

**MEETING RESULTS!!!  
CITY OF POMPANO BEACH  
CITY COMMISSION MEETING  
AGENDA NO. 2011-13  
TUESDAY, MARCH 8, 2011  
7:00 P.M.**

**CALL TO ORDER**

The Honorable Lamar Fisher  
Mayor, Presiding

**ROLL CALL**

Mary L. Chambers, MMC,  
City Clerk

**INVOCATION**

Reverend Dr. Robert C. Stanley, Jr.  
Hopewell Missionary Baptist Church

**PLEDGE OF ALLEGIANCE**

Led by Mary L. Chambers, MMC,  
City Clerk

**APPROVAL OF MINUTES**

**APPROVED AS SUBMITTED**  
Regular City Commission Meeting  
of February 22, 2011

**APPROVED AS SUBMITTED**  
Special City Commission Meeting of  
September 20, 2010

**APPROVAL OF THE AGENDA**

**APPROVED AS AMENDED**  
City Commission

**SPECIAL RECOGNITION**

Commissioner Barry Dockswell's Birthday on March 2<sup>nd</sup>

**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. **RES. NO. 2011-152:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CORONET PROPERTIES, LLC; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Phyllis A. Korab/Alessandra Delfico)

**ADOPTED**

2. **RES. NO. 2011-153:** 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 PROVIDING 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 OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

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

**ADOPTED**

3. **RES. NO. 2011-154:** 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 THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF SCHOOL BUSES FOR CITY RECREATIONAL PURPOSES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau)

**ADOPTED**

4. **RES. NO. 2011-155:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF OAKLAND PARK; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau)

**CONSENT AGENDA – CONTINUED**

**APPROVED**

5. Approval to award Bid H-12-11, Antiscalant, to the single bidder, Nalco Company, for an annual open-end contract, at an estimated cost of \$75,000.00.

(Staff Contact: A. Randolph Brown)

**APPROVED**

6. Approve ranking order for RLI H-20-11, “Preparation of Stormwater Master Plan,” and authorize staff to negotiate a contract with the highest ranked firm, Chen and Associates Consulting Engineers d/b/a Chen Moore & Associates. (No cost at this time.)

(Staff Contact: Alessandra Delfico/Phyllis A. Korab)

**ADOPTED**

7. **RES. NO. 2011-156:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2011 THROUGH 2015 TO INCLUDE A PROJECT FOR RENOVATION OF CITY’S WAREHOUSE AT 1841 POWERLINE ROAD; ESTABLISHING THE APPROPRIATE BUDGET FOR FY 2011; PROVIDING AN EFFECTIVE DATE. (Initial funding: \$850,000.00)

(Staff Contact: Alessandra Delfico/Phyllis A. Korab)

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**REGULAR AGENDA**

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**QUASI-JUDICIAL PROCEEDING**

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**ADOPTED**

8. **RES. NO. 2011-157:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE QUINN PARCEL PLAT LOCATED ON THAT PARCEL OF LAND LYING IMMEDIATELY EAST OF FEDERAL HIGHWAY (U.S. HIGHWAY #1) AND NORTH OF NE 23<sup>RD</sup> STREET; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Chris Clemens/Robin M. Bird)

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**REGULAR AGENDA – CONTINUED**

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**QUASI-JUDICIAL PROCEEDING**

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**ADOPTED**

9. **RES. NO. 2011-158:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE JOHN KNOX VILLAGE AMENDED PLAT LOCATED ON A PARCEL OF LAND LYING IMMEDIATELY SOUTH OF POMPANO PARK PLACE (SW 3<sup>RD</sup> STREET) AND WEST OF DIXIE HIGHWAY (S.R. 811); PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Chris Clemens/Robin M. Bird)

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**END OF QUASI-JUDICIAL PROCEEDING**

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**ADOPTED**

10. **P.H. 2011-39; ORD. NO. 2011-28:** (ORDINANCE 2<sup>ND</sup> READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.176, “HISTORIC DOWNTOWN CORE OVERLAY DISTRICT,” TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; BY AMENDING SECTION 155.177, “HISTORIC DOWNTOWN TRANSITION AREA OVERLAY DISTRICT,” TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 22, 2011**

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

**APPROVED FIRST READING**

11. **P.H. 2011-45; ORD. NO. 2011-...:** (PUBLIC HEARING 1<sup>ST</sup> READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.111, “PARKING SPACE SIZE,” TO PROVIDE FOR PARKING SPACE REQUIREMENTS IN THE NORTHWEST COMMUNITY REDEVELOPMENT AREA,” BY AMENDING SECTION 155.113, “REQUIREMENTS IN VARIOUS ZONES,” TO AMEND REQUIREMENTS FOR CERTAIN USES WITHIN THE NORTHWEST COMMUNITY REDEVELOPMENT AREA AND ADJACENT TO DR. MARTIN LUTHER KING, JR. BLVD.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**NOTE: PUBLIC HEARING SECOND READING WILL BE HELD ON MARCH 22, 2011.**

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

**REGULAR AGENDA – CONTINUED**

**APPROVED FIRST READING**

12. **P.H. 2011-46; ORD. NO. 2011-...: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.003 “DEFINITIONS,” TO PROVIDE ADDITIONAL DEFINITIONS; BY AMENDING SECTION 155.069, “ALCOHOLIC BEVERAGE ESTABLISHMENTS,” TO AMEND ESTABLISHMENTS EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.074, “OUTDOOR RESTAURANTS AND BARS,” TO PROVIDE FOR APPROVAL OF OUTDOOR RESTAURANTS AND BARS AND OPERATIONAL CONDITIONS; PROVIDING FOR SIDEWALK CAFES, REVIEW AND APPROVAL AND OPERATIONAL CONDITIONS; BY AMENDING SECTION 155.111, “PARKING SPACE SIZE,” TO PROVIDE FOR PARKING SPACE REQUIREMENTS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.113, “REQUIREMENTS IN VARIOUS ZONES,” TO AMEND REQUIREMENTS FOR CERTAIN USES WITHIN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.114, “INGRESS AND EGRESS,” TO PROVIDE FOR ACCESS DRIVEWAY REGULATIONS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.132, “EXISTING USES,” RELATING TO LANDSCAPE STRIPS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; AND BY AMENDING SECTION 155.179, “ATLANTIC BOULEVARD OVERLAY DISTRICT,” TO AMEND USES, REGULATIONS, DEVELOPMENT STANDARDS AND DESIGN STYLE WITHIN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**NOTE: PUBLIC HEARING SECOND READING WILL BE HELD ON MARCH 22, 2011.**

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

**REGULAR AGENDA – CONTINUED**

**ADOPTED AS AMENDED**

13. **P.H. 2011-41; ORD. NO. 2011-29: (ORDINANCE 2<sup>ND</sup> READING)**  
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 156, “SIGN CODE,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 156.03, “DEFINITIONS,” TO ADD A DEFINITION FOR GAS STATION PRICE SIGN, LED SIGNS, POLE SIGNS AND TO AMEND OTHER EXISTING DEFINITIONS; BY AMENDING SECTION 156.04, “GENERAL REQUIREMENTS,” TO REQUIRE ALTERATION OF POLE SIGN STRUCTURES WHEN CHANGING SIGN FACE; BY AMENDING SECTION 156.07, “BUSINESS, COMMERCIAL, AND INDUSTRIAL DISTRICTS,” TO PROVIDE VARIOUS CONDITIONS AND LIMITATIONS FOR SIGNAGE IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 156.11, “PROHIBITED SIGNS,” TO PROHIBIT POLE SIGNS AND LED SIGNS AND EXEMPTING CERTAIN MESSAGE CENTER SIGNS; AND BY AMENDING SECTION 156.12, “PERMIT REQUIRED,” TO REQUIRE FOUR SETS OF PLANS UPON APPLICATION FOR A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING: FEBRUARY 22, 2011**

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

**APPROVED FIRST READING**

14. **P.H. 2011-38; ORD. NO. 2011-...: (PUBLIC HEARING 1<sup>ST</sup> READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.183, “B-3 GENERAL BUSINESS DISTRICT,” TO ADD CONSIGNMENT SHOP, CHURCHES, FORTUNE TELLERS AND PET HOTELS, WITH CONDITIONS, AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**FIRST READING TABLED: FEBRUARY 22, 2011**

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

**REGULAR AGENDA – CONTINUED**

**APPROVED FIRST READING**

15. **P.H. 2011-42; ORD. NO. 2011-...:** (PUBLIC HEARING 1<sup>ST</sup> READING)  
A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING THE ANNUAL UPDATE TO THE COMPREHENSIVE PUBLIC SCHOOLS FACILITIES ELEMENT TO REFLECT THE NEW MEASURE FOR SCHOOL CONCURRENCY AND THE UPDATED FACILITIES MAPS; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON FEBRUARY 23, 2011; PROVIDING THAT TRANSMITTAL AND ADOPTION PUBLIC HEARINGS WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

**APPROVED FIRST READING**

16. **P.H. 2011-43; ORD. NO. 2011-...:** (PUBLIC HEARING 1<sup>ST</sup> READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING THE ANNUAL UPDATE TO THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS ELEMENT; PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE.

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

**STRICKEN**

17. **RES. NO. 2011-:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL A CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 337 NW 2<sup>ND</sup> AVENUE, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

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

**EXECUTIVE SESSION**

**TABLED TO THE MARCH 22, 2011 CITY COMMISSION MEETING**

18. Advice concerning litigation in relation to settlement matters and/or strategy sessions.

*City of Pompano Beach, Florida, et al. v. Swerdlow Lightspeed Management Company, LLC, et al.*, Broward Circuit Case No. 10-19437 (21).

Those in attendance will be the City Commission members; Dennis W. Beach, the City Manager; Gordon B. Linn, Esq., the City Attorney; and William R. Scherer, III, Esquire of Conrad & Scherer.

**TIME CERTAIN: 9:00 P.M. OR AT THE CONCLUSION OF THE MEETING.**

(Staff Contact: Gordon B. Linn)

**REPORTS**

City Manager  
City Attorney  
City Clerk  
Internal Auditor  
City Commission

**ADJOURNMENT: 9:06 P.M.**

**BALANCE IN CONTINGENCY**

October 1, 2010	Beginning Balance	\$ 8,340.00
February 22, 2011	Herb Skolnick Foundation for the Cultural Arts Gala	- 750.00
February 22, 2011	Sample McDougald House Preservation Society Annual Fund Raising Event Donation	- <u>300.00</u>
		\$ 7,290.00