

Meeting Date: April 26, 2011

Agenda Item 2

REQUESTED COMMISSION ACTION:

Consent     Ordinance     Resolution     Consideration     Workshop

SHORT TITLE    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 Progressive Lodge 690 F&A.M., PHA, Inc. pursuant to the City's Adopt-a-Street Program; providing an effective date.

Summary of Purpose and Why:

As a means to improve the curb appeal of Pompano Beach, the City has developed an Adopt-A-Street Program which offers a hands on approach to local beautification. The Public Works Department provides the volunteers with a safety orientation, necessary safety equipment, collection materials, and support to retrieve collected bags of litter. Progressive Lodge 690 F&A.M., PHA, Inc. has committed to adopting the right-of-way adjacent to N.W. 3<sup>rd</sup> Avenue from Hammondville Road north to N.W. 8<sup>th</sup> Street.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Robert A. McCaughan, Public Works Director Ext. 4097
- (3) Expiration of contract, if applicable: \_\_\_\_\_
- (4) Fiscal impact and source of funding: None

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Public Works	<u>4/14/11</u>	<u>Approve</u>	<u>Robert A. McCaughan</u>
Finance	<u>4/16/11</u>	<u>Approval</u>	<u>[Signature]</u>
City Attorney	<u>4/17/11</u>	<u>Approve</u>	<u>[Signature]</u>

- Advisory Board
- Development Services Director
- City Manager

Dennis W. Beed

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
<u>1st Reading</u>	<u>1st Reading</u>	<u>Results:</u>	<u>Results:</u>
_____	_____	_____	_____
<u>2nd Reading</u>	_____	_____	_____
_____	_____	_____	_____



**City Attorney's Communication #2011-888**

March 31, 2011

**TO:** Ruth Bobbi, Department Head Secretary

**FROM:** Jill R. Mesojedec, FRP, Paralegal

**VIA:** Gordon B. Linn, City Attorney *GBL*

**RE:** Resolutions Approving Adopt-A-Street Agreements

As requested in your memorandum of March 30, 2011, Public Works Department Memorandum No. 2011-033, I have prepared and attached the following form of resolutions:

**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 SABA TEMPLE #186 A.E.A.O.N.M.S. PRINCE HALL AFFILIATED, INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE.**

**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 PROGRESSIVE LODGE 690 F.&A.M., PHA. INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

*Jill R. Mesojedec*  
\_\_\_\_\_  
JILL R. MESOJEDEC

l:cor/pw/2011-888  
Attachments

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**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 PROGRESSIVE LODGE 690 F.&A.M., PHA. INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That an Agreement between the City of Pompano Beach and Progressive Lodge 690 F.&A.M., PHA. Inc., pursuant to the City's Adopt-a-Street Program, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and Progressive Lodge 690 F.&A.M., PHA. Inc.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARY L. CHAMBERS, CITY CLERK**

RESOLUTION NO. 2011-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**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 PROGRESSIVE LODGE 690 F.&A.M., PHA. INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That an Agreement between the City of Pompano Beach and Progressive Lodge 690 F.&A.M., PHA. Inc., pursuant to the City's Adopt-a-Street Program, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and Progressive Lodge 690 F.&A.M., PHA. Inc.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARY L. CHAMBERS, CITY CLERK**

**THE CITY OF POMPANO BEACH**

**ADOPT-A-STREET PROGRAM**

**APPLICATION FOR ADOPT-A-STREET PROGRAM**

**(please type or print)**

The City of Pompano Beach Public Works Department will work with the adopting group to determine the specific section of City roadway to be adopted. Interstate highways, certain divided highways and roadways where a lack of sufficiently wide right-of-way causes safety hazards will not be considered adoptable roadways.

Progressive Lodge #690  
(Name of Organization)

3/24/11  
(Date)

921 NW 6<sup>th</sup> Street  
(Mailing Address)

Pompano Beach, FL 33060  
(City, Zip Code)

Larry Jones  
(Authorized Individual)

Larry Jones  
(Name of Contact Person)

(954) 817-1684  
(Day Phone Number)

10441 NW 18<sup>th</sup> Court  
(Mailing Address)

Same  
(Evening Phone Number)

Plantation, FL 33322  
(City, Zip Code)

Approximate number of members participating in the clean-up: 25+

City road section(s) you are interested in adopting:

Assigned:

1. NW 3<sup>rd</sup> Ave From Hammondville Rd North To NW 8<sup>th</sup> St.

2. \_\_\_\_\_

3. \_\_\_\_\_

**CITY OF POMPANO BEACH  
ADOPT-A-STREET PROGRAM  
LITTER REMOVAL AGREEMENT**

THIS AGREEMENT, made and entered into this 24 day of MARCH, 2011 by and between:

**CITY OF POMPANO BEACH**, a municipal corporation of the State of Florida (hereinafter referred to as "CITY")

Progressive Lodge No. 690 F+AM PHA and  
(hereinafter referred to as the GROUP).

**WITNESSETH:**

**WHEREAS**, Progressive Lodge No. 690 F+AM PHA is a part of the City of Pompano Beach's Road System; and

**WHEREAS**, the CITY has responsibility for operation and maintenance of the CITY Road System; and

**WHEREAS**, the City Commission encourages the implementation of an "Adopt-A-Street" Program to permit participation by local organizations in roadway litter removal projects; and

**WHEREAS**, the GROUP is desirous of adopting a portion of a roadway within the CITY to remove litter;

**NOW, THEREFORE**, the parties agree as follows:

## ARTICLE I

### GROUP AGREES TO:

A. Adopt the right of way adjacent to NW 3<sup>rd</sup> Ave From  
Hammondville Road North To NW 8<sup>th</sup> St. (See Attached Map)  
(hereinafter "Adopted Road Section").

B. Perform litter removal on the Adopted Road Section at least four times per year in strict accordance with the Florida Department of Transportation (FDOT) Accident Prevention Manual, Safe Field Work Practices Topic No. 500-000-004b, the Federal Manual on Uniform Traffic Control Devices (MUTCD), and Florida Department of Transportation Design Roadway and Standard Index 602.

C. Conduct and require all participating members to attend safety meetings and pre-task briefings prior to litter removal in accordance with FDOT's Accident Prevention Procedures Manual Topic No. 500-080-003b.

D. Remove litter during daylight hours only.

E. Remove litter during good weather conditions only.

F. Contact the CITY's Public Works Solid Waste Division at (954) 786-3151 to coordinate litter removal times with CITY personnel.

G. Ensure that all participants wear safety vests at all times during the litter removal activity.

H. Not pick up litter at construction or maintenance sites, in tunnels, on bridges or overpasses or on medians.

I. Only allow such persons to participate as are determined by the GROUP to be responsible enough to safely participate in the litter removal activities. Participating youths must be at least 12 years of age and the GROUP shall provide at least one adult supervisor for every 5 youths aged 12-15 who are participating in the litter removal activity.

J. Provide at all times at least one person over the age of 18 who is generally responsible on site for supervising all litter removal activities.

K. Not bring persons to observe the activity, unless the person is over the age of 16.

L. Not wear clothing or headphones which would hinder the sight or hearing of the participants.

M. Place the filled litter bags in locations at each end of the GROUP's Adopted Road Section, near to the Adopt-A-Street signs, in such a manner as not to constitute an obstruction to sight, pedestrians or vehicles.

N. Indemnify and hold harmless, the CITY, its employees, officers or agents, from any claim, loss, damage, cost, charge or expense arising out of any action, neglect or omission by the GROUP during the performance of the Agreement, whether direct or indirect and whether to any person or property to which CITY or said parties may be subject, except that neither the GROUP nor any of its members shall be liable under this provision for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the CITY and its employees, officers or agents.

## ARTICLE II

### CITY AGREES TO:

- A. Install Adopt-A-Street signs at the beginning and end of the Adopted Road Section for the period that this Agreement is in effect.
- B. Provide a safety orientation, plastic trash bags and loan the GROUP orange safety vests and orange safety signs.
- C. Remove the filled plastic bags when placed near to the Adopt-A-Street signs.
- D. Remove unusual, large, heavy or hazardous items of litter.

## ARTICLE III

### BOTH PARTIES UNDERSTAND:

- A. That members of the GROUP participating in litter pick-up are providing volunteer services to the GROUP and not to the CITY.
- B. That the Agreement shall remain in effect for a two-year period. CITY or GROUP may terminate this Agreement for any reason upon fifteen (15) days' written notice.
- C. The Agreement is non-transferable and non-assignable.
- D. The Agreement covers litter removal activities only. No beautification activities are authorized by this Agreement.

E. CITY's Public Works Department shall screen and select the section of CITY roadways to be adopted and may upon written notice to GROUP select a different section of road for their participation.

F. The Director of the CITY's Public Works Department shall decide all questions, difficulties and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution of fulfillment of the services hereunder and the character, quality, amount and value thereof of this decision upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.

"CITY":

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
DENNIS W. BEACH  
CITY MANAGER

Attest:

(SEAL)

\_\_\_\_\_  
MARY L. CHAMBERS  
CITY CLERK

Approved As To Form:

\_\_\_\_\_  
GORDON B. LINN  
CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by **LAMAR FISHER**, as Mayor, **DENNIS W. BEACH** as City Manager and **MARY L. CHAMBERS**, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

**"GROUP":**

Witnesses:

[Signature]  
[Signature]

Progressive Lodge #690 F+AM PMA  
Name of Group

By:

[Signature]  
LARRY JONES  
Typed or Printed Name

Title: Senior Warden

(SEAL)

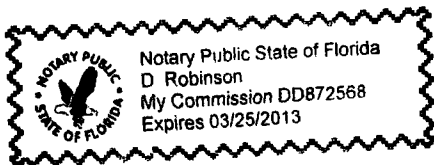
STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 24<sup>th</sup>  
day of March, 2010 by LARRY JONES  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, on behalf of  
Progressive Lodge #690 F+AM PMA

He/she is personally known to me or who has produced \_\_\_\_\_  
(type of identification) as identification.

NOTARY'S SEAL:



[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA

D. Robinson  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

**ADOPT-A-STREET PROGRAM**  
**AGREEMENT,**  
**WAIVER AND AUTHORIZATION**

STATE OF FLORIDA  
COUNTY OF BROWARD

BEFORE ME, this day, the undersigned authority, personally appeared LARRY JONES, who first being duly sworn, deposes and says:

1. That I, LARRY JONES ("Participant"), have voluntarily chosen to participate in an activity or activities sponsored by the City of Pompano Beach, ("Releasee"), specifically the ADOPT-A-STREET PROGRAM

and that I am eighteen (18) years of age or older, OR,

That I, \_\_\_\_\_ ("Guardian), am the natural (or legal) guardian of \_\_\_\_\_, ("Child"), who is in my custody and who is under eighteen years of age, and that said child is participating in an activity or activities sponsored by the City of Pompano Beach ("Releasee"), with my full knowledge and consent, specifically the ADOPT-A-STREET PROGRAM.

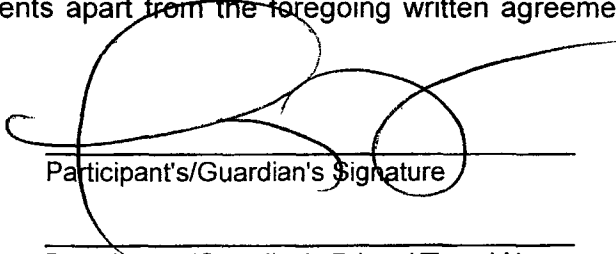
2. The undersigned participant or guardian fully and completely ACKNOWLEDGES AND COMPREHENDS the nature and type of activities inherent in and involved with the ADOPT-A-STREET PROGRAM, and UNDERSTANDS AND AGREES that this program sponsored by the City of Pompano Beach may involve the risk of injury and/or death and/or damage to property. Accordingly, for and in consideration of the opportunity to participate in the ADOPT-A-STREET PROGRAM, and of the sum of One (\$1.00) Dollar or other valuable considerations received from Releasee, the receipt whereof is hereby acknowledged, the UNDERSIGNED DOES HEREBY release, remise, acquit, satisfy and forever discharge the Releasee, the City of Pompano Beach and all of its officers, directors, managers, officials, employees, commissioners, agents and staff, of and from all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever in law or in equity, which said participant or child ever had, now has, can, shall, or may have, or, which any personal representative, successor, heir, guardian, or assign of said participant, or child, hereinafter can, shall or may have against Releasee and all of its officers, directors, managers, officials, employees, commissioners, agents, and staff, for upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents, or in the future, arising as a direct or proximate result of participant or guardian's participation in the aforementioned ADOPT-A-STREET PROGRAM.

3. In the event that the above-named PARTICIPANT/CHILD sustains physical injury while participating in the above-referenced activity or activities, I hereby authorize and request that said PARTICIPANT/CHILD receive emergency treatment from the City of Pompano Beach medical personnel or from any individual or individuals licensed by the State of Florida as a Medical Service Unit as well as any hospital in the State of Florida.

4. The UNDERSIGNED further expressly agrees that the foregoing AGREEMENT, WAIVER AND AUTHORIZATION is intended to be as broad and inclusive as is permitted by the laws of the state and county and that if any portion thereof is held invalid, it is agreed that the balance shall notwithstanding continue in full legal force and effect.

5. THE UNDERSIGNED HAS READ AND VOLUNTARILY signs this AGREEMENT, WAIVER AND AUTHORIZATION and further agrees that no oral representations, statements or inducements apart from the foregoing written agreement have been made.

Date: 3/24/11

  
Participant's/Guardian's Signature

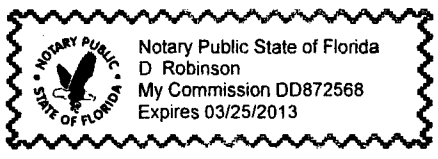
Participant's/Guardian's Printed/Typed Name  
10441 NW 12<sup>th</sup> Court  
Plantation, FL 33322  
Address


(954) 867-1284  
Home Telephone Number

(954) 862-0093  
Work or Emergency Telephone Number

The foregoing instrument was acknowledged before me this 24 day of March, 2010, Larry Jones, who is personally known to me or who has produced \_\_\_\_\_, \_\_\_\_\_ (type of identification) as identification.

NOTARY SEAL



  
NOTARY PUBLIC, STATE OF FLORIDA  
(Signature of Notary Taking Acknowledgment)

D. Robinson  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

# FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



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**No Events**      **No Name History**

## Detail by Entity Name

### Florida Non Profit Corporation

PROGRESSIVE LODGE 690 F. & A.M., PHA. INC.

### Filing Information

**Document Number** N10000010521  
**FE/EIN Number** NONE  
**Date Filed** 11/10/2010  
**State** FL  
**Status** ACTIVE  
**Effective Date** 11/05/2010

### Principal Address

2207 FORREST STREET  
HOLLYWOOD FL 33023

### Mailing Address

P.O. BOX 921  
FORT LAUDERDALE FL 33311

### Registered Agent Name & Address

JONES, LARRY L  
10441 NW 12 COURT  
PLANTATION FL 33322 US

### Officer/Director Detail

#### Name & Address

Title P

REDDICK, RANDY  
824 NW 19TH AVENUE  
FORT LAUDERDALE FL 33311

Title VP

JONES, LARRY L  
10441 NW 12 COURT  
PLANTATION FL 33322

Title VP

ROGERS, MICHAEL SR  
919 FOSTER ROAD  
HALLANDALE BEACH FL 33009

Title SEC

JONES, JAMES  
3004 SW 85 TERRACE #208  
PEMBROKE PINES FL 33025

Title TRES

GORDON, MCARTHUR SR  
4610 SW 21 STREET  
WEST PARK FL 33023

### **Annual Reports**

**No Annual Reports Filed**

### **Document Images**

11/10/2010 -- Domestic Non-Profit [View image in PDF format](#)

**Note:** This is not official record. See documents if question or conflict.

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