

**CITY OF POMPANO BEACH
CITY COMMISSION MEETING
AGENDA NO. 2008-21
TUESDAY, JUNE 10, 2008
7:00 P.M.**

CALL TO ORDER

The Honorable Lamar Fisher
Mayor, Presiding

ROLL CALL

Mary L. Chambers, CMC,
City Clerk

INVOCATION

Father Bernard Pecaro
St. Martin-In-The-Fields

PLEDGE OF ALLEGIANCE

Led by Mary L. Chambers, CMC,
City Clerk

APPROVAL OF MINUTES

Regular City Commission Meeting
Minutes of May 27, 2008

APPROVAL OF THE AGENDA

City Commission

PROCLAMATION

Lamar Fisher, Mayor

Wanda Sullivan will be honored with a proclamation celebrating her 100th birthday.

SPECIAL PRESENTATION

The 2008 Blanche Ely Scholarship Awards will be presented by Mayor Lamar Fisher and A. Richard Bowman, Office of Housing and Urban Improvement Director, to the following students:

Four-Year Scholarship

College/University

Kisha Harry
Blanche Ely High School

Florida Agricultural and
Mechanical University (FAMU)

Krystal Burton
Blanche Ely High School

Bethune Cookman University

SPECIAL PRESENTATION - CONTINUED

Four-Year Scholarship

College/University

Isaiah Knox
Blanche Ely High School

Bethune Cookman University

Dinoshia Cato
Blanche Ely High School

Bethune Cookman University

Latoya Lopez
Pompano Beach High School

University of Jacksonville

2+2 Prepaid Scholarship

Christie Jean
Blanche Ely High School

Broward Community College
& Florida Atlantic University
(FAU)

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

1. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ERNESTINE PRICE** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER CHARLOTTE BURRIE FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE JULY 1, 2010; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mary L. Chambers)

CONSENT AGENDA - CONTINUED

2. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CHERIAN M. COOPER** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER REX HARDIN FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2010; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mary L. Chambers)

3. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE LEASE EXTENSION AGREEMENT NO. 3 BETWEEN THE BOARD OF COMMISSIONERS OF THE FLORIDA INLAND NAVIGATION DISTRICT AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau/Tim Tracey)

4. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE LEASE EXTENSION AGREEMENT NO. 3 BETWEEN THE CITY OF POMPANO BEACH AND MERRITT'S BOAT AND ENGINE WORKS, INC. FOR LEASE OF LAND LYING UNDER CALIBAN CANAL AND WATER RIGHTS CONNECTED THERETO FOR BOATING, RECREATIONAL, CONSERVATIONAL AND MARINE PURPOSES; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark Beaudreau/Tim Tracey)

5. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY F/K/A TRI-COUNTY COMMUTER RAIL AUTHORITY TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

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

CONSENT AGENDA - CONTINUED

6. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH CALLING FOR A SPECIAL ELECTION TO BE HELD ON AUGUST 26, 2008, FOR THE PURPOSE OF FILLING THE VACANCY OF OFFICE OF COMMISSIONER FOR DISTRICT 4; PROVIDING FOR A TIME IN WHICH TO QUALIFY; PROVIDING FOR PUBLICATION OF NOTICE OF THE SPECIAL ELECTION; PROVIDING OTHERWISE FOR THE TERMS AND CONDITIONS OF THE SPECIAL ELECTION; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Gordon B. Linn)

7. Approval of a budget adjustment in the amount of \$325,000 to recognize the revenue from a settlement agreement and to appropriate \$325,000 for the purchase of pressure vessels.

(Staff Contact: Brian Donovan)

REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

8. Consideration of an appeal of decision of the Planning and Zoning Board regarding the denial of a development order on behalf of G.A.R. Enterprises, LLC (P&Z 07-12000023) for consideration of a hotel on a parcel of land located at 3212 East Atlantic Blvd.

(Staff Contact: Robin M. Bird)

9. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE TRADEMARK METALS RECYCLING PLAT LOCATED ON THAT PARCEL OF LAND LYING NORTH OF DR. MARTIN LUTHER KING, JR. BLVD. (HAMMONDVILLE RD.) AND APPROXIMATELY 193 FEET WEST OF THE F.E.C. RAILROAD AND COMMONLY REFERRED TO AS 1263 DR. MARTIN LUTHER KING, JR. BLVD.; PROVIDING AN EFFECTIVE DATE.

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

QUASI-JUDICIAL PROCEEDING - CONTINUED

10. **P.H. 2008-42; ORD. NO. 2008-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155, “ZONING CODE”, OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING THE PROPERTY LYING NORTH OF NE 16TH STREET AND APPROXIMATELY 60 FEET WEST OF THE WEST TERMINUS OF THE MERRITT CANAL AND COMMONLY REFERRED TO AS 2841 NE 16TH STREET FROM RD-1 (TWO FAMILY RESIDENTIAL) AND M-2 (MARINA INDUSTRIAL) TO BP (BUSINESS PARKING); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

END OF QUASI-JUDICIAL PROCEEDING

REGULAR AGENDA – CONTINUED

11. **RES. NO. 2008-.....: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GREG PHILLIPS TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER REX HARDIN FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JUNE 1, 2010; PROVIDING AN EFFECTIVE DATE.**

TABLED: MAY 27, 2008

(Staff Contact: Mary L. Chambers)

12. **P.H. 2008-43; ORD. NO. 2008-....: (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 A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CLARION ASSOCIATES OF COLORADO, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (IN AN AMOUNT NOT TO EXCEED \$557,000 OVER A TWO YEAR PERIOD)

FIRST READING: MAY 27, 2008

(Staff Contact: Robin M. Bird)

REGULAR AGENDA - CONTINUED

13. **P.H. 2008-44; ORD. NO. 2008-....: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH RELATING TO LAND USE PLANNING; REPEALING ORDINANCE 2008-26; PROVIDING FOR AN AMENDMENT OF THE ADOPTED CITY OF POMPANO BEACH COMPREHENSIVE PLAN – FUTURE LAND USE ELEMENT FOR THE RESIDENTIAL AREA LOCATED ON THE WEST SIDE OF FEDERAL HIGHWAY IN THE 3600 BLOCK AND CONTINUING WEST TO NE 18TH AVENUE; REQUESTING THAT THE BROWARD COUNTY PLANNING COUNCIL RECERTIFY THE CITY OF POMPANO BEACH LAND USE PLAN INCLUDING THE AMENDMENT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MAY 27, 2008

(Staff Contact: Larry W. Schuster)

14. **P.H. 2008-45; ORD. NO. 2008-....: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH RELATING TO LAND USE PLANNING; PROVIDING FOR AN AMENDMENT OF THE ADOPTED CITY OF POMPANO BEACH COMPREHENSIVE PLAN - FUTURE LAND USE ELEMENT FOR THE COMMERCIAL AREA LOCATED ON THE SOUTH SIDE OF EAST ATLANTIC BOULEVARD IN THE 500 BLOCK; REQUESTING THAT THE BROWARD COUNTY PLANNING COUNCIL RECERTIFY THE CITY OF POMPANO BEACH LAND USE PLAN INCLUDING THE AMENDMENT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MAY 27, 2008

(Staff Contact: Larry W. Schuster)

15. **P.H. 2008-46; ORD. NO. 2008-....: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155, “ZONING CODE,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.138, “EXTERIOR LIGHTING,” TO PROVIDE FOR MINIMUM ILLUMINATION FOR EXTERIOR LIGHTING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

FIRST READING: MAY 27, 2008

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

REGULAR AGENDA – CONTINUED

16. **P.H. 2008-48; ORD. NO. 2008-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY CREATING SECTION 155.236, “LAC ZONING DISTRICT,” PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING SECOND READING WILL BE HELD ON JUNE 24, 2008.

(Staff Contact: Robin M. Bird)

17. **P.H. 2008-49; ORD. NO. 2008-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, “LICENSES,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.20, “BUSINESS TAX RECEIPT REQUIREMENT,” TO PROVIDE FOR ENFORCEMENT OF VIOLATIONS AGAINST PROPERTY OWNERS BEFORE THE SPECIAL MAGISTRATE FOR CODE ENFORCEMENT; BY AMENDING SECTION 113.39, “BUSINESS TAX RECEIPT SCHEDULE,” TO MODIFY THE LISTING OF AN EXISTING CLASSIFICATION TO ELIMINATE A DUPLICATE LISTING WITHIN THE SCHEDULE; BY AMENDING SECTION 113.41, “RENTAL HOUSING,” TO MODIFY INSPECTION REQUIREMENTS; BY AMENDING CHAPTER 37, “POMPANO BEACH CODE ENFORCEMENT,” BY MODIFYING SECTION 37.03, “JURISDICTION,” TO UPDATE THE REFERENCE TO CHAPTER 113, “BUSINESS TAX RECEIPTS”, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Robin M. Bird)

18. **P.H. 2008-51; ORD. NO. 2008-....: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AMERICAN LEGAL PUBLISHING CORPORATION TO PROVIDE FOR THE REPRINTING AND THE SUPPLEMENTING OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES FOR A FIVE-YEAR PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mary L. Chambers)

REGULAR AGENDA - CONTINUED

19. **P.H. 2008-52; ORD. NO. 2008-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE II, SECTION 9, TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, TO PROVIDE THAT THE VICE-MAYOR SHALL ACT AS MAYOR IF A VACANCY IN THE OFFICE OF MAYOR OCCURS EXCEPT WHEN THE VACANCY IS FILLED AS REQUIRED BY THE CHARTER BY SPECIAL ELECTION; PROVIDING THAT IF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE GENERAL ELECTION OF NOVEMBER 4, 2008, THEN SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Gordon B. Linn)

20. **P.H. 2008-53; ORD. NO. 2008-...: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CITY ORDINANCE NO. 93-56 WHICH ESTABLISHED A LOCAL HOUSING ASSISTANCE PROGRAM UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP ACT (SHIP) TO PROVIDE FOR A CITY-WIDE TARGET AREA AND TO PROVIDE FOR AN INCREASE IN THE NUMBER OF MEMBERS AND QUALIFICATIONS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: A. Richard Bowman)

21. Approval of a budget adjustment in the amount of \$342,629.00 to correct for the 2006-2007, and 2007-2008 SHIP accounts with regards to Housing Rehab and Infill Housing.

(Staff Contact: A. Richard Bowman)

REGULAR AGENDA - CONTINUED

22. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE NINE (9) DECLARATIONS OF RESTRICTIVE COVENANTS AS A MORTGAGEE FOR PROPERTIES LOCATED AT 3600 NW 5TH STREET, 3014 NW 5TH STREET, 500 NW 30TH AVENUE, 502 NW 30TH AVENUE, 3000 NW 5TH STREET, 3002 NW 5TH STREET, 3010 NW 5TH STREET, 3001 NW 4TH COURT AND 3018 NW 5TH STREET; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: A. Richard Bowman)

23. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE #1, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2010; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

Anita Gelber (Incumbent/Alternate #2) – District 1
April Kirk (Incumbent/ Alternate #1) – District 2
Kevin C. Crousillat – District 3
Jan Dougherty – District 4

(Staff Contact: Mary L. Chambers)

24. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE #2, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2010; PROVIDING AN EFFECTIVE DATE.

(PLEASE REFER TO PREVIOUS ITEM FOR APPLICANTS)

(Staff Contact: Mary L. Chambers)

REGULAR AGENDA - CONTINUED

25. **RES. NO. 2008-.....:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 28, 2011; PROVIDING AN EFFECTIVE DATE.

APPLICANTS:

William M. Rogers (Incumbent/Property Appraiser) – Fort Lauderdale
Gail A. DeAngelis (Property Manager) – District 1
Kevin C. Crousillat (Licensed General Contractor) – District 3

(Staff Contact: Mary L. Chambers)

26. Consideration of a proposed Ethics Ordinance.

(Staff Contact: Gordon B. Linn)

27. **P.H. 2008-55; ORD. NO. 2008-....: (ORDINANCE 2ND READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, CREATING THE PALM AIRE SPECIAL RECREATION DISTRICT IN THE AREA COMMONLY KNOWN AS PALM AIRE; ESTABLISHING THE PROVISIONS OF THE CHARTER OF THE PALM AIRE SPECIAL RECREATION DISTRICT TO PROVIDE AUTHORITY TO SUE AND BE SUED, TO CONTRACT, ACQUIRE PROPERTY, ISSUE BONDS, ENTER INTO ARRANGEMENTS FOR OPERATION AND MAINTENANCE OF RECREATIONAL FACILITIES, ESTABLISH ADMISSION CHARGES, ISSUE REVENUE BONDS, DISPOSE OF REAL PROPERTY, ADOPT RULES AND REGULATIONS, EMPLOY PERSONNEL; FURTHER ALLOWING FOR AMENDMENTS TO THIS CHARTER; PROVIDING FOR AN ELECTED BOARD OF SUPERVISORS AS THE GOVERNING BODY; ESTABLISHING THAT ASSESSMENT RECORDS OF BROWARD COUNTY SHALL BE THE ASSESSMENT RECORDS OF THE PALM AIRE SPECIAL RECREATION DISTRICT; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A REFERENDUM; PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING FIRST READING WILL BE HELD ON JUNE 24, 2008.

(Staff Contact: Gordon B. Linn)

REPORTS

City Manager

City Attorney

City Clerk

Internal Auditor

City Commission

ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2007	Beginning Balance	\$ 10,340.00
Oct. 9, 2007	Broward County Mayor's Gala	\$ (2,000.00)
Jan. 22, 2008	Broward League of Cities Meeting	\$ (120.00)
March 11, 2008	Broward League of Cities	<u>\$ (1,000.00)</u>
	CURRENT BALANCE	\$ 7,220.00

