

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, MAY 12, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Castro called the meeting to order at 7:00 p.m.

Present:

Mayor:	Anne Castro
Vice-Mayor:	C.K. “Mac” McElyea
Commissioners:	Bob Anton
	Walter Duke
	Albert C. Jones
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

2. Invocation and Pledge of Allegiance

Deacon Jones, St. Ruth Missionary Baptist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Castro asked for a moment of silence for Memorial Day in remembrance of the men and women who gave their life for our country.

3. Presentations and Special Event Approvals

- 3.1 Broward County Commissioner John Rodstrom presentation of \$2,334,200.00 check for the City of Dania Beach and CRA redevelopment efforts. (Continued from April 28, 2009)

Broward County Commissioner John Rodstrom presented the City Commission with a “check” for \$2,334,200.00. He explained the funds are to be used for the construction of a parking garage that would also enhance the County Library.

Broward County Commissioner Rodstrom noted that they will contact Comcast to have them rebroadcast the County Commission meeting next Sunday. The meeting was held last week and it was rebroadcast everywhere except Dania Beach.

- 3.2 Kristen Jones, Director of Parks and Recreation, Presentation for July 4, 2009 Celebration

Kristen Jones, Director of Parks and Recreation, presented an overview of the events for the July 4<sup>th</sup> celebration which would be held at the beach from 2:00 p.m. - 10:00 p.m. She requested permission to use the parking area for the Beach Watch Restaurant in exchange for City parking only for this event, in order for the vendors to be closer to the activity area. Director Jones further noted that there will be a continuous shuttle bus from Dania Jai-Alai to the beach.

**Commissioner Jones motioned to approve the 4<sup>th</sup> of July Celebration request; seconded by Commissioner Duke. The motion carried unanimously.**

#### 4. Proclamations

There were no proclamations at this meeting.

#### 5. Citizen Comments

Patrick Phipps, 266 SW 5<sup>th</sup> Street, addressed the increase in crime in the southwest section of the City. He noted several homes have been burglarized and provided the addresses of some of the affected residents. Mr. Phipps complained of the response time from BSO and the lack of police officers patrolling the area. He noted that the Dania Beach Housing Authority and the City should try to discuss the genuine eligibility of those residing in a “Section 8” housing complex. Mr. Phipps requested the Commission close the alley near the “2 Quick Mart” food store due to the traffic circulation caused by drug dealers.

Betty Jackson, 242 SW 6<sup>th</sup> Street, gave up her time for Mr. Phipps.

Charlie Sullivan, 262 SW 5<sup>th</sup> Street, gave up his time for Mr. Phipps.

Michael Brundrett, 214 SW 4<sup>th</sup> Street, complained of the violence near the Laundromat. He indicated that BSO did not respond to a call for help.

Fay Bartelmes, 214 SW 2<sup>nd</sup> Terrace, requested a “Pooper Scooper” Law.

Teddy Bohanan, 312 SW 15<sup>th</sup> Street, addressed the crime issue.

Fred Elson, 2295 SW 45<sup>th</sup> Street, commented on the Planning and Zoning Board meeting in January regarding the Banyan Bay project. He noted that at that meeting, the Planning and Zoning Board recommended denial of the project. Mr. Elson advised that he drove to the Dry Stack marinas in the City and noted they are not full; yet Banyan Bay is requesting an intense development near a residential area. He is concerned that the City is giving too much to Banyan Bay, and it should be the opposite way.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, spoke as a Citizens Observation Patrol (COP) regarding the crime issues in the southwest area. He noted that there is huge bicycle and pedestrian traffic at night, and students are being assaulted in the morning hours on their way to school. Mr.

Crimminger remarked that everyone agrees that crime is our biggest impediment for redevelopment and requested some action be taken on the part of our City officials.

Dennis Rader, 260 SW 14<sup>th</sup> Street, noted these are the same comments from years ago and nothing has changed. He commented that the situation will remain the same until the City's elected body changes the laws. Mr. Rader further suggested a ban on Pit Bulls in the City.

Annette Hibbits, 26 SW 11<sup>th</sup> Street, echoed the comments of Mr. Rader. She requested a special meeting with BSO, the City Commission and the community.

Curtis Levin, 234 SW 6<sup>th</sup> Street, noted that unfortunately BSO cannot do anything until after a crime is committed. He suggested the neighbors get together to stop the problems.

Laura Saporita, 305 SW 13<sup>th</sup> Street, noted the area referred to by Mr. Phipps needs to be closed. She pointed out that the problem is mainly between 11<sup>th</sup> Street and 15<sup>th</sup> Street and asked if there was a plan in place. Ms. Saporita indicated she is ready to approach the Governor's Office, because now is the time to address the situation.

Cathleen Flannery and Mario Perez, 502 SW 2<sup>nd</sup> Avenue, noted her car was stolen from her yard during daytime hours. She indicated that when the car was returned it was full of drugs and drug paraphernalia. When she showed BSO what she found inside her car, they told her to bring it to Aventura and complain to them. Ms. Flannery advised that the individuals are now in jail, however, they were not charged for possession of drugs, but only for stealing the car. Mr. Perez noted Ms. Flannery is one of his tenants. He purchased the property 9 years ago, and the crime has gotten worse. Mr. Perez stated that the traffic between 5-6 a.m. is terrible and nothing is being done. He remarked that nobody feels safe in that neighborhood anymore.

Jacob John Zacarias, 242 SW 5<sup>th</sup> Street, concurred with the statements previously made by other residents of the area. He noted that yesterday he saw two individuals scoping out the neighborhood. They called BSO but it was too late when they got there. Mr. Zacarias further indicated that he and a friend were robbed at gunpoint. He fears for the life of his family and earnestly asked for something to be done now.

Carla Cunningham, 334 SW 14<sup>th</sup> Street, noted the drugs are bad. She thought we should put a plan in place where we do not suspect that every 17 year old African-American fits the profile. Ms. Cunningham remarked her 17 year old son is a good kid. She further stated that she was unaware of the problems in the area until someone put a note on her door. Ms. Cunningham noted they will probably have to move from here because of the crime in the neighborhood.

Joe Ronga Jr., 244 SW 3<sup>rd</sup> Terrace, noted someone threw a rock through the window of his car; however, BSO did not respond. He stated that the neighbors cannot do it by themselves; they need support from law enforcement officials to help them. Mr. Ronga indicated that the citizens would like for the Commission to come up with a plan.

Mayor Castro thanked everyone for coming out tonight to express their concerns. She noted she will ask staff to make arrangements to hold a Commission Workshop on a Saturday morning

before the July break. Mayor Castro indicated she is aware of the problems in the neighborhood and concurred that the southwest area is probably the worst in the City. She noted that crime is also moving into the southeast area and the Melaleuca area. Mayor Castro pointed out that one of the problems is the high number of rental properties. She commented that we have expanded the CRA boundaries to include this neighborhood so that we can improve the quality of life for its residents; however, anything that we do will cost money. Mayor Castro asked the residents to understand that their concerns are not falling on deaf ears. She added that we will work together with our neighboring cities as well, to make sure we are all going in the same direction.

Commissioner Jones commented that we will hold a “Rap Session” in the southwest area during the first week in June. The “Rap Session” will have a strategy and will include BSO, Public Services, Parks and Recreation, Code Compliance, CRA and COPS. He noted that we need to hear from the community and their input is vital to put a plan in place. The sessions will be at City Hall and P.J. Meli Park. Commissioner Jones advised that all Commissioners, Department Heads, and BSO will attend and listen to what the people have to say. He stated that we need solutions that we all embrace. Commissioner Jones encouraged everyone to take control of our communities and get involved.

Commissioner Duke thanked the community for coming out tonight. He noted this issue will be a point in the forthcoming BSO contract negotiation. Commissioner Duke assured the community that this would be a priority issue for this Commission. He advised that the CRA development will help to protect the properties.

Commissioner Anton agreed with his colleagues. He commented that he was a prior BSO Chief and worked with the community on this type of issue. Commissioner Anton noted that we will never be able to afford to put a police officer on every corner of the City. He further pointed out that if there is a breakdown in communication with BSO, a supervisor, the Chief or a Commissioner needs to be contacted. Commissioner Anton stated that this is a problem in every community of the City and will take a concentrated effort to be resolved. He requested the Mayor give Chief Peterson an opportunity to address the issues tonight.

Vice-Mayor McElyea noted the southwest area is the best area of the City, but it needs community policing. He advised he has had issues in the southeast area and commented on crime happening at Paolo’s Three Company. Vice-Mayor McElyea remarked he believes in enforcement and he is willing to meet with the neighbors to discuss their concern. He suggested the neighbors speak to everyone in the community, whether they know them or not, because he has been successful doing that.

## 6. Public Safety Reports

Donn Peterson, BSO Chief, thanked the community for their comments and feedback. He did not want to address any specific cases, but he did take notes and is concerned with everyone’s problems. Chief Peterson noted we do have a citizen response unit, who are now dressed in black t-shirts, and hopefully this is making a difference. He added that a seven-person group is designated specifically to work in the southwest area of the City. Chief Peterson pointed out that

if there is a problem, we should not assume that someone else is making the call, we should contact BSO immediately. He apologized to the residents if sometimes we take longer than we should to respond to a call. Chief Peterson noted his phone number at City Hall is: 954-926-2400. He is concerned that people do not feel safe in their neighborhoods. Chief Peterson asked the community to be understanding while our police officers are trying to do their job and prioritize their tasks. He remarked that he does not want to treat the good citizens of the City the way that 1% of the citizens need to be treated.

Commissioner Duke advised that the Dania Beach Heights Neighborhood Association will meet at City Hall next Monday, May 18 and BSO Chief Peterson will be present at that meeting.

Commissioner Anton confirmed with Chief Peterson that the lack of response from BSO can be verified or confirmed by the log record kept at BSO.

## 7. Consent Agenda

### *Items removed from Consent Agenda: Items #7.2, #7.3, #7.6, #7.7, #7.9*

#### 7.1 Minutes:

Approve minutes from April 14, 2009 City Commission meeting  
Approve minutes from April 28, 2009 Pre-Budget Workshop

#### 7.2 Travel Requests:

Request of Nick Lupo, Code Compliance Manager, to attend the F.A.C.E. Conference and Educational Seminar on June 17-20, 2009 in Naples, Florida for certification purposes. (Estimated cost \$879.80; remaining balance \$533.00)

Vice-Mayor McElyea questioned the certification request.

Colin Donnelly, Assistant City Manager, noted this is an annual conference, for continuing education, where they exchange experience with their peers and obtain credits to maintain their certification.

**Commissioner Duke motioned to approve the Travel Request; seconded by Commissioner Jones. The motion carried on the following 4-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>No</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

## Resolutions

### 7.3 RESOLUTION #2009-084

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2009 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-084.

Commissioner Jones asked what kind of money we were receiving and if there was a deficit this year.

Patty Varney, Director of Finance, responded that the State will provide us with an estimate in late June. She further noted that the distribution is based on the population of each municipality which is updated annually by the Bureau of Economic and Business Research from the University of Florida.

**Commissioner Jones motioned to adopt Resolution #2009-084; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

7.4 RESOLUTION #2009-085

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2009 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX (THREE CENTS) IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-086

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2009 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-061 *Withdrawn*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA RELATING TO THE AWARD OF A CONTRACT TO MOLLOY BROS. INC., A FLORIDA CORPORATION, FOR DRAINAGE SYSTEM REPAIRS ASSOCIATED WITH THE MEADOWBROOK CONDOMINIUM, PHASES IV AND V, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, FOR A SUM NOT TO EXCEED \$54,115.27; PROVIDING FOR FUNDING; FURTHER, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO FUNDING AGREEMENTS WITH THE TWO ASSOCIATIONS FOR PHASES IV AND V, PERTAINING TO THE REPAIR WORK; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from April 14, 2009 and April 28, 2009)*

City Attorney Ansbro read the title of Resolution #2009-061. He requested that this item be withdrawn from the agenda because he cannot get consensus from the two attorneys. City Attorney Ansbro further noted that the attorneys for Phase IV and Phase V of Meadowbrook Condominium think that all phases of the Association should bear the cost of the work, since the system benefits the whole area.

Commissioner Anton noted he would never vote for the City to pay the entire cost of the repairs.

**Commissioner Anton motioned to withdraw Resolution #2009-061; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

#### 7.7 RE-ADOPTION OF RESOLUTION #2009-048

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, INITIATING AND PROCEEDING WITH THE FLORIDA GOVERNMENT AND CONFLICT RESOLUTION ACT (SECTIONS 164.101-164.1061, FLORIDA STATUTES), PERTAINING TO THE CONSTRUCTION BY BROWARD COUNTY OF THE PROPOSED EXPANSION OF RUNWAY 9R/27L AT THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT AND THE PROPOSED BROWARD COUNTY NOISE MITIGATION PILOT PROGRAM; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Previously adopted on March 24, 2009)*

City Attorney Ansbro read the title of Resolution #2009-048. He explained that we did not send a letter to the County within 5 days of adoption of the resolution on March 24, 2009. We therefore need to readopt the resolution and send the letter. City Attorney Ansbro indicated that a meeting will be held within 30 days of the date the letter is sent, for all interested parties to have a dialogue. He advised that the County has offered a meeting room that will accommodate the County and City Commissions, as well as the Commission of the City of Hollywood.

Commissioner Anton would like us to use I.T. Parker Community Center for the meeting.

**Commissioner Anton motioned to re-adopt Resolution #2009-048; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

#### 7.8 RESOLUTION #2009-080

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ENCOURAGING DEVELOPMENT AND REDEVELOPMENT CONSISTENT WITH FORM-BASED DEVELOPMENT GUIDELINES ATTACHED AS EXHIBIT "A", IN ORDER TO IMPLEMENT THE PHYSICAL FORM AND LAND DEVELOPMENT POLICY RECOMMENDATIONS OF THE ADOPTED

COMMUNITY REDEVELOPMENT AREA (CRA) PLAN; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2009-082

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE APRIL 23, 1999 LEASE AND EASEMENT AGREEMENT EXISTING BETWEEN THE CITY OF DANIA BEACH AND THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, WHICH PERTAINS TO THE CONSTRUCTION OF A PARKING DECK TO SERVE THE SFRTA (FORMERLY TRI-RAIL) PASSENGER RAIL STATION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-082. He noted representatives are present and are willing to do a presentation. City Attorney Ansbro further advised that the items requested by Commissioner Jones when SFRTA made a presentation of their proposal on January 22, 2009, have been incorporated into the amendment.

**Commissioner Jones motioned to adopt Resolution #2009-082; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

7.10 RESOLUTION #2009-089

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING EXECUTION OF AMENDMENT #3 TO THE LOAN AGREEMENT EXISTING BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE LIFT STATION REHAB/UPGRADE PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LOAN AMENDMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

7.11 RESOLUTION #2009-088

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR A 2009-2010 21<sup>ST</sup> CENTURY LEARNING CENTER GRANT FROM THE FLORIDA DEPARTMENT OF EDUCATION, TO PROVIDE FUNDING FOR AN AFTER SCHOOL TUTORING AND SUMMER CAMP PROGRAM IN THE APPROXIMATE AMOUNT OF \$350,000.00; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE APPLICATION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Items #7.2, #7.3, #7.6, #7.7, and #7.9; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>

**Commissioner Jones                      Yes**

**8. Bids and Requests for Proposals**

**8.1        RESOLUTION #2009-087**

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AWARDING THE REQUEST FOR PROPOSAL FOR PROVIDING AND MONITORING OF FIREWALL SERVICES FOR THE CITY OF DANIA BEACH TO LATIS NETWORKS, INC. AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE COMPANY FOR SUCH SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-087.

Patty Varney, Director of Finance, noted the bid review committee recommended awarding the bid to Latis Network d/b/a Still Secure/Protect Point, which is the company we currently use. She explained the details of the proposed two-year contract which could be renewed for two additional one-year term.

**Commissioner Anton motioned to adopt Resolution #2009-087; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

**8.2        RESOLUTION #2009-073**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH COASTAL CONTRACTING INC. FOR RENOVATION OF THE C.W. THOMAS PARK OUTDOOR RESTROOM PROJECT IN AN AMOUNT NOT TO EXCEED \$35,000.00; PROVIDING FOR CONFLICTS; PROVIDING FOR FUNDING, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-073.

Kristen Jones, Director of Parks and Recreation, noted Coastal is the company that constructed the buildings. They have provided the lowest price for the project and a design to match the building. She confirmed for the Commission that this is a budgeted expense.

**Commissioner Anton motioned to adopt Resolution #2009-073; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-006

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; AMENDING CHAPTER 28, "ZONING," BY CREATING SECTION 21.22 ENTITLED "DESIGN VARIATIONS" TO ENCOURAGE DEVELOPMENT THAT IS CONSISTENT WITH THE RECOMMENDATIONS OF THE ADOPTED COMMUNITY REDEVELOPMENT AREA PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Continued from April 14, 2009)*

City Attorney Ansbro read the title of Ordinance #2009-006.

Corinne Lajoie, AICP, Principal Planner, noted this was continued to allow the consultant to finalize the regulations that were adopted under the Consent Agenda. She advised that the CRA is now requesting new zoning language to allow design flexibility in the TOD/TOC zoning districts, consistent with the recommended Form Based Standard recommendations for the new CRA Plan, until the Unified Zoning Code is adopted.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

**Commissioner Duke motioned to adopt Ordinance #2009-006, on second reading; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

City Attorney Ansbro advised the remaining items were quasi-judicial matters and swore-in those who would speak. He asked the Commission to disclose any communication they had on these matters.

9.2 RESOLUTION #2009-079

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY PEDRO GARCIA, OWNER, FOR AN EXTENSION (ORIGINAL EXTENSION WAS APPROVED ON JUNE 10, 2008 AND EXPIRES ON JUNE 10, 2009) RELATING TO THE APPROVALS OF VARIANCE VA-55-07 BY RESOLUTION NO. 2008-099 AND THE SITE PLAN REQUEST SP-86-06 BY RESOLUTION NO. 2008-100, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GRIFFIN ROAD AND RAVENSWOOD ROAD (ANGLERS AVENUE), IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-079.

Corinne Lajoie, AICP, Principal Planner, provided an overview of the proposed development. She noted that the applicant has requested a one year extension of the previously approved construction of a shopping center, in light of the current economic situation.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

**Commissioner Duke motioned to adopt Resolution #2009-079; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

### 9.3 RESOLUTION #2009-078

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR MODIFICATIONS TO SITE PLAN SP-08-08, APPROVED BY RESOLUTION 2008-142 ON AUGUST 26, 2008, SUBMITTED BY COURTNEY CRUSH, ATTORNEY WITH THE FIRM CRUSH LAW, P.A., REPRESENTING THE OWNER JAY PATEL, FOR PROPERTY LOCATED AT 205 NORTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-078.

Corinne Lajoie, AICP, Principal Planner, noted the site plan modification is to change the name to Holiday Inn Express, change the building colors and change the roof line. The applicant is ready to submit for building permits prior to the original site plan expiration date of August 26, 2009.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

**Commissioner Jones motioned to adopt Resolution #2009-078; seconded by Vice-Mayor McElyea.**

Commissioner Duke noted that the Patels are good corporate citizens and thought it would be appropriate to try to accommodate them to establish their business in our City.

Courtney Crush, attorney for the Patels, noted the hotel must open by December 2010. She indicated they are proposing 67 dedicated parking spaces, and will provide shuttle service. Attorney Crush further advised that Franco's Auto Repair will not agree to a written document to allow the parking on his property, but has provided a verbal agreement.

**Commissioner Anton motioned to amend the motion by removing the restriction on the parking agreement with Franco's; seconded by Commissioner Duke.**

**The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>

**Commissioner Jones                      Yes**

9.4      RESOLUTION #2009-083

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), A FORMULA GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, TO PROVIDE FUNDING FOR CRIME PREVENTION PROGRAMS IN THE AMOUNT OF \$111,323.00; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE APPLICATION; AUTHORIZING THE ACCEPTANCE AND, IF AWARDED, EXECUTION OF THE GRANT AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-083.

Colin Donnelly, Assistant City Manager, explained that the JAG grant is based on population and violent crime and noted that this year’s funding of \$111,323.00 is considerably greater than prior years. He provided a revised memo as the backup for the resolution and noted that this is part of the federal stimulus package. Assistant City Manager Donnelly advised that the comments received tonight from our residents will be implemented into this grant. He indicated that a bulk of the JAG funding would be dedicated to the Summer Camp Program for 2010. In the event that Time-for-Kids receives funding, the Summer Camp amount could be re-allocated to other anti-crime initiatives. Assistant City Manager Donnelly clarified that this is a reimbursement grant that can extend over a 4 year period.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

**Commissioner Anton motioned to adopt Resolution #2009-083; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

9.5      RESOLUTION #2009-081

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REVISING A PROPOSED AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE DANIA BEACH COMPREHENSIVE PLAN AND THE BROWARD COUNTY LAND USE PLAN TO CREATE AND MAP A DANIA BEACH REGIONAL ACTIVITY CENTER ("RAC") LAND USE CLASSIFICATION, IN ORDER TO REVISE CERTAIN TECHNICAL CRITERIA FOR REVIEW OF THE RAC WITHOUT INCREASING THE AMOUNT OF PROPOSED DEVELOPMENT OR CHANGING THE PROPOSED BOUNDARY; PROVIDING THAT THIS RESOLUTION SHALL BE FORWARDED TO THE BROWARD COUNTY PLANNING COUNCIL, BROWARD COUNTY BOARD OF COMMISSIONERS, AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE CONCURRENT TRANSMITTAL OF THE CITY AND COUNTY AMENDMENTS TO STATE AGENCIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-081.

Corinne Lajoie, AICP, Principal Planner, noted that the Regional Activity Center (RAC) application has been amended. She explained the revisions which will be submitted to the Broward County Planning Council.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

**Commissioner Jones motioned to adopt Resolution #2009-081; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

## 10. Discussion and Possible Action

### 10.1 Discussion of Yard Sales – Commissioner Anton

Commissioner Anton noted we have had problems with yard sales. He provided examples of what happened recently in Melaleuca Gardens. Commissioner Anton indicated that our Code is restrictive and the Code Compliance staff only removed their signs, not the one for the Fire Department Open House. He recommended the City Attorney contact the City of Port St. Lucie, which provides a sticker on the sign indicating they are properly permitted.

City Attorney Ansbro advised that he sent a proposed yard sale regulation to the Commission yesterday.

Commissioner Anton acknowledged receiving the proposal but noted it is still too restrictive. He explained that the Port St. Lucie program works well and has eliminated a lot of complaints. Commissioner Anton would like us to look at it and prepare something along those lines.

Commissioner Jones asked if the Port St. Lucie program included non-profit faith-based organizations.

Commissioner Anton responded in the affirmative.

Vice-Mayor McElyea spoke about his experience with signs on his property.

Mayor Castro noted the size of the sign needs to be brought down to make sure it does not block traffic view.

It was the consensus of the Commission for the City Manager or City Attorney to look at the Port St. Lucie program and bring a proposal for consideration.

## 11. Commission Comments

### 11.1 Commissioner Anton

Commissioner Anton commented on the Broward County Commission meeting last Tuesday which Commissioner Rodstrom referred to earlier. He commended Mayor Castro for representing the City and for the comments she made regarding the proposed Airport expansion. Commissioner Anton indicated we would be having a public meeting for the citizens to provide input on the Sound Mitigation Program. He encouraged everyone to attend when it is advertised.

### 11.2 Commissioner Duke

Commissioner Duke noted the Lifeguard project proposed by Dean Moss, Beach Life Guard Supervisor is a great opportunity at a good price which will benefit the City. He recommended we pursue the purchase of the fiberglass towers from the State of California.

### 11.3 Commissioner Jones

Commissioner Jones noted we would be advertising the “Rap Session” in June.

City Manager Baldwin noted we are trying to work it into the last week in May.

Commissioner Jones noted he met with City departments, and asked the Commissioners to also attend the sessions. He indicated the citizens should bring suggestions and possible solutions. Commissioner Jones would like participation from the Dania Beach Housing Authority, CRA, COPS, Public Services, Parks and Recreation, City Manager, and Code Compliance.

Commissioner Jones advised that the Prescription Drug Program sponsored by the National League of Cities for uninsured individuals is moving forward.

Commissioner Jones spoke about an Amnesty plan for code enforcement which would be beneficial because: 1) assists citizens with outstanding violations; 2) promotes code compliance, and 3) helps with our budget. He noted we need to implement this plan and move forward giving 90 days for compliance. Commissioner Jones advised he had discussed this plan with the City Manager and City Attorney. He commented we could wait to see what happens with Ft. Lauderdale, but there is no need to do that. Commissioner Jones remarked we must move forward now.

### 11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted that the old Dania Beach Bank curb is broken and the yellow color looks terrible.

Vice-Mayor McElyea commented that the cemetery needs watering.

Vice-Mayor McElyea asked what is happening at the Dry Dock Restaurant.

Corinne Lajoie, AICP, Principal Planner, advised it will become a church and will come off the tax roll.

#### 11.5 Mayor Castro

Mayor Castro agreed with Commissioner Jones on the Amnesty Program for Code Compliance.

City Attorney Ansbro reported that the Amnesty Program implemented by the City of Fort Lauderdale has been very successful. He will bring a proposal forward at a future Commission meeting.

Mayor Castro spoke about the Airport expansion issue. She thanked Commissioner Anton for his comments and noted that he spends a lot of time on this issue. Mayor Castro noted that the County Commission voted against the Avigation Agreement presented by County staff and the Aviation Department. She advised that the County will present a new agreement to their Commission for consideration, but they will not make a presentation to the Dania Beach Commission and its citizens, they would instead send the related documentation. After discussing the contents of the documents at a Commission Workshop, we will send the results to the County and at that time they may do a presentation. Mayor Castro said she pointed out at the County Commission meeting that we are not opposed to the Airport expansion; just the proposed south runway.

Commissioner Anton noted that there are a number of people who live in the affected areas who will not be able to sell their homes. He remarked that the plan presented by the Aviation Department would not include a purchase assurance clause until the runway is completely built. Commissioner Anton further advised that the earliest date considered for completion of the runway would be 2014.

Commissioner Jones remarked that our entire City will be affected by the south runway, not only a specific area. He noted that we need to look at what other things will impact our City with the construction of the south runway, when we have our discussions with the County.

Mayor Castro noted Memorial Day is coming, and reminded everyone to think about those who have served our country.

## 12. Appointments

### Airport Advisory Board

Vice-Mayor McElyea appointed Bob Mikes.

### Grant Advisory Board

Vice-Mayor McElyea appointed Bob Adams.

#### Green Advisory Board

Commissioner Jones appointed Eric Blackmon.

Vice- Mayor McElyea appointed Teddy Bohanan.

#### Marine Advisory Board

Mayor Castro appointed Ronald Brozic.

#### Unsafe Structures Board

Mayor Castro appointed Patty Hart as the Real Estate Property Manager; Andy Greene as the Plumbing Contractor; and Harry Hippler as the Attorney.

**Commissioner Anton motioned to approve the Board appointments; seconded by Commissioner Jones. The motion carried unanimously.**

### 13. Administrative Reports

#### 13.1 City Manager

City Manager Baldwin noted he met with the Sheriff for Broward County and 11 City Managers today. The Sheriff requested this meeting because he is having difficulty obtaining funding from the County. Sheriff Lamberti pointed out that the County Commission has told him his cost allocations are too low and there should be a \$16,000.00 per person increase in the contract cities' budget. City Manager Baldwin further advised that the changes in GASB for health benefits for retirees, approximately \$480,000.00, must be booked and funded. Sheriff Lamberti also discussed the School Resource Officers Program and explained that the County will not pay for officers, and the cost will be passed on to the contract cities. City Manager Baldwin indicated that the Sheriff has applied to the federal government for stimulus positions in the amount of \$14M, and asked the cities involved to contact their representatives for their support of the funds. He noted that the cities will provide a joint resolution to support this request.

Commissioner Jones questioned what happened with the bill presented in Tallahassee last year for funding resource officers. He noted we need to follow up on this subject because these officers do a great job in our schools.

Mayor Castro thought we could make the residents aware of the situation with school resource officers, or any other topics affecting our community, by purchasing an e-mail list. We can then create an electronic newsletter and designate somebody in the City to handle communication and public relations.

Colin Donnelly, Assistant City Manager, advised that the City is considering purchasing lifeguard stations from the State of California for placement on the beach. He introduced Dean Moss, Beach Lifeguard Supervisor.

Dean Moss, Beach Lifeguard Supervisor, noted we have the opportunity to purchase three fiberglass lifeguard towers at a cost of \$10,811.25. He noted that the State of California is donating the towers for free, so this amount reflects the cost of dismantling the towers, loading them onto a truck and having them shipped from Santa Barbara, California. Mr. Moss further explained the savings as well as the advantages of using fiberglass towers. He recommended proceeding with the purchase.

It was the consensus of the Commission to purchase the towers provided the Finance Director recognizes the funding.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk - Reminders

Thursday, May 14, 2009 – 6:00 p.m.  
Thursday, May 21, 2009 – 6:00 p.m.  
Tuesday, May 26, 2009 – 7:00 p.m.

Special CRA Board Meeting  
Abatement Hearing  
City Commission Meeting

14. Adjournment

Mayor Castro adjourned the meeting at 9:53 p.m.

ATTEST:

CITY OF DANIA BEACH

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LOUISE STILSON, CMC  
CITY CLERK

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ANNE CASTRO  
MAYOR-COMMISSIONER

Approved: May 26, 2009