

MEETING RESULTS!!!
CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2009-42
TUESDAY, SEPTEMBER 22, 2009
7:00 P.M.

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Mary L. Chambers, MMC,
City Clerk

INVOCATION

Pastor John Hartzell
Grace Baptist Church

PLEDGE OF ALLEGIANCE

Led by Mary L. Chambers, MMC
City Clerk

APPROVAL OF MINUTES

ADOPTED AS SUBMITTED
Regular City Commission Meeting
Minutes of September 8, 2009

APPROVAL OF THE AGENDA

ADOPTED AS SUBMITTED
City Commission

PROCLAMATIONS

Mayor Lamar Fisher

Mesothelioma Awareness Day

Larry Davis of the Mesothelioma Research Foundation accepted proclamation.

International Climate Action Day

Casey K. Eckels from the South Florida Reuse and Recycling Institute accepted proclamation.

Fire Prevention Week

Fire Chief Harry Small accepted proclamation.

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

ADOPTED

1. Approve ranking order for RLI H-34-09 “Professional Services to Establish a Guaranteed Energy, Water, and Wastewater Performance Saving Contract” and authorize staff to negotiate a contract with the highest ranked firm, Siemens Building Technologies, Inc. (No cost at this time.)

(Staff Contact: Robert McCaughan)

ADOPTED

2. Approval to award Bid H-43-09, Airpark Sewer Main Installation, to the low bidder, Sunline Engineering Contractors, Inc., in the amount of \$369,623.85, and approval of accompanying budget adjustment.

(Staff Contact: Helen Gray)

ADOPTED

3. **RES. NO. 2009-296:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DAYTIME/NIGHTTIME SHARED PARKING AGREEMENT BETWEEN R U N D, INC. AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

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

ADOPTED

4. **RES. NO. 2009-297:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE AGREEMENT AND STATEMENT OF WORK BETWEEN THE CITY OF POMPANO BEACH AND MOTOROLA, INC. FOR THE CITY’S PORTABLE AND MOBILE RADIO COMMUNICATIONS EQUIPMENT; PROVIDING AN EFFECTIVE DATE. (COST OF MAINTENANCE AGREEMENT: \$43,984.92)

(Staff Contact: Gene Zamoski)

ADOPTED

5. **RES. NO. 2009-298:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE AGREEMENT AND STATEMENT OF WORK BETWEEN THE CITY OF POMPANO BEACH AND MOTOROLA, INC. FOR THE CITY’S FIRE MOBILE DATA SYSTEM; PROVIDING AN EFFECTIVE DATE. (COST OF SERVICE AGREEMENT: \$14,984.04)

(Staff Contact: Gene Zamoski)

CONSENT AGENDA – CONTINUED

ADOPTED

6. **RES. NO. 2009-299:** 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 FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH, FOR THE CONTRACT YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Michael Smith)

ADOPTED

7. **RES. NO. 2009-300:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DEBORAH SPLAVER** TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF THEODORE SPLAVER AS APPOINTEE OF MAYOR LAMAR FISHER; SAID TERM TO EXPIRE ON DECEMBER 31, 2010; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mary L. Chambers)

ADOPTED

8. **RES. NO. 2009-301:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LITTER REMOVAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND NORTH BROWARD YOUTH ATHLETIC ASSOCIATION, INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robert A. McCaughan)

ADOPTED

9. **RES. NO. 2009-302:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FORMAL COMPETITIVE BIDS FOR THE PURCHASE OF 90 PARKING METERS FROM P.O.M. INCORPORATED IN THE AMOUNT OF \$31,500.00; PROVIDING AN EFFECTIVE DATE.

Staff Contact: Brian Donovan/Capt. Wayne Adkins)

CONSENT AGENDA – CONTINUED

ADOPTED

10. **RES. NO. 2009-303:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING ELIMINATION OF THE CAP ON THE STATE AND LOCAL HOUSING TRUST FUNDS (HOUSING TRUST FUNDS) AND SUPPORTING FULL APPROPRIATION OF THE HOUSING TRUST FUNDS FOR HOUSING PROGRAMS; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Alexander Medina/Miriam Carrillo)

ADOPTED

11. **RES. NO. 2009-304:** 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 2010 THROUGH 2014; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Larry W. Schuster)

ADOPTED

12. **RES. NO. 2009-305:** 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 CONTRACTS FOR THE PURCHASE OF REAL PROPERTY UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Alexander Medina/Miriam Carrillo)

ADOPTED

13. **RES. NO. 2009-306:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCES ON REAL PROPERTY(IES) LOCATED WITHIN THE CITY OF POMPANO BEACH; SETTING FORTH ACTUAL COSTS THE CITY INCURRED TO ABATE SAID NUISANCE(S); PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT AND ATTENDANT ADMINISTRATION, INSPECTION AND COLLECTION COSTS, INCLUDING A REASONABLE ATTORNEY'S FEE, SHALL BECOME EFFECTIVE AS A LIEN AGAINST THE PROPERTY(IES); PROVIDING THAT SAID ASSESSMENT SHALL BEAR INTEREST AS SET FORTH IN § 55.03, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Barbara Schubert/Robin Bird)

CONSENT AGENDA – CONTINUED

ADOPTED

14. **RES. NO. 2009-307:** 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 GRANICUS, INC. TO PROVIDE WEB-STREAMING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Sandra King)

REGULAR AGENDA

ADOPTED

15. **P.H. 2009-74; ORD. NO. 2009-52:** (ORDINANCE 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 32, “DEPARTMENTS,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.36, “SERVICE FEES FOR COLLECTION,” TO INCREASE SERVICE FEES IMPOSED BY THE CITY WHENEVER DELINQUENT ACCOUNTS ARE REFERRED FOR COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: SEPTEMBER 8, 2009

(Staff Contact: Suzette Sibble)

QUASI-JUDICIAL PROCEEDING

ADOPTED

16. **P.H. 2009-69; ORD. NO. 2009-53:** (ORDINANCE 2ND READING)
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.005, “ZONING DISTRICTS,” BY REZONING PARCELS OF PROPERTY LYING WEST OF SOUTHEAST 23RD AVENUE AND SOUTH OF SOUTHEAST 4TH STREET AND ALSO LYING EAST OF SOUTHEAST 23RD AVENUE AND BOTH NORTH AND SOUTH OF SOUTHEAST 4TH STREET FROM PR (PARKS AND RECREATION) AND CF (COMMUNITY FACILITIES) TO CF (COMMUNITY FACILITIES); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: SEPTEMBER 8, 2009

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

END OF QUASI-JUDICIAL PROCEEDING

REGULAR AGENDA – CONTINUED

ADOPTED

17. **P.H. 2009-75; ORD. NO. 2009-54: (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 AGREEMENT FOR THIRD PARTY ADMINISTRATIVE SERVICES FOR THE CITY’S SELF-INSURED WORKERS’ COMPENSATION PROGRAM BETWEEN THE CITY OF POMPANO BEACH AND CORVEL ENTERPRISE COMP, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: SEPTEMBER 8, 2009

(Staff Contact: Michael Smith/Ed Beecher)

ADOPTED

18. **P.H. 2009-70; ORD. NO. 2009-55: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, “CITY POLICY,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.004, “FEES FOR PUBLIC RECORDS REQUESTS AND NOTARY SERVICE,” TO PROVIDE FOR A FEE FOR THE CREATION OF A CD, DVD AND SIMILAR MEDIA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: SEPTEMBER 8, 2009

(Staff Contact: Mary L. Chambers/Asceletta Hammond)

APPROVED FIRST READING

19. **P.H. 2009-76; ORD. NO. 2009-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 96, “HEALTH AND SAFETY,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, “SERVICE CHARGES,” TO DECREASE THE SERVICE CHARGES FOR THE COLLECTION AND DISPOSAL OF REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Russell Ketchem/Robert A. McCaughan)

REGULAR AGENDA – CONTINUED

ADOPTED

20. **RES. NO. 2009-308:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR COMMUNITY BUS SERVICE INCLUDING CAPITAL COST FOR LEASED VEHICLE(S); PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Brian Donovan)

ADOPTED

21. **RES. NO. 2009-309:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING A FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AMENDMENT OF ITS CONSTRUCTION PLANS FOR EAST ATLANTIC BOULEVARD TO PROVIDE FOR IMPROVEMENTS THAT INCLUDE FOUR TRAFFIC LANES ONLY, DESIGN CRITERIA FOR LANDSCAPING AND DESIGN ELEMENTS, AND SUPPORTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY TO ACCEPT A MINIMUM FUNDING CONTRIBUTION OF \$850,000 FROM THE AGENCY FOR STREETScape IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Willie A. Hopkins, Jr.)

ADOPTED

22. **RES. NO. 2009-310:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOAN KOVAC** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE SEPTEMBER 13, 2011; PROVIDING AN EFFECTIVE DATE.

APPLICANTS

Sarah Goff – (Alternate #1) – District 2

Joan Kovac – (Incumbent) – District 1

Tamela Stults-Wagner – District 1

(Staff Contact: Mary L. Chambers)

REGULAR AGENDA – CONTINUED

ADOPTED

23. **RES. NO. 2009-311:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SARAH GOFF** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DONNA TORREY; SAID TERM TO EXPIRE DECEMBER 12, 2010; PROVIDING AN EFFECTIVE DATE.

SEE PREVIOUS ITEM FOR APPLICANTS

(Staff Contact: Mary L. Chambers)

ADOPTED

24. **RES. NO. 2009-312:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **THEODORE SPLAVER** TO THE LOCAL COMPLETE COUNT COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DEBORAH SPLAVER AS ALTERNATE #1; SAID TERM TO EXPIRE ON DECEMBER 31, 2010; PROVIDING AN EFFECTIVE DATE.

APPLICANTS

Lawrence Clark – District 1
A. Jessie Guido – District 1
John McDermott – District 1
Frank Shulman – District 3
Charles H. Bechert, III – District 3
Bettye A. Walker – District 4
Reverend Grover L. Johnson, Jr. – District 4
Betty Ann Rosenbloom – District 5
Theodore Splaver – District 5

(Staff Contact: Mary L. Chambers)

SELECTED DENNIS BEACH, T.C. BROADNAX, FRANK CLIFTON, GARY SHIMUN, VERNON STONER AND JAMES TWOMBLY AS THE TOP SIX CANDIDATES FOR NEXT CITY MANAGER

25. Consideration of semi-finalists recommended by the Mercer Group, Inc. for the position of City Manager.

(Staff Contact: Phyllis A. Korab)

REPORTS

City Manager
City Attorney
City Clerk
Internal Auditor
City Commission

ADJOURNMENT: 9:55 P.M.

BALANCE IN CONTINGENCY

October 1, 2008	Beginning Balance	\$ 8,340.00
October 14, 2008	Broward County Minority Builders Coalition, Inc. Banquet	715.00
October 14, 2008	Broward County Mayor's Gala	2,000.00
February 10, 2009	Historical Preservation Committee	1,000.00
June 23, 2009	Tyrone Carter Community Fun Day	<u>2,000.00</u>
	CURRENT BALANCE	\$ 2,625.00