155, “ZONING CODE”, OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING THE PROPERTY LYING NORTH OF NW 22ND COURT AND EAST OF POWERLINE ROAD (ST. RD. #845) AND COMMONLY KNOWN AS 2250 NORTH POWERLINE ROAD FROM I-1 (GENERAL INDUSTRIAL) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Jennifer Gomez/Robin Bird)

APPROVED FIRST READING

13. **P.H. 2007-52; ORD. NO. 2007-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE ABANDONING THAT CERTAIN PORTION OF THE RIGHT-OF-WAY FOR SW 1ST STREET BETWEEN SW 1ST AVENUE AND SOUTH CYPRESS ROAD, FOR SW 1ST COURT BETWEEN SW 1ST AVENUE AND SW 1ST TERRACE AND FOR SW 1ST TERRACE BETWEEN SW 1ST COURT AND SW 1ST STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Jennifer Gomez/Robin Bird)

APPROVED FIRST READING

14. **P.H. 2007-51; ORD. NO. 2007-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THAT CERTAIN ALLEYWAY LYING BETWEEN NE 15TH TERRACE AND NE 16TH AVENUE AND NORTH OF SAMPLE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Jennifer Gomez/Robin Bird)

END OF QUASI-JUDICIAL PROCEEDING

REGULAR AGENDA – CONTINUED

ADOPTED

15. **P.H. 2007-49; ORD. NO. 2007-37: (ORDINANCE 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 DEFINE BULK TRASH AND AMENDING THE DEFINITION OF SOLID WASTE; BY AMENDING SECTION 96.11, “COLLECTION TIMES,” TO PROVIDE FOR BULK TRASH COLLECTION; AND BY AMENDING SECTION 96.12, “COLLECTION REGULATIONS,” TO REGULATE PRIOR PLACEMENT OF BULK TRASH AT RESIDENCES, DUPLEXES AND TRIPLEXES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: FEBRUARY 27, 2007

(Staff Contact: Robert A. McCaughan)

ADOPTED

16. **P.H. 2007-46; ORD. NO. 2007-38: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH GRANTING AN ADDITIONAL 90-DAY TEMPORARY SUSPENSION ON THE ISSUANCE OF VIOLATIONS BY CODE ENFORCEMENT INSPECTORS FOR FAILURE TO HAVE HARD SURFACE DRIVEWAYS OR TO USE HARD SURFACE DRIVEWAYS FOR PARKING OF VEHICLES; PROVIDING FOR THE DURATION AND EXTENSION OF THE SUSPENSION; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

FIRST READING: FEBRUARY 27, 2007

(Staff Contact: Gordon B. Linn/Robin M. Bird)

ADOPTED

17. **P.H. 2007-45; ORD. NO. 2007-39: (ORDINANCE 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 AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND NEXTEL SOUTH CORP.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: FEBRUARY 27, 2007

(Staff Contact: Gene Zamoski)

REGULAR AGENDA – CONTINUED

APPROVED FIRST READING AS AMENDED

18. **P.H. 2007-50; ORD. NO. 2007-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 50, “WATER”, OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.02, “WATER DISTRIBUTION; METERS”, BY AMENDING ITS TITLE TO, “WATER DISTRIBUTION; GENERAL”; REQUIRING NEW DEVELOPMENTS GREATER THAN ONE ACRE TO PROVIDE MASTER METERS; PERMITTING A CONTRACTOR TO MAKE CONNECTIONS TO THE CITY SYSTEM; PERMITTING FITTINGS WITHIN TWO FEET OF METER; REQUIRING AWWA STANDARDS FOR METERS; REQUIRING PERMITS FOR TESTING AND REPAIRS TO BE OBTAINED FROM THE CITY’S BUILDING DEPARTMENT; REQUIRING INSTALLATION OR REPAIR OF BACKFLOW DEVICES WITHIN FIVE WORKING DAYS OF NOTICE; REQUIRING THE INSTALLATION OF A BACKFLOW PREVENTION ASSEMBLY FOR UNAPPROVED USE OF UNMETERED FIRE LINE; REQUIRING PAYMENT OF REPAIR OR REPLACEMENT OF UTILITY APPURTENANCES WITHIN FIVE DAYS OF NOTICE AND PROVIDING THAT SUCH COSTS MAY BE APPLIED TO CUSTOMERS’ ACCOUNTS; DETERMINING THE DISTANCE THE WATER SYSTEM MUST BE EXTENDED; REQUIRING A PERMIT TO WITHDRAW WATER FROM FIRE HYDRANTS; AND UPDATING AND CLARIFYING OTHER PROVISIONS; AMENDING SECTION 50.03, “WATER TARIFF”, TO PROVIDE FOR TERMS AND CONDITIONS FOR THE SALE OF CITY WATER; AMENDING SECTION 50.04, “INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE,” TO PROVIDE THAT CITY MAY EXPEND REUSE WATER DEPOSIT DUE TO NONPAYMENT OF SERVICES; AMENDING SECTION 50.05, “CURTAILMENT OF USAGE”, BY AMENDING THE TITLE TO, “CONSERVATION”; PROVIDING RESTRICTIONS AND PENALTIES DURING A WATER SHORTAGE AND VARIANCE PROCEDURES; ESTABLISHING CONSERVATION WATER USAGE REQUIREMENTS; AMENDING SECTION 50.06, “BILLING”, SECTION 50.07, “DELINQUENT BILLS”, SECTION 50.10, “UNLAWFUL USE OF CITY WATER”, AND SECTION 50.13, “CAPITAL RECOVERY FEES”, TO CLARIFY AND UPDATE VARIOUS PROVISIONS; AMENDING SECTION 50.08, “RECONNECTION AFTER CUTOFF”, TO PROVIDE WHEN UTILITY SERVICE SHALL BE REESTABLISHED FOR FAILURE TO MAKE TIMELY PAYMENT; SECTION 50.09; “WATER FROM FIRE HYDRANTS”, AND SECTION 50.14, “RESTRICTIONS ON IRRIGATION”, ARE HEREBY DELETED IN THEIR ENTIRETIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: A. Randolph Brown)

REGULAR AGENDA – CONTINUED

APPROVED FIRST READING

19. **P.H. 2007-48; ORD. NO. 2007-...: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, “BUILDINGS”, TO CREATE NEW SECTIONS 152.50 THROUGH 152.60 INCLUSIVE, RELATING TO THE “POMPANO BEACH GREEN BUILDING PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE INTENT AND PURPOSE OF THE PROGRAM; PROVIDING FOR DESIGNATION OF RESPONSIBILITY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE PROGRAM; PROVIDING FOR VOLUNTARY AND MANDATORY PARTICIPATION IN THE PROGRAM; PROVIDING FOR SCOPE OF THE PROGRAM; PROVIDING FOR PROGRAM STANDARDS; PROVIDING FOR INCENTIVES TO USE THE PROGRAM; PROVIDING FOR CERTIFICATION; PROVIDING FOR TRAINING; PROVIDING FOR REVIEW OF THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

TABLED: FEBRUARY 27, 2007

(Staff Contact: C. William Hargett, Jr.)

DECLARED AN EMERGENCY AND ADOPTED ON SECOND READING

19. **P.H. 2007-48; ORD. NO. 2007-40: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, “BUILDINGS”, TO CREATE NEW SECTIONS 152.50 THROUGH 152.60 INCLUSIVE, RELATING TO THE “POMPANO BEACH GREEN BUILDING PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE INTENT AND PURPOSE OF THE PROGRAM; PROVIDING FOR DESIGNATION OF RESPONSIBILITY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE PROGRAM; PROVIDING FOR VOLUNTARY AND MANDATORY PARTICIPATION IN THE PROGRAM; PROVIDING FOR SCOPE OF THE PROGRAM; PROVIDING FOR PROGRAM STANDARDS; PROVIDING FOR INCENTIVES TO USE THE PROGRAM; PROVIDING FOR CERTIFICATION; PROVIDING FOR TRAINING; PROVIDING FOR REVIEW OF THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

TABLED: FEBRUARY 27, 2007

(Staff Contact: C. William Hargett, Jr.)

REGULAR AGENDA – CONTINUED

ADOPTED

20. **RES. NO. 2007-149:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SAM WEINSTOCK** TO THE EMPLOYEES’ BOARD OF APPEALS OF THE CITY OF POMPANO BEACH THE UNEXPIRED TERM OF ALFRED SEGAL; SAID TERM TO EXPIRE ON MARCH 6, 2008; PROVIDING AN EFFECTIVE DATE.

APPLICANTS

Sam Weinstock – District 5

(Staff Contact: Mary L. Chambers)

REPORTS

City Manager
City Attorney
City Clerk
Internal Auditor
City Commission

ADJOURNMENT: 8:59 P.M.

BALANCE IN CONTINGENCY

October 1, 2006	Beginning Balance	\$ 26,340.00
January 9, 2007	Community Wildlife Habitat Program	\$ <u>(500.00)</u>
	Current Balance:	\$ 25,840.00

