

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, APRIL 28, 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 in remembrance of Judy Usifer.

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.

Mayor Castro noted that this item is continued until the May 12, 2009 City Commission meeting at 7:00 p.m.

Mayor Castro moved to the Consent Agenda and pulled Item #7.13 to be discussed before the Dania Beach Library proposals.

Item #3.2 was heard after Item #7.1

- 3.2 Presentation of the Dania Beach Library Proposals
- D. Stephenson Construction, Inc.

Tim Talbert, Project Principal, noted this team has completed many library projects, and introduced the team members from D. Stephenson Construction, Inc.

Manny Synalovski, Design Principal, Cubellis Architects, introduced the remaining members of the team who would work on the Library project.

Merrill Romanik, AIA, Project Manager, advised that this team has worked together on several similar projects and they feel comfortable that they can provide a good quality project.

Mr. Synalovski provided a PowerPoint overview of the proposal, which is attached to and incorporated into these minutes.

Jeff Haymond, LEED Project Manager, provided an overview of the LEED certification.

Brian Lomel, LEED Commissioning Agent, TLC Engineering, explained their strategy to achieve their environmental goals.

Mr. Talbert explained that their guaranteed maximum price is \$3,009,232.00. He noted that they would have three months of design time, two months of review and permitting time, eight months of construction time, and they can accomplish a May 19, 2010 move-in date.

- Pirtle Construction/PGAL

Gary Pirtle, Project Executive, gave an overview of their company and some of the projects they have completed. He provided a PowerPoint presentation of their proposal, which is attached to and incorporated into these minutes.

Ian Nestler, Project Manager, PGAL Architects, noted that their proposed design fits the Dania Beach redevelopment vision. He further outlined the planning benefits of their proposal.

Kari Botek, LEED Architect, PGAL, explained the architectural details of the project. She noted that they have used their experience in building other libraries in Broward County, but they have also taken into consideration the concerns of the community.

Matt Mahoney, Senior Project Manager, Pirtle Construction, explained the construction-related activities. He noted that they are looking at a 9-month schedule for the project and a move-in date of June 2010.

Eileen See, LEED Construction Coordinator, Pirtle Construction, advised they have LEED Certified accredited professionals and each team member has personal experience in building LEED buildings. She gave an overview of the LEED components they use for their projects.

Brian Lomel, LEED Commissioning Agent, TLC Engineering, explained their Energy Modeling and Water Efficiency patterns.

Mr. Mahoney noted their guaranteed maximum price is \$3,201,918.00.

- Walker Construction/Kenneth Carlson Architects

Ken Carlson introduced the members of the team. He noted that sustainable design and construction design principles have been integrated into the Dania Beach Library project which they have provided. Mr. Carlson explained that the design team's experience and skill in sustainable design created an atmosphere in the new Library space that would support and energize the staff. They presented a PowerPoint overview of their proposal which is attached to and incorporated into these minutes.

Dan Carter, Landscape Architect, Carter & Associates, Inc., noted they have utilized a green wall system to create a much more appealing look for the Library structure.

Glen A. Hanks, Principal Civil Engineer, explained that the Library parcel shares parking, water, sewer and drainage with City Hall. They will insure that everything remains functional during and after construction.

Brian Lomel, LEED Commissioning Agent, TLC Engineering, provided a list of LEED Certified projects completed and in progress. He remarked they optimize water conservation; use the Energy Model; and create a healthy environment in general.

Robert Hink, LEED Commissioning Agent, noted they have been involved in several projects in Broward County.

Lee Walker, Walker Design & Construction, noted that they have established an 18-month construction schedule and a guaranteed maximum price of \$3,015,000.00.

Mayor Castro recognized Sue Goldstein, Broward County Library, who was present at this meeting.

Public Safety Reports were heard before Proclamations

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Bobbie Grace, 110 NW 8th Avenue, advised of the upcoming Relay for Life event on May 1-2, 2009 at Frost Park. She encouraged everyone to support the American Cancer Society and participate in this community gathering. Ms. Grace noted the Dania Shops, across from Neptune Fireworks on East Dania Beach Boulevard, is half empty. She indicated that a memorial shop will be moving into the area and supported the business. Lastly, she noted that the Dania

Economic Development Committee has been in partnership with Dismas Charities to help elderly people in the community.

Ana Gispert, 141 NW 1st Avenue, introduced herself as the new director for Dismas Charities. She explained that their mission is to provide quality, cost-effective community-based supervision and treatment services to individuals within the criminal justice system and prepare them to lead a lawful and productive life upon their return to the community.

Jay Field, 4501 SW 30th Way, announced the passing of Judy Usifer last Sunday. He noted a religious service would be held on Thursday, April 30th in Hollywood.

Vincent Pyle, 629 NE 3rd Street, owner of the Dania Shopping Square on East Dania Beach Boulevard, spoke in favor of the permitting of the memorial parlor in his plaza. He requested the Commission change the zoning to allow the business.

Patricia Tyra, 2912 SW 54th Street, advocated for a “Welcome to Dania Beach” sign on SW 30th Avenue.

Mayor Castro asked the City Manager to prepare a report on the zoning request for the Dania Shopping plaza for Commission review.

Item #7.1 was heard after Citizen Comments

Public Safety Reports were heard after Presentations

6. Public Safety Reports

BSO Chief Peterson reported that he has been working with Mr. Optekar since the last meeting, regarding crime activity in his neighborhood.

Fire Chief McCartt reported the Fire Department Open House was a success. He thanked the City and its residents for their support.

Mayor Castro suggested the Fire Department hold another neighborhood meeting in the area where Fire Station #93 is located.

Commissioner Duke noted the landscaping at Fire Station #93 needs to be maintained.

Item #8.1 was heard after Public Safety Reports

7. Consent Agenda

Items added to Consent Agenda: #7.14

Items removed from Consent Agenda: #7.1, #7.2, #7.3, #7.6, #7.7, #7.10, #7.11, #7.13, #7.14

Resolutions

7.1 RESOLUTION NO. 2009-061 *Heard after Citizen Comments*

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*)

City Attorney Ansbro read the title of Resolution #2009-061. He noted he wrote to the representatives of the two associations to reiterate that the easement offered in the 1980's was never accepted by the City. City Attorney Ansbro also indicated that Leo Williams, Public Services Superintendent, advised that we have never undertaken to service any of these easement areas other than the catch basins on the public road. He further stated that the City has no obligation to pay for the repairs, but offered to pay for one half of the total cost because it is in the best interest of the City. City Attorney Ansbro advised that the attorney for Phase 5 disagreed with his legal opinion and that he has not heard from the attorney for Phase 4.

Ralph Viviano, 131 SE 3rd Avenue, president of Meadowbrook Phase 4, noted his attorney advised him not to accept the City's proposal. He indicated that the attorneys need to meet. Mr. Viviano advised that Phases 6 & 7 are also involved in this situation, but have not been addressed. He pointed out that the public street pipes drain into their lake and questioned the location of the records showing that the City has the right to do so.

City Attorney Ansbro noted he has not received a response and asked them to set a date for a meeting.

Commissioner Anton motioned to continue Resolution #2009-061 until the May 12, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Jones.

Steven Sawyer, President of Meadowbrook Phase 5, asked if anyone spoke to the owner of the Winn Dixie property.

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

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Presentations were heard after Item #7.1

Item #7.2 was heard after Item #8.1

7.2 RESOLUTION NO. 2009-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, GRANTING AN ACCESS EASEMENT TO STIRLING DESIGN LIMITED PARTNERSHIP FOR PROPERTY LOCATED ON STIRLING ROAD, ADJACENT TO THE CITY PUBLIC SERVICES COMPOUND TO ACCOMMODATE REDEVELOPMENT BY STIRLING DESIGN LIMITED PARTNERSHIP; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from April 14, 2009)*

City Attorney Ansbro read the title of Resolution #2009-053.

Robert Haber, 1000 Brickell Avenue, Miami, Attorney for Stirling Design Ltd. Partnership, objected to the charge being proposed for the Access Easement for his client. He asked if there was a precedent of charging when the City grants an Access Easement.

City Attorney Ansbro responded for Attorney Haber that, to his knowledge, this has not been done in the past.

Commissioner Duke noted there is relatively little backup for this item in the agenda packet, and explained the property use. He questioned why the City should let a property owner use City land in perpetuity at no cost. Commissioner Duke commented that we need to be compensated for this property and suggested we table the request until we have an opportunity to discuss the arrangement.

Commissioner Anton did not have a problem with allowing the property owner to use the property at this time, provided there are no legal issues involved.

City Attorney Ansbro noted a time limit could be included in the agreement.

Vice-Mayor McElyea provided a history of the property.

City Attorney Ansbro noted the property owner purchased the property in 1996 and has been using it since that time.

Commissioner Anton motioned to adopt Resolution #2009-053 for a three year period; seconded by Commissioner Jones.

Mayor Castro noted that for future projects, whenever there is an easement, we should charge for the use of City land; however, currently we do not have a lot of incentives for people to do business in Dania Beach. Furthermore, the applicant has been using this land for a long time and we never did anything about it. Lastly, she suggested adding the limitation of use to the current owner only.

The motion carried on the following 3-2 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	No	Mayor Castro	Yes
Commissioner Jones	Yes		

7.3 RESOLUTION NO. 2009-068 *Revised Attachment "A"*

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR FUND TRANSFERS AND APPROPRIATION OF FUNDS FOR FISCAL YEAR 2008-2009 AS A MID-YEAR BUDGET AMENDMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-068.

Patty Varney, Director of Finance, noted a correction is required due to a request for legal services for the CRA. She distributed copies of the revised spreadsheet to the Commission.

Commissioner Anton motioned to adopt revised Resolution #2009-068; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.4 RESOLUTION NO. 2009-065

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, SETTING DEPOSIT REQUIREMENTS AND APPLICATION FEES FOR ESTABLISHING WATER AND SEWER SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION NO. 2009-069

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ESTABLISHING APPLICATION FEES AND THE REQUIREMENT OF DEPOSIT FOR MARINA RENTALS AT THE DANIA BEACH MARINA FOR ALL LEASES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION NO. 2009-070

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN DEANNA ENTERPRISES, d/b/a A1A EMPLOYMENT OF MIAMI AND THE CITY OF DANIA BEACH TO PROVIDE SUMMER RECREATION PROGRAM STAFFING SERVICES, INCLUDING, BUT NOT LIMITED TO, ADVERTISING, INTERVIEWING, PROVIDING REQUIRED SCREENING AND TESTING SERVICES, AND REPLACEMENT OF CANDIDATES, UNDER THE SUPERVISION OF THE CITY OF DANIA BEACH PARKS AND RECREATION MANAGEMENT FOR AN AMOUNT NOT TO EXCEED \$33,696.00; CONFIRMING THAT SPECIAL CONDITIONS EXIST IN ORDER TO SECURE SUCH SERVICES WITH DEANNA ENTERPRISES, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-070.

Commissioner Jones questioned the parks' eligibility for grant funds.

Kristen Jones, Director of Parks and Recreation, noted that Frost Park does not qualify for grant funds.

Mary McDonald, Director of Human Resources and Risk Management, clarified for Commissioner Jones that the two lead positions on this Program are held by Dania Beach residents.

Commissioner Jones motioned to adopt Resolution #2009-070; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.7 RESOLUTION NO. 2009-071

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE EXECUTION OF THE FOURTH AMENDMENT OF THE PUBLIC TRANSPORTATION SERVICES AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH FOR PUBLIC TRANSPORTATION SERVICES FOR A TERM EXTENDING TO SEPTEMBER 30, 2009; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-071.

Commissioner Duke noted that the City logos are faded and need to be replaced.

Commissioner Duke motioned to adopt Resolution #2009-071; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.8 RESOLUTION NO. 2009-062

A RESOLUTION OF THE CITY COMMISSION OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE AGREEMENT EXISTING BETWEEN LEIGH ROBINSON KERR & ASSOCIATES, INC. AND THE CITY OF DANIA BEACH RELATING TO LAND PLANNING CONSULTANT SERVICES INVOLVING THE TRANSPORTATION, CAPITAL IMPROVEMENT AND PUBLIC SCHOOL FACILITY ELEMENTS AND THE WATER SUPPLY PLAN OF THE CITY OF DANIA BEACH COMPREHENSIVE PLAN, EVALUATION AND APPRAISAL REPORT (“EAR”) AND GENERAL PLANNING SERVICES, SUCH AMENDMENT TO PROVIDE FOR ADDITIONAL REQUIRED COMPREHENSIVE PLAN UPDATE SERVICES IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00), SUCH PURCHASE TO BE MADE WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION NO. 2009-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE EXTENSION FOR A JOINT PARTICIPATION AGREEMENT EXISTING BETWEEN THE CITY AND BROWARD COUNTY PERTAINING TO USE BY CITY RESIDENTS OF BROWARD COUNTY RESIDENTIAL TRASH TRANSFER STATIONS FOR PRE-HURRICANE RESIDENTIAL YARD WASTE DISPOSAL; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION NO. 2009-075

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A BOUNDARY CHANGE FOR THE CITY ENTERPRISE ZONE TO THE BOARD OF THE FORT LAUDERDALE-BROWARD COUNTY-CITY OF LAUDERHILL-CITY OF DANIA BEACH ENTERPRISE ZONE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-075.

Colin Donnelly, Assistant City Manager, explained we are expanding our boundaries to include more commercial area.

Commissioner Jones motioned to adopt Resolution #2009-075; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.11 RESOLUTION NO. 2009-074

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING CITY OFFICIALS TO APPLY FOR FEDERAL FUNDING ASSOCIATED WITH THE SURFACE TRANSPORTATION REAUTHORIZATION HIGH PRIORITY PROJECT; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-074.

Commissioner Duke motioned to adopt Resolution #2009-074; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.12 RESOLUTION NO. 2009-076

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ESTABLISHING A TRANSIENT VESSEL RENTAL RATE AT THE DANIA BEACH MARINA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCES (Titles read by City Attorney)

Item #7.13 was heard after Item #3.1

7.13 ORDINANCE NO. 2009-008

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY JOHN M. MILLEDGE, ESQUIRE, REPRESENTING JOHN T. LOOS, MANAGING MEMBER OF BANYAN BAY MARINE CENTER, LLC, TO REZONE PROPERTY GENERALLY LOCATED AT 4491 RAVENSWOOD ROAD, DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM R1-C (RESIDENTIAL), TO C-4 (COMMERCIAL) WITH THE ASSIGNMENT OF 2.35 ACRES OF RESIDENTIAL TO COMMERCIAL LAND USE FLEX; SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-008.

Corinne Lajoie, AICP, Principal Planner, provided an overview of the proposed project. She noted the applicant wants to upgrade the existing Banyan Bay Marina and has requested the application of flex rule allocation and rezoning. They are proposing to construct a fifty-foot tall dry stack boat storage and repair building, a restaurant, and a 2-story dock master/ship store building. Ms. Lajoie advised the Planning and Zoning Board recommended denial of the requested actions. She further stated that approval of the rezoning and flex allocation would be at the discretion of the City Commission and the denial of the request would require the applicant to redesign the site plan.

Mayor Castro opened the meeting to the public.

Steve Loleski, 4521 SW 25th Avenue, spoke against the request because they do not need additional traffic in their neighborhood.

Fred Elson, 2295 SW 45th Street, spoke against the request because it would decrease the property values in the neighborhood.

Craig Callahan, 4430 SW 23rd Avenue, spoke against the project which would definitely affect their quality of life.

Dan and Doris Morris, 4460 SW 24th Avenue, noted their point had already been made.

Patrick Hart, 2274 SW 44th Street, spoke against the project.

Sylvia Sigala, 4700 SW 25th Avenue, spoke against the project.

Mirtha Byutsit, 4400 SW 24th Avenue, spoke against the project.

Beverly Worley, 4541 SW 25th Avenue, spoke against the project. She noted their proposal would increase the already existing traffic and noise issues. Ms. Worley thought this project should not be allowed in a nice, quiet residential neighborhood.

Rick Zapata, 2331 SW 45th Street, spoke against the project.

George Scott, 265 SW 7th Street, employee of Banyan Bay Marina, spoke in favor of the project because it would bring jobs to the City.

Derrick Hankerson, 746 SW 3rd Street, spoke in favor of the project because it would bring additional jobs and revenue to the City.

Cesar Legrand, 3941 SW 51st Street, employee of Banyan Bay, spoke in favor of the project.

Alfred Laine, 2200 SW 46th Court, spoke in favor of the project because it would help local businesses.

Charles Hilliard, 20 SW 4th Avenue, spoke in favor of the project because it will produce revenue for the City, and provided him a job.

John Stephens, 220 SW 32nd Street, spoke in favor of the project because it would bring more dignity to the boating industry.

Mayor Castro noted she spoke to a resident regarding the existing traffic issues and advised her to circulate a petition throughout the neighborhood for speed bumps/humps.

John Milledge, attorney representing the applicant, provided an overview of the project. He indicated they have done extensive neighborhood outreach and the input received prompted changes to the project from the original presentation to the Commission. Attorney Milledge noted that the Dry Stack will now be 49.5 feet as opposed to 60 feet. He advised that they eliminated several variances and made the following changes: they increased the setbacks; included a 10' wall; additional landscaping; and relocated large trees. Attorney Milledge further noted that they did an economic impact study and this project should provide 94 full-time jobs at build-out, and would generate \$350,000.00 in taxes per year. He pointed out that they provide job training for young people who want to get involved in the Marine Industry. The project is designed so the traffic enters and exits on Ravenswood Road. Attorney Milledge noted the outdoor entertainment will end at 10:00 p.m. on weeknights, and at midnight on weekends.

Tom Heavey, 4403 SW 24th Avenue, spoke against the project because it is not in the best interest of the City. He indicated that he did not hear of any community meetings.

Commissioner Duke questioned the number of boats on the property on a regular basis.

Attorney Milledge responded there are currently about 250 boats at the Marina.

Commissioner Duke indicated this is a highly appropriate use of the site. He thought this development would clean-up the property and increase revenue for the City. Commissioner Duke pointed out that we tout ourselves as a marine City, and this would be a good project for us. Commissioner Duke supported the project.

Commissioner Jones asked how the loss of the two additional properties would affect the project.

Attorney Milledge responded the project could not continue and would therefore stay the way it is today.

Corinne Lajoie, AICP, Principal Planner, responded for Commissioner Jones that Code allows the Boat Storage to be 30 feet.

Commissioner Jones noted this project does not sit well with him because of the effect to the community. However, he believed that the benefits outweigh the negatives and that this project would be a blessing to the neighborhood with all of the improvements being proposed. Commissioner Jones supported the project.

Commissioner Anton advised that he has met with Attorney Milledge regarding this project. He noted there were a lot of comparisons made with the airport issue, and also commented that the Rustic Inn barge is open until 3:00 a.m. with live entertainment. Commissioner Anton asked if it would be possible to contain the repairs to the east side of the building, in order to mitigate the noise. He asked if the entertainment could be moved inside after 10:00 p.m. on weekends. Commissioner Anton also suggested we look at implementing some traffic calming devices on 45th Street, and noted that he supported the project.

Vice-Mayor McElyea supported the project because it would increase the tax base. He noted that we need to work together to move the City forward and do what is best for everybody.

Mayor Castro indicated she is concerned with the airport issue because it makes the marina a moot point. She supported the project but requested that they invite the public to more community meetings. Mayor Castro further suggested that our Public Services staff be included in the traffic planning because that neighborhood already has problems. Lastly, she asked to be invited to the community meetings in order to have a better understanding of the project.

Commissioner Anton motioned to adopt Ordinance #2009-008 on first reading; seconded by Commissioner Jones. The motion carried on the following 4-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Citizen Comments was heard after Item #7.13

ADDENDUM

7.14 RESOLUTION #2009-077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA SEEKING ASSISTANCE UNDER THE FLORIDA NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM

FOR THE DANIA WATERWAY NAVIGATION PROJECT; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Duke motioned to adopt Resolution #2009-077; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Commissioner Anton motioned to adopt the Consent Agenda, with the addition of Item #7.14, and with the exception of Items #7.1, #7.2, #7.3, #7.6, #7.7, #7.10, #7.11, #7.13 and #7.14; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Item #9.1 was heard after Item #7.14

Item #8.1 was heard after Public Safety Reports

8. Bids and Requests for Proposals

ADDENDUM

Commissioner Duke noted that all three teams who made their presentations for the Library project are very talented and experienced. He thought that the D. Stephenson/Cubellis team stood above the other two, based on their general experience and the diversity of their group.

Dominic Orlando, Director of Public Services, explained who integrated the City Bid Committee and how they reached their recommendation. He noted the Bid Committee selected Walker Design/Kenneth Carlson.

Commissioner Jones noted that although all three firms had the qualifications required for the project, he felt that the D. Stephenson/Cubellis team stood out for him.

Vice-Mayor McElyea noted that all three teams were exceptional, but he recommended Pirtle Construction.

Mayor Castro noted that she was extremely impressed with all three firms.

Commissioner Anton noted that all three firms did an outstanding job, however, he would lean towards staff's recommendation.

Mayor Castro recommended D. Stephenson/Cubellis. She further thanked the three firms for their efforts and time devoted to this project.

8.1 RESOLUTION NO. 2009-072

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE COUNTY LIBRARY BUILDING; AUTHORIZING THE AWARD TO D. STEPHENSON CONSTRUCTION/CUBELLIS, INC. FOR DESIGN AND CONSTRUCTION ACTIVITIES IN AN AMOUNT NOT TO EXCEED \$3,009,232.00; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-072.

Commissioner Jones motioned to adopt Resolution #2009-072; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Item #7.2 was heard after Item #8.1

Item #9.1 was heard after Item #7.14

9. Public Hearings and Site Plans

9.1 ORDINANCE NO. 2008-013

AN ORDINANCE OF THE CITY OF DANIA BEACH CITY COMMISSION AMENDING THE CITY OF DANIA BEACH'S COMPREHENSIVE PLAN TO ADOPT A WATER SUPPLY PLAN BY AMENDING THE TEXT OF THE SANITARY SEWER, SOLID WASTE, POTABLE WATER, NATURAL GROUND AQUIFER RECHARGE ELEMENT (THE "INFRASTRUCTURE ELEMENT"), CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES REQUIRED BY LAW; PROVIDING FOR ADOPTION PURSUANT TO SECTIONS 163.3184 AND 163.3187, FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER PROVIDING FOR AN EFFECTIVE DATE. (ADOPTION STAGE)

City Attorney Ansbro read the title of Ordinance #2008-013.

Leigh Kerr, Planning Consultant for the City, advised that the Water Supply Plan is to document the 10-year planning horizon of the availability of water supplies for the future growth and development of the community. He noted that revisions have now been incorporated into the Plan which makes it compliant with the State's requirements.

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 Ordinance #2008-013, on second reading; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.2 RESOLUTION NO. 2009-063

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, INVOKING ZONING IN PROGRESS; DECLARING THAT THE CITY IS CONSIDERING AMENDING ITS LAND DEVELOPMENT REGULATIONS TO REGULATE MEDICAL OFFICE USES THAT DISPENSE ON-SITE CONTROLLED SUBSTANCES TO A PATIENT; PROVIDING DEFINITIONS; PROVIDING SUPPLEMENTAL REGULATIONS; PROVIDING FOR POSTING OF NOTICE; PROVIDING FOR CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-063. He noted this is a request by BSO Chief Peterson due to the increase in pain clinics that are dispensing drugs. City Attorney Ansbro pointed out that the proposed resolution will require any proposed use of a medical office with on-site dispensing of controlled substance to be reviewed for compliance, with any changes made to the regulations as contemplated.

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

Mayor Castro commended Chief Peterson and City staff for trying to limit the impact we are currently facing on this issue.

Commissioner Anton motioned to adopt Resolution #2009-063; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

City Attorney Ansbro advised the following 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.

9.3 RESOLUTION NO. 2009-066

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY WILLIAM B. BIGGER III, CCIM, FROM CHAPTER 28, "ZONING" ARTICLE 28.120, SIGN RESTRICTIONS FOR INDUSTRIAL AREAS FOR PROPERTY LOCATED AT 2541 STATE ROAD 84, IN THE

CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-066.

Corinne Lajoie, AICP, Principal Planner, explained that the request is for a monument sign which will be in the same location as the previous existing pole sign. She advised that other than the location, the proposed sign conforms to current sign regulations. Ms. Lajoie noted that the Planning and Zoning Board recommended approval of the request.

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

William B. Bigger, applicant, requested a favorable consideration of his request.

Commissioner Anton motioned to adopt Resolution #2009-066; seconded by Commissioner Jones. The motion carried on the following 4-1 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.4 RESOLUTION NO. 2009-067

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY YOLANDA GERNANT FROM CHAPTER 28, "ZONING", ARTICLE 4, "SCHEDULE OF LOT, YARD AND BULK REGULATIONS", FOR PROPERTY LOCATED AT 2740 SW 46 COURT, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-067.

Corinne Lajoie, AICP, Principal Planner, advised that the request is for an after-the-fact variance for a partially constructed storage room. She explained that the applicant has been cited by Code Compliance for doing construction without a permit, but Ms. Gernant alleges that the house was not originally designed to provide adequate storage space. Ms. Lajoie noted that the Planning and Zoning Board recommended denial of the variance request.

Harry Hippler, attorney for the applicant, noted that a petition for signatures was circulated and signed by ninety percent of the neighbors in favor of the request. He further pointed out that the request does not violate any health or safety issues, and requested approval of the variance.

Mayor Castro opened the Public Hearing.

Celine Brouillard, 2725 SW 46th Court had no objection to the request.

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

Vice-Mayor McElyea motioned to adopt Resolution #2009-067; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

10. Discussion and Possible Action

10.1 Discussion of Saltwater Intrusion Model - Dominic Orlando, Director of Public Services

Dominic Orlando, Director of Public Services, noted that this is proposed by Broward County and they asked if we wanted to participate at a cost of \$43,000.00. He explained the benefits of such a model and recommended participation in the study. Director Orlando advised this item would be included in next year's budget.

It was the consensus of the Commission to participate in the Saltwater Intrusion Model study.

10.2 Changes to make Code Compliance more Citizen Friendly –Assistant City Manager Donnelly

Assistant City Manager Donnelly explained the recommendations come from Nick Lupo. He asked Mr. Lupo to explain the proposed changes in detail.

Nick Lupo, Code Compliance Unit Manager, touched upon the information provided in the backup material. He noted that these changes will improve the unit and its image to the public, particularly in light of the current circumstances and economic conditions.

Commissioner Jones liked the idea of assigning a community code officer to the different areas within the City, so that people would be familiar with their representative. He would also like to implement an Amnesty that forgives the lien, provided the interested party comes into compliance, reimburses the City for their costs, and pays a percentage of the lien. Commissioner Jones asked City Attorney Ansbro to look into this matter and report back to the Commission.

City Attorney Ansbro noted that the City of Fort Lauderdale implemented this program in 2004.

Vice-Mayor McElyea questioned Mr. Lupo's work experience.

Mayor Castro commended Mr. Lupo for his efforts to address the current issues facing the Code Compliance Unit. She encouraged the City to implement a press release system as well as getting the City involved in e-blasting like other cities do, which has proven to be very effective. Mayor Castro noted crime is a big problem in our City and thought that using more communication tools would take care of some of the current criminal activities.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton had no comments.

11.2 Commissioner Duke

Commissioner Duke noted he attended the Plywood Regatta which was a great event. He commented he would like to see it grow because it benefits the City.

Commissioner Duke reminded everyone that National Maritime Day will be celebrated at I.T. Parker Community Center on Friday, May 22, 2009.

Commissioner Duke advised that tonight we had over 50 users watching the meeting on the internet.

11.3 Commissioner Jones

Commissioner Jones questioned the status of the S.W. Community Center construction.

Dominic Orlando, Director of Public Services, responded we are moving through the permitting process and the approval of the Fire Marshal is currently pending.

Commissioner Jones asked if the Beach Watch Restaurant would allow the audit.

City Attorney Ansbro responded in the affirmative, and advised that the Finance Director began her preliminary audit last Thursday, April 23. He noted we are expecting a letter from the auditor with his recommendations.

Mayor Castro noted that the Beach Watch tenants had admitted that it was their advertisement to sell the lease portion of the Pier restaurant, although Ms. Stork denied it at the April 14th meeting.

Commissioner Jones provided a synopsis of the Green Conference he attended in Portland, Oregon. He noted it was great to share green ideas and initiatives with representatives from other cities. Commissioner Jones advised he would share the information with the Green Advisory Board.

11.4 Vice-Mayor McElyea

Vice-Mayor McElyea had no comments.

11.5 Mayor Castro

Mayor Castro noted she received an invitation from the Friends of the Library for their luncheon on Thursday, June 18 at 11:30 a.m.

Mayor Castro advised the City received a thank you letter from the American Cancer Society for our donation of \$2,500.00 for their Relay for Life event.

Mayor Castro noted that Claire Satin, a local artist and a member of Friends of the Library, who is currently in Venice, Italy with the Emily Harvey Foundation, would like to insure that art is an important component in the construction of the Library. She wondered if the consultant would be willing to meet with Ms. Satin and former Commissioner Pat Flury on a periodic basis, to keep them posted on developments with this project.

It was the consensus of the Commission for the consultant to meet with Project Manager Dominic Orlando, former Commissioner Flury, and other members of a “committee” on a regular basis.

12. Appointments

Mayor Castro noted that City Manager Baldwin provided a memo with recommendations for the City Boards. These include incorporating the I.T. Parker Community Center Advisory Board with the Parks, Recreation and Community Affairs Advisory Board; dissolving the Human Relations Board; appointing Jeremy Earle as the liaison for the Green Advisory Board; and awaiting the selection of a Community Development Director for review of the Unsafe Structures Board.

It was the consensus of the Commission to approve the City Manager’s recommendations.

Mayor Castro asked City Clerk Stilson to send “Thank You” letters to the members on the two boards that have been dissolved.

Airport Advisory Board

Commissioner Duke appointed Joe Payne and Terri Hill Hicks.

Parks, Recreation and Community Affairs Advisory Board

Commissioner Duke appointed J.J. Jensen.

Mayor Castro appointed Clare Frost.

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

13. Administrative Reports

13.1 City Manager

Corinne Lajoie, AICP, Principal Planner, advised the community meetings for the “One Code” and the “West Side/Griffin Road Corridor Study” will be held on May 5 at C.W. Thomas Park; May 13 at P.J. Meli Park & Community Center; and June 2 at City Hall. All of the meetings begin at 6:00 p.m.

City Manager Baldwin asked the Commissioners to discuss their budget recommendations with him before the budget proposal is prepared.

13.2 City Attorney

City Attorney Ansbro commented on the SW 40th Avenue dispute. He recommended that the City Manager contact Bertha Henry, County Administrator, to put some pressure on them to get the work done as soon as possible.

Mayor Castro noted she spoke with County Commissioner Rodstrom’s office who informed her that they would probably move forward with the repair of the road and continue with the litigation at a later date.

It was the consensus of the Commission to have the Mayor and City Manager follow up with the County to speed up the process.

13.3 City Clerk - Reminders

Wednesday, May 6, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, May 12, 2009 - 7:00 p.m.	City Commission Meeting
Thursday, May 14, 2009 – 6:00 p.m.	Special CRA Board Meeting
Thursday, May 21, 2009 - 6:00 p.m.	Abatement Hearing
Tuesday, May 26, 2009 - 7:00 p.m.	City Commission Meeting

14. Adjournment

Mayor Castro adjourned the meeting at 10:56 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ANNE CASTRO
MAYOR-COMMISSIONER

Approved: May 26, 2009