

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, AUGUST 25, 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
Commissioners:	Bob Anton Walter Duke Albert C. Jones
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Vice-Mayor:	C.K. "Mac" McElyea
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Commissioner Anton motioned to excuse the absence of Vice-Mayor McElyea; seconded by Commissioner Jones. The motion carried unanimously.

2. Invocation and Pledge of Allegiance

Mayor Castro gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Presentation by the Dania Beach Police and Firefighters Retirement System of the Chapter 175 money

Ted Spongross, Vice-Chairman of the Dania Beach Police and Firefighters Retirement System, distributed a letter from the Pension Board indicating that they can abide by the ordinance and distribute the funds in accordance with Chapter 175 money. He said that they will pay for the retirees insurance premium; and pay the City's portion as well. Mr. Spongross noted that they hope to repeat this in future years.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Roy Lightfoot, 550 SE 13th Street, complained on the lack of sufficient parking in his neighborhood. He also spoke about the improper use of parking spaces by some residents in the area.

Jimmy Crimminger, 237 SW 15th Street, invited everyone to the Dania Jai Alai for the South Florida Regional Business Expo to be held on Thursday, August 27th, from 5:30 – 9 p.m. He also noted he will be a guest speaker at the Dania Beach United meeting next week, in addition to City Manager Baldwin.

Vicki Payne, Director, Dania Beach Chamber of Commerce, invited everyone to the Business Expo to be held on Thursday night at the Dania Jai Alai. She also provided an update of the Chamber upcoming events.

Pat Rafacz, 610 Trafalgar Court, questioned what was happening with the Linear Park on 5th Avenue. She said she heard comments that the project will not be completed due to lack of funds.

Mayor Castro responded that the City is not out of money, and the park will be continued.

6. Public Safety Reports

Jack McCartt, Fire Chief, cautioned the citizens of lightning strikes, and suggested calling 911 for immediate assistance.

7. Consent Agenda

Items added to Consent Agenda: #7.6

Items removed from Consent Agenda: #7.3, #7.6

7.1 Minutes:

Approve minutes from August 4, 2009 Discussion of FLL Expansion

Approve minutes from August 11, 2009 City Commission meeting

7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2009-157

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES RELATING TO ENGINEERING

SERVICES FOR THE HERMAN WRICE CENTER GREEN COMMUNITY ANNEX A/K/A THE HERMAN WRICE COMMUNITY CENTER GARDEN, SUCH SERVICES NOT TO EXCEED EIGHT THOUSAND FIVE HUNDRED SEVENTY FIVE DOLLARS (\$8,575.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-157.

Commissioner Jones had no concerns with the project, however he asked the Assistant City Manager to explain how we got to where we are.

Colin Donnelly, Assistant City Manager, provided a history of the 33rd Year CDBG Grant. He noted that the project's goal is to build a "Green" Annex to the existing Herman Wrice Community Center. Assistant City Manager Donnelly explained that the original plan to construct a community center in the northwest portion of the City, will be put on hold until funds become available. He advised that this is a temporary project that still meets the requirements of the grant.

Commissioner Jones motioned to adopt Resolution #2009-157; seconded by Commissioner Anton. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
Commissioner Duke	Yes	Mayor Castro	Yes

7.4 RESOLUTION #2009-158

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNUAL SERVICE AGREEMENT FOR FISCAL YEAR 2010 WITH MOTOROLA, A SOLE SOURCE PROVIDER, FOR THE MAINTENANCE AND REPAIR OF COMMUNICATIONS EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$22,582.44, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-159

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING NICKI SATTERFIELD, ASSISTANT DIRECTOR OF FINANCE, TO BE A SIGNER ON THE CORPORATION ACCOUNT WITH THE CLEARING FIRM, RIDGE CLEARING & OUTSOURCING SOLUTIONS, INC. (CASH ACCOUNTS ONLY – LIMITED AUTHORITY) PERTAINING TO THE PURCHASE, SALE, TRANSFER, EXCHANGE, EXERCISE, CONVERSION, TENDER, AND REDEMPTION OF THE CITY'S INVESTMENT OF SECURITIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Addendum

7.6 RESOLUTION #2009-162

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VACATION REQUEST (VC-18-08) SUBMITTED BY THE CITY OF DANIA BEACH AS PROPERTY OWNER, TO VACATE SW PARK STREET LOCATED BETWEEN SW 3RD AVENUE AND SW 1ST AVENUE JUST SOUTH OF THE DANIA BEACH ADMINISTRATIVE BUILDING AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY

OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-162.

Commissioner Anton supported the project. He noted rumors have been circulating regarding the purchase of the 109 Park Street property. Commissioner Anton stated that the parcel was a crucial component towards creating the City Center. We may have paid more than the property was worth, but it was a worthwhile investment. He remarked that now is the time to stop complaining about what happened in the past.

Commissioner Anton motioned to adopt Resolution #2009-162; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
Commissioner Duke	Yes	Mayor Castro	Yes

Commissioner Anton motioned to adopt the Consent Agenda, with the addition of Item #7.6, and the exception of Items #7.3, #7.6; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
Commissioner Duke	Yes	Mayor Castro	Yes

8. Bids and Requests for Proposals

8.1 RESOLUTION #2009-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF CONTRACT FOR THE FUELING STATION/ABOVE GROUND FUEL STORAGE TANK PROJECT; AUTHORIZING THE AWARD OF BID TO MDM SERVICES, INC., FOR CONSTRUCTION ACTIVITIES IN THE AMOUNT OF \$427,325.00; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDE FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-160.

Dominic Orlando, Director of Public Services, advised that the existing fueling station, located east of the water plant, is not code compliant. He further explained that this project will include: 1) a new fuel station, 2) a 2,000 gallon tank above ground, to feed the current water plant and 3) decommissioning the existing fuel station. Director Orlando advised that the project must be completed by December 31, 2009.

Commissioner Anton motioned to adopt Resolution #2009-160; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
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Commissioner Duke

Yes

Mayor Castro

Yes

8.2 RESOLUTION #2009-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF CONTRACT FOR THE WATER MAIN REPLACEMENT PROJECT ON NE 2ND STREET; AUTHORIZING THE AWARD OF BID TO FLORIDA ENGINEERING AND DEVELOPMENT CORP. FOR CONSTRUCTION ACTIVITIES IN THE AMOUNT OF \$122,000.50; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDE FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-161.

Dominic Orlando, Director of Public Services, requested that this item be continued until the next meeting.

Commissioner Anton motioned to continue Resolution #2009-161 until the September 8, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton

Yes

Commissioner Jones

Yes

Commissioner Duke

Yes

Mayor Castro

Yes

9. Public Hearings and Site Plans

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.

9.1 RESOLUTION #2009-155

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY COURTNEY CRUSH, ATTORNEY WITH THE FIRM CRUSH LAW, P.A., REPRESENTING THE OWNER JAY PATEL, FOR AN EXTENSION TO THE SPECIAL EXCEPTION (SE-30-08) ORIGINALLY APPROVED BY RESOLUTION 2008-141 AND VARIANCE VA-31-08 ORIGINALLY APPROVED BY RESOLUTION 2008-140 ON AUGUST 26, 2008, FOR PROPERTY LOCATED AT 205 NORTH FEDERAL HIGHWAY, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-155.

Corinne Lajoie, Principal City Planner, noted the applicant is requesting modification of the Special Exception and Variance approvals, to reflect the change of the approval period and the elimination of the cross-parking condition, for consistency with the development resolutions. The request would also assist with financing of the property.

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 #2009-155; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
Commissioner Duke	Yes	Mayor Castro	Yes

9.2 RESOLUTION #2009-156

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY JAY MASSIRMAN AS REPRESENTATIVE FOR VALGARD OF STIRLING LLC FOR A THIRD EXTENSION (SECOND EXTENSION WAS APPROVED ON AUGUST 12, 2008 AND EXPIRES ON AUGUST 11, 2009) RELATING TO THE APPROVALS OF SPECIAL EXCEPTION SE-23-06, APPROVED BY RESOLUTION 2006-133, VARIANCE VA-24-06 BY RESOLUTION NO. 2006-134 AND THE SITE PLAN REQUEST SP-22-06 BY RESOLUTION NO. 2006-135, FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF STIRLING ROAD AND (UNIMPROVED) SW 19TH COURT (ON THE NORTH SIDE OF STIRLING ROAD WEST OF I-95, DANIA BEACH); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-156.

Corinne Lajoie, Principal City Planner, noted that the applicant is requesting a one year extension of the previously approved Special Exception, Variance and Site Plan for the construction of a self-storage/retail building. She advised that the property is vacant, industrially zoned, and located in the study area for the Westside Master Plan, which is currently underway. The Special Exception criteria included a compatibility requirement with adjacent properties. She further stated that, as a result of the development of two hotels located immediately north of the subject property, a self-storage facility might not be compatible. Following discussions with the applicant, staff is recommending a six-month extension of all approvals, with previous conditions, after which time we would re-evaluate the best course of action for this project.

Mayor Castro opened the Public Hearing.

Jay Massirman, applicant, noted there is a “for sale” sign on the property because they are looking for a possible land assembly that would help them financially during these difficult economic times. He confirmed they have received inquiries from interested parties. Mr. Massirman advised that he will attend the Westside Master Plan Workshop to see if they can assemble a much larger parcel.

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

Commissioner Duke motioned to adopt Resolution #2009-156; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Jones	Yes
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Commissioner Duke

Yes

Mayor Castro

Yes

10. Discussion and Possible Action

There were no discussion items on this agenda.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton noted that the on-line comments received after the August 4th Airport Discussion meeting were sent to our Airport Counsel Neal McAliley. He advised that our attorneys will compile all of the comments and include them in the draft reply to be sent to Broward County by September 1, 2009.

Commissioner Anton noted that the Tax bills reflect the garbage assessment. He further explained that the bill also shows the maximum Tax rate approved, although it may be lower after the Budget Hearings in September.

11.2 Commissioner Duke

Commissioner Duke questioned the status of the 2nd Street closure.

Dominic Orlando, Director of Public Services, responded we are waiting until all the traffic calming improvements are completed at the end of this year. We would then ask Broward County to do another traffic study on certain roads, and present the findings to the Commission for a final recommendation.

11.3 Commissioner Jones

Commissioner Jones questioned the status of the community garden property.

City Manager Baldwin noted he will provide an update to him.

Commissioner Jones reminded everyone that the Prescription Drug cards are available and encouraged our residents to take advantage of this offer.

Commissioner Jones noted he attended the Florida League of Cities Conference in Orlando. He advised that one of the issues discussed was the US Government Purchasing Alliance Program, a nationwide purchasing cooperative designed to be a procurement resource for local and state government agencies, school districts (K-12), higher education and nonprofits. Commissioner Jones suggested staff look into participating in the program.

Commissioner Jones noted that the City of Port St Lucie had a program of nuisance abatement that he would like us to inquire about. He explained that they place a lien on a foreclosed property and get to a superior position. They call it a special assessment and place it on the tax roll. Commissioner Jones indicated he would leave the information with the City Manager to review.

11.4 Vice-Mayor McElyea

Vice-Mayor McElyea was not present at this meeting.

11.5 Mayor Castro

Mayor Castro asked staff to provide an update at the next Commission meeting, regarding a house supposedly owned by the City, which is located at SW 25th Avenue.

Mayor Castro advised that the Broward County Planning Council will meet on Thursday at 10:00 a.m. She noted that one of the items on their Agenda is the Regional Activity Center (RAC) for the City of Dania Beach. Mayor Castro encouraged everyone to attend the meeting and speak in favor of our request. She indicated that the Aviation Department is getting involved and has expressed some concerns.

Bob Daniels, Community Development Director, noted the Aviation Department requested zoning and planning information for Airport operations. He advised that he responded on behalf of the City. Director Daniels stated that the Aviation Department was unable to approve changes in land use because there were no provisions in the plan to address Airport operations. He said that he clarified in his response that none of their concerns had anything to do with the Regional Activity Center. Lastly, Director Daniels noted that the Broward County Planning Council should approve the request on Thursday.

Mayor Castro noted only the Clay Shaw property affects the Regional Activity Center.

Jeremy Earle, CRA Executive Director, noted that rather than losing the entire RAC, he would sacrifice that piece of property.

Commissioner Anton noted there are two tiers for the RAC expansion, 1) if Airport expands, or 2) if it does not. He remarked that nothing has changed regarding our position on the Airport issue and the lawsuit is still moving forward in Washington. Commissioner Anton indicated that we have reasonable confidence that we can prevail, however, it is prudent to look at both aspects.

Mayor Castro requested an update on the Linear Park, the Southwest Community Center and the Library projects for the next meeting.

Mayor Castro noted that we have been invited to participate in the Living Green Fair to be held at John U. Lloyd State Park November 14-15. She advised that the event is now taking shape and added that Robert Wyland will be a guest, featuring the Mayor's Challenge. Wyland is an artist best known for painting large, outdoor murals of whales and other ocean life. Mayor

Castro encouraged everyone to participate and support this event. She noted that the City with most participation will get a 45 foot mural from Wyland to be displayed for one year. Mayor Castro indicated we will advertise on the Website. She would also like to do a newsletter e-blast to include this event, as well as the Budget Public Hearings being held in September, and other important topics that are going on in our City.

12. Appointments

Marine Advisory Board

Commissioner Duke appointed Debby Bradford.

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

13. Administrative Reports

13.1 City Manager

Colin Donnelly, Assistant City Manager, noted the City will have a follow up community meeting on the Weed and Seed Grant Application on Thursday, September 10 at 7:00 p.m. He indicated that the purpose of this grant is to combat crime and to make improvements within our community. We will therefore be working closely with BSO in order to write an effective grant application. Assistant City Manager Donnelly said he is hoping to get the word out and to get people to participate. He remarked that community involvement is a crucial element since our residents will be the ones to decide how the money is spent.

Commissioner Anton suggested the BSO “Smart Cart” be placed around the City to inform the public.

Mayor Castro suggested asking BSO for a list of areas with the highest incidence in crime so we can do a mail-out to those targeted neighborhoods.

Commissioner Jones suggested contacting John Bandies, Memorial Healthcare System, who may be able to assist. He also advised we should use churches and organizations to distribute the information. Commissioner Jones questioned if the Grant Advisory Board would be involved.

Assistant City Manager Donnelly responded the Grant Advisory Board initiated the application.

Bob Daniels, Community Development Director, invited everyone to attend the Westside Master Plan Workshop on Monday, August 31, at the International Game Fishing Association (IGFA). He noted that 79% of the Dania Beach population lives in the west side.

City Manager Baldwin noted changes have been made to the City's Website as requested by the Commission.

Colin Donnelly, Assistant City Manager, reported on the status of the \$1.2M grant received through Broward County for the Neighborhood Stabilization Program (NSP). He advised that the contractor from the County identified the first property from our list located at 215 SW 2nd Place. Assistant City Manager Donnelly further noted that Community Development Director Daniels and CRA Executive Director Earle visited the property and found out that there are \$20,000 in outstanding liens on the property. The County suggested that cities participating waive all liens in order to maximize the pool of funds. He asked the Commission to approve a conditional waiver of the liens on the subject property.

Commissioner Jones motioned to approve the conditional waiver of the liens for property located at 215 SW 2nd Place; seconded by Commissioner Anton. The motion carried unanimously.

Assistant City Manager Donnelly advised that we were notified that the TIME 4 Kids grant application was accepted and funded with \$1.6M over the next five years.

Mayor Castro asked staff to do something to the bearing walls at the Copa Night Club property at 2800 S. Federal Highway, which are covered with graffiti.

City Manager Baldwin noted he spoke with Joe Husosky who will look into the sound problems in the Commission Chamber.

13.2 City Attorney

City Attorney Ansbro noted that the City of Delray Beach is following our lead on the "pill mills" Ordinance. He also advised that the Police Chief recently testified before the Broward County Grand Jury regarding pain clinics.

13.3 City Clerk - Reminders

Wednesday, September 2, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, September 8, 2009 - 7:00 p.m.	City Commission Meeting
Tuesday, September 15, 2009 - 7:00 p.m.	First Public Hearing FY 2009-2010 Budget
Thursday, September 17, 2009 - 6:00 p.m.	Abatement Hearing
Tuesday, September 22, 2009 - 6:00 p.m.	Special CRA Board Meeting
Tuesday, September 22, 2009 - 7:00 p.m.	City Commission Meeting
Wednesday, September 23, 2009 - 7:00 p.m.	Final Public Hearing FY 2009-2010 Budget

14. Adjournment

Mayor Castro adjourned the meeting at 8:12 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ANNE CASTRO
MAYOR-COMMISSIONER

Approved: September 8, 2009