

**MEETING RESULTS!!!
CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2011-25
TUESDAY, JULY 12, 2011
7:00 P.M.**

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Mary L. Chambers, MMC,
City Clerk

INVOCATION

Rabbi Tzvi Dechter
Chabad Synagogue

PLEDGE OF ALLEGIANCE

Led by Mary L. Chambers, MMC,
City Clerk

APPROVAL OF MINUTES

APPROVED AS SUBMITTED
Regular City Commission Meeting
of June 28, 2011

APPROVAL OF THE AGENDA

APPROVED AS SUBMITTED
City Commission

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 one cemetery plot from Robert S. Day back to the City of Pompano Beach.

(Staff Contact: Robert A. McCaughan)

ADOPTED

2. **RES. NO. 2011-271:** 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 IMPROVING 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; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNERS(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Barbara Schubert/Robin M. Bird)

ADOPTED

3. **RES. NO. 2011-272:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR A CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR THE MUNICIPAL AIR PARK; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Alessandra Delfico)

ADOPTED

4. **RES. NO. 2011-273:** 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 AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIVE NATION WORLDWIDE, INC.; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau)

CONSENT AGENDA – CONTINUED

ADOPTED

5. **RES. NO. 2011-274:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LETTER AGREEMENT TO OBTAIN A SIGNED PROPOSED AGREEMENT WITH CONDITIONS BETWEEN THE CITY OF POMPANO BEACH AND GREATAMERICA LEASING CORPORATION; PROVIDING AN EFFECTIVE DATE. (\$5,652 annual lease)

(Staff Contact: Robert A. McCaughan/Alessandra Delfico)

REGULAR AGENDA

APPROVED

6. Acceptance of the City Manager’s Recommended Operating and Capital Budget for Fiscal Year 2011-12 and approval of public hearing dates to adopt the FY 2011-12 Budget.

(Staff Contact: Brian Donovan)

QUASI-JUDICIAL PROCEEDING

APPROVED FIRST READING

7. **P.H. 2011-77; ORD. NO. 2011-...:** (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 THE PROPERTY LYING SOUTH OF NE 33RD STREET, EAST OF NE 3RD AVENUE AND COMMONLY KNOWN AS 400 NE 33RD STREET FROM RS-3 (SINGLE-FAMILY RESIDENCE) TO RM-20 (MULTIPLE-FAMILY RESIDENCE); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Jean E. Dolan)

APPROVED FIRST READING

8. **P.H. 2011-81; ORD. NO. 2011-...:** (PUBLIC HEARING 1ST READING)
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THAT CERTAIN FOURTEEN FOOT ALLEYWAY LYING NORTH OF AND PARALLEL TO NE 2ND STREET AND BETWEEN NE 1ST AVENUE AND NE 2ND AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Jean E. Dolan)

QUASI-JUDICIAL PROCEEDING – CONTINUED

APPROVED FIRST READING

9. **P.H. 2011-82; ORD. NO. 2011-...: (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 A PARCEL OF PROPERTY BOUNDED ON THE EAST BY NW 18TH AVENUE, AND ON THE SOUTH BY WEST ATLANTIC BOULEVARD, FROM B-3 (RETAIL BUSINESS) TO B-3 (GENERAL BUSINESS) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL OVERLAY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING SECOND READING: JULY 26, 2011

(Staff Contact: Robin M. Bird/Jean E. Dolan)

END OF QUASI-JUDICIAL PROCEEDING

REGULAR AGENDA – CONTINUED

ADOPTED

10. **P.H. 2011-78; ORD. NO. 2011-58: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 50, “WATER,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.02, “WATER DISTRIBUTION; GENERAL,” PROVIDING FOR MAINTENANCE RESPONSIBILITY FOR WATER SERVICE DEVICES, PROVIDING FOR INSTALLATION, MAINTENANCE AND TESTING OF PREVENTERS AND EXEMPTING PERMITS FOR CITY-OWNED RESIDENTIAL DUAL CHECK DEVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: JUNE 28, 2011

(Staff Contact: A. Randolph Brown)

REGULAR AGENDA – CONTINUED

ADOPTED AS AMENDED

11. **P.H. 2011-79; ORD. NO. 2011-59: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 54, “REUSE WATER AND CROSS-CONNECTION CONTROL,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 54.01, “DEFINITIONS,” TO DELETE AND REVISE CERTAIN DEFINITIONS AND TO ADD DEFINITION OF APPROVED BACKFLOW PREVENTER; BY AMENDING SECTION 54.04, “CONNECTION REQUIRED,” TO PROVIDE PROCEDURE FOR RELIEF FROM REQUIRED CONNECTION AND PROHIBITING CITY WATER FOR IRRIGATION UPON CONNECTION; BY AMENDING SECTION 54.05, “CONNECTION CHARGES AND RATES”, TO PROVIDE FOR AN INCREASE IN COMMODITY CHARGE FOR NEW CUSTOMERS AND PROVIDING FOR CONNECTION AND INSTALLATION OF DUAL-CHECK DEVICES TO SINGLE-FAMILY RESIDENTIAL CUSTOMERS AT NO CHARGE; BY AMENDING SECTION 54.05, “POLICIES AND REGULATIONS ADOPTED COMPLIANCE REQUIRED,” AND SECTION 54.07, “DESIGN AND CONSTRUCTION OF NEW RECLAIMED WATER FACILITIES,” TO REFERENCE REVISED MANUAL; BY AMENDING SECTION 54.08, “CITY RESPONSIBILITY,” TO PROVIDE FOR REPLACEMENT OF DUAL-CHECK DEVICES BY CITY; BY AMENDING SECTION 54.09, “CUSTOMER RESPONSIBILITY,” TO PROVIDE FOR CERTAIN RESPONSIBILITY BY CITY AND REQUIREMENT TO HOLD CITY HARMLESS; BY AMENDING SECTION 54.10, “DISCONTINUANCE PROCEDURES,” TO INCORPORATE NEW DEFINITIONS; BY AMENDING SECTION 54.11, “BACKFLOW PREVENTER CRITERIA”, TO REQUIRE CERTAIN BACKFLOW PREVENTERS; BY AMENDING SECTION 54.12, “PERMITS,” TO PROHIBIT ANY CROSS-CONNECT AND TO REQUIRE PERMITS FOR INSTALLATION AND TESTING OF BACKFLOW PREVENTERS, EXCEPTING CITY-OWNED DEVICES; BY AMENDING SECTION 54.13, “EXISTING IN-USE BACKFLOW PREVENTERS,” TO PROVIDE FOR REPLACEMENT OF EXISTING DEVICES AT NO COST TO SINGLE-FAMILY RESIDENTIAL CUSTOMERS; BY AMENDING SECTION 54.14, “UNAUTHORIZED WORK ON RECLAIMED WATER SYSTEM,” TO PROVIDE FOR MAINTENANCE BY CITY-OWNED DEVICES AND ASSOCIATED RECLAIMED WATER SYSTEM, BY AMENDING SECTION 54.15, “CONDITIONS OF USE AND OWNERSHIP,” TO ESTABLISH NO RECOURSE FOR TREATMENT PLANT DISRUPTION; BY AMENDING SECTION 54.16, “UNAUTHORIZED USE,” TO EXEMPT CITY FROM PROHIBITION; AND BY DELETING IN ITS ENTIRETY SECTION 54.22, “FUNDING OF INSTALLATION CAPITAL COSTS AND REIMBURSEMENT,” PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: JUNE 28, 2011

(Staff Contact: A. Randolph Brown)

REGULAR AGENDA – CONTINUED

ADOPTED

12. **P.H. 2011-76; ORD. NO. 2011-60: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, “PARKS AND PLAYGROUNDS,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 98.65 TO MODIFY THE INITIATION DATE FOR PAYMENT OF ADDITIONAL FEES FOR USE OF CITY-OWNED STALLS; AND BY AMENDING SECTION 98.66 TO MODIFY REQUIREMENTS FOR STALL USERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: JUNE 28, 2011

(Staff Contact: Robert A. McCaughan)

ADOPTED

13. **P.H. 2011-80; ORD. NO. 2011-61: (ORDINANCE 2ND READING)**
AN ORDINANCE AMENDING CHAPTER 37, “POMPANO BEACH CODE ENFORCEMENT,” OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 37.03, “JURISDICTION,” TO AMEND JURISDICTION OF THE SPECIAL MAGISTRATE OVER WATER USE RESTRICTIONS DUE TO SUBSEQUENT MODIFICATIONS OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: JUNE 28, 2011

(Staff Contact: Mark E. Berman/Gordon B. Linn)

APPROVED FIRST READING

14. **P.H. 2011-84; ORD. NO. 2011-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT AMENDMENT TO CREATE THE LIST OF USES FOR THE DOWNTOWN POMPANO TRANSIT ORIENTED CORRIDOR (DP-TOC) AS LEGALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 22, 2011; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Jean E. Dolan)

REGULAR AGENDA – CONTINUED

APPROVED FIRST READING

15. **P.H. 2011-83; ORD. NO. 2011-...:** (PUBLIC HEARING 1ST READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE DOWNTOWN POMPANO TRANSIT ORIENTED CORRIDOR (DP-TOC) AS LEGALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 22, 2011; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird/Jean E. Dolan)

APPROVED FIRST READING AS AMENDED

16. **P.H. 2011-86; ORD. NO. 2011-...:** (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 AN AGREEMENT FOR INDEPENDENT AUDITING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MCGLADREY & PULLEN, LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Suzette Sibble)

ADOPTED

17. **RES. NO. 2011-275:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ROBERT MOGAVERO** TO THE POMPANO BEACH GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF REGINALD W. WATKINS; SAID TERM TO EXPIRE ON DECEMBER 6, 2011; PROVIDING AN EFFECTIVE DATE.

APPLICANTS

Robert Mogavero – District 1

Charles T. Berkley – District 1
Dr. Ken Campbell – District 3
George Abraham – District 3
Susan M. Gingerich – District 5

TABLED: JUNE 28, 2011

(Staff Contact: Mary L. Chambers)

REGULAR AGENDA – CONTINUED

- 1) **It was the consensus of the Commission to leave the system as it is; and**
 - 2) **Have the CRA Board clarify, at its next meeting, who will negotiate on behalf of the City CRA Board when the Contract for the CRA Director has to be renegotiated.**
18. Discussion of two issues brought up during the reports section of the last City Commission meeting of June 28, 2011.
- 1) The first matter is the concern regarding the fact that union contracts are negotiated and approved by persons who may benefit from participating in the process; and
 - 2) The second matter is the concern regarding contracts directly negotiated by the City Commission without the assistance of city staff.

(Staff Contact: Gordon B. Linn)

REPORTS

City Manager
City Attorney
City Clerk
Internal Auditor
City Commission

ADJOURNMENT: 9:40 P.M.

BALANCE IN CONTINGENCY

Oct. 1, 2010	Beginning Balance	\$ 8,340.00
Feb. 22, 2011	Herb Skolnick Foundation for the Cultural Arts Gala	- 750.00
Feb. 22, 2011	Sample McDougald House Preservation Society Annual Fund Raising Event Donation	- 300.00
March 22, 2011	E. Pat Larkins Charitable Foundation Gala	<u>- 650.00</u>
		\$ 6,640.00