

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, SEPTEMBER 8, 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

Mayor Castro asked for a moment of silence followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Presentation by Craven Thompson & Associates on the UAZ 308 Project

Pat Gibney, Craven Thompson & Associates, introduced Pat McGregor, Broward County Water and Wastewater Services, and Bob Connors, Craven Thompson & Associates.

Mr. Gibney explained the UAZ 308 Project is similar to the one currently under construction on the north side of Griffin Road. It is a replacement of the water system and the installation of a gravity sewer system. They are proposing two lift stations, one in Meli Park and one just outside the boundary of the neighborhood. Mr. Gibney noted the required easements in Meli Park will minimize the number of lift stations needed in the area, and cutting through the park makes the most sense.

Pat McGregor, Broward County Water and Wastewater Services, noted there will be no assessment charge if the building is your primary residence; the only thing you have to pay is the plumbing to your private property and the elimination of the septic tank.

Dominic Orlando, Director of Public Services, confirmed for Vice-Mayor McElyea that it would be similar to our lift stations.

City Attorney Ansbro noted we need a legal description of the project, which will be approved by Dominic Orlando; then we will adopt a resolution conveying the easement.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Victoria Payne, Executive Director of the Chamber of Commerce, 102 W Dania Beach Boulevard, thanked everyone that participated in the Business Expo. She also provided an update of upcoming events.

Teddy Bohanan, SW 15th Street, said a flash bomb went off in her neighborhood last Thursday and BSO did an exceptional job in getting everyone out. She indicated the community needs to make comments at the Weed and Seed meeting on Thursday evening.

Jimmy Crimminger, 237 SW 15th Street, noted public safety should be the primary concern of the budget. He thanked the Commission for what they have done for his community.

6. Public Safety Reports

Jack McCartt, Fire Chief, noted hydrant flushing will begin soon. He said they are also concerned with pedestrians on the streets, and asked everyone to please be aware of pedestrians walking in the roadway. Chief McCartt said 9/11 is coming up and several memorial services will be held throughout the County. He asked for a moment of silence on 9/11 in memory of those who have given their lives.

Commander Mike Grimm, BSO, advised they held a sting operation last weekend and made several drug and prostitution arrests. He indicated that Deputy Tarrant is looking into nuisance abatement for the 2 Quick Market.

Mayor Castro would like the City to pursue nuisance abatement.

Commander Grimm noted that they installed their message board on Griffin Road following the traffic fatality on Friday night near the Field.

Mayor Castro said we sent a letter to FDOT asking them to look into the situation.

Commissioner Jones wants a button to stop the light on Griffin Road. He also said that SW 2nd and 3rd Street, as well as 3rd Place and Phippen Road, has drug activity.

Mayor Castro asked the City Attorney for an update on the Beach Watch Restaurant.

City Attorney Ansbro reported that he sent a notice of default letter to the tenant. We have discovered that the people we thought were managing the Beach Watch were actually sub-tenants, and the tenant knew that he could not sublease without advanced City Commission approval. Attorney Ansbro noted in his opinion this is an egregious material default of the lease. This matter will be going to court no sooner than September 17, per the terms of the lease agreement. He suggested that we not speak about it publicly or privately while it moves through the court process.

7. Consent Agenda

Items added to Consent Agenda: #7.7

Items removed from Consent Agenda: #7.3

7.1 Minutes:

Approve minutes from July 29, 2009 Budget Workshop

Approve minutes from August 18, 2009 Zoning Code Workshop

Approve minutes from August 25, 2009 City Commission Meeting

7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2009-166

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT RELATED TO THE BROWARD BOATING IMPROVEMENT PROGRAM (2009) IN THE APPROXIMATE AMOUNT OF \$96,250.00, TO PROVIDE FUNDING FOR THE MARINA RESTORATION & EXPANSION OF THE DANIA BEACH MARINA; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE APPLICATION; AUTHORIZING THE ACCEPTANCE AND EXECUTION OF THE GRANT AGREEMENT UPON ITS AWARD; AUTHORIZING THE DIRECTOR OF FINANCE TO APPROPRIATE THE FUNDING UPON AWARD; AUTHORIZING EXTENSIONS, IF NEEDED; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-166.

Commissioner Jones requested clarification of Phase 1, and to address rumors regarding the marina.

Colin Donnelly, Assistant City Manager, noted the application is for Phase 1 of the rebuilding of the marina costs, which represents approximately \$96,000. Phase 1 is architectural design, engineering and permitting; Phase 2 would be construction. Assistant City Manager Donnelly noted we have a grant from FIND in the exact same amount, or 50% of these estimated costs. He indicated that we have the potential to use grant money to pay for Phase 1 costs to rebuild the marina. He noted that he and the City Manager have been meeting with the consultant to draw up the plans, and will be meeting with engineers tomorrow to finalize the plans. We should have

results by the end of October for Commission review. Assistant City Manager Donnelly explained that Phase 2 is the construction phase and we can apply to both FIND and BBIP for another grant, however, there are strings attached: the marina must be public; we must allow 10% transient boaters; and we have to market ourselves at market rate for rentals.

Commissioner Jones motioned to adopt Resolution #2009-166; 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. 2009-165

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR APPROPRIATION OF FUNDS FOR FISCAL YEAR 2008-2009; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION NO. 2009-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING RESOLUTION NO. 2009-137, TO AUTHORIZE THE ACTING DIRECTOR OF FINANCE TO APPROPRIATE FUNDS FOR BUILDING PERMIT FEES RELATING TO THE MAUSOLEUM PROJECT IN AN AMOUNT NOT TO EXCEED \$10,980.00; AMENDING SECTION 2 OF THE RESOLUTION TO AUTHORIZE THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND BALANCE TO THE CAPITAL PROJECTS FUND; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION NO. 2009-163

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING RESOLUTION NO. 2008-175 TO ADD AN ADDITIONAL \$10.00 PER HOUR PREMIUM RATE FOR FIRE DEPARTMENT DETAILS WORKED ON A HOLIDAY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Addendum

7.7 RESOLUTION #2009-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CREATING THE DANIA BEACH "CENSUS COMPLETE COUNT" COMMITTEE, TO SERVE AS AN AD HOC COMMITTEE IN CONNECTION WITH THE CURRENT UNITED STATES CENSUS; PROVIDING FOR THE APPOINTMENT AND TERMS OF MEMBERS, AS WELL AS DUTIES AND RESPONSIBILITIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Item #7.3, and the addition of Item #7.7; 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		

8. Bids and Requests for Proposals

8.1 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; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from August 25, 2009)*

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

Commissioner Anton motioned to adopt Resolution #2009-161; 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. Public Hearings and Site Plans

There were no public hearings on this agenda.

10. Discussion and Possible Action

There were no discussion items on this agenda.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton thanked the residents who attended the West Side Master Plan Workshop on August 31st.

Commissioner Anton asked Director Orlando to explain what is happening with 40th Avenue.

Dominic Orlando, Director of Public Services, responded the he reviewed the MOT from the contractor and approved it. He indicted the work should begin soon.

11.2 Commissioner Duke

Commissioner Duke echoed Commissioner Anton's comments on the West Side Master Plan.

11.3 Commissioner Jones

Commissioner Jones also echoed the comments on the West Side Master Plan.

Commissioner Jones noted that he sits on the Broward League of Cities Energy and Environmental Committee. He indicated they are looking at gas and oil leases that might happen at the outer shelf of the Atlantic coast. Commissioner Jones said they also talked about recycling, noting that Florida is next to last in the country in recycling. He also said that bottle deposits may be considered.

Commissioner Jones advised that property owners have taken Beach and Shore Restoration to the Supreme Court because they took their property during re-nourishment. He indicated that beach re-nourishment may be discontinued.

11.4 Vice-Mayor McElyea

Vice-Mayor McElyea thanked everyone for their well wishes.

11.5 Mayor Castro

Mayor Castro attended the Living Green Fair Kickoff Press Conference at John U. Lloyd State Park and met the artist Wyland. The Living Green Fair will take place on November 14-15 at John U. Lloyd State Park. Mayor Castro encouraged everyone to go to www.LivingGreenFair.com and take the Mayor's water conservation challenge. The city with the most participants will receive a 45' Wyland mural to display in their city for one year.

Mayor Castro said that Mayor Bober mentioned that they have a recycling program that rewards homeowners for recycling with reward points. She asked the chairperson of the Green Advisory Board to look into it and relay the information to the City Manager.

Mayor Castro noted she received an anonymous note from a resident of the Estates of Ft. Lauderdale. The person has an issue with the gun club on Stirling Road that makes a lot of noise, especially on Sunday mornings. She noted the gun club is in Hollywood, and asked BSO to check our noise ordinances. Mayor Castro passed the letter to the City Manager.

Commissioner Duke recommended contacting Bill Hart from Dania Beach Neighborhoods United, as he is a member of the gun club.

Mayor Castro asked the City Manager if the City or the CRA would be paying the impact fees for the Library and 109 Park.

City Attorney Ansbro said he would provide an answer.

Mayor Castro advised that on September 22 the City will have 2 items on the County Agenda: expansion of the CRA boundaries, and the approval of the Regional Activity Center (RAC). She encouraged the residents to attend and support these items.

Mayor Castro asked Commissioner Duke for the status of Charter Review.

Commissioner Duke responded that he would have something shortly.

12. Appointments

Census Complete Count Committee

Mayor Castro appointed George Jason.
Vice-Mayor McElyea appointed Jimmy Crimminger.
Commissioner Anton appointed Carmela Inglese.
Commissioner Duke appointed Dan Richie.
Commissioner Jones appointed Gloria Black.

Commissioner Anton motioned to approve the appointments; seconded by Vice-Mayor McElyea. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin reminded the public that the proposed millage is not the actual millage that will be adopted in September.

City Manager Baldwin thanked Commissioner Anton for the boat tour of the canals in Dania Beach. He said we are already starting to work on the code compliance issues, and Director Orlando is looking into the seawall issues.

City Manager Baldwin advised the County Commission has cut the community bus funding by 25%, and we will need to decide if we want to increase our portion of the funding, or decrease service.

City Manager Baldwin noted that the proposed budget included a proposal for outsourcing the marina; he would like to meet with the Commissioners to discuss the proposal. He noted we are looking into a negotiated contract with Waste Management, or going out to bid.

City Manager Baldwin said he had previously provided a report to the Commission on the study of the Sheriff's office that is being conducted by the Broward City Managers' Association. The

cost to participate in the study would be \$2,500. He indicated that all the contract cities agreed to participate, as well as the County Commission and the Sheriff's office.

Commissioner Anton commented it is an excellent idea to have an independent contractor look into it, and it would be money well spent.

Mayor Castro questioned how much the county gets charged for the services they receive. She wondered if cities get charged more.

City Manager Baldwin noted he would be participating in the study and will bring it to their attention.

City Manager Baldwin noted that he, Assistant City Manager Donnelly and Director Orlando met with the South Florida Water Management District and provided a written report to the Commission. If the Commission wants a presentation by the district, it can be arranged.

Mayor Castro questioned the practical impact of reducing our permitted amount.

Dominic Orlando, Director of Public Services, responded that our permit is 2 MGD; based on their calculations, they want to reduce it to 1.1 MGD. He said we have a meeting scheduled for the 24th of this month at which time he will tell them that they owe us 1.8 MGD; if they agree to this we will not have a problem. If they reduce it to 1.1 MGD we would have to find another water location or buy finished water from the City of Hollywood. We are also proposing a horizontal well, and if we can prove that increasing the capacity does not impact the salt water intrusion, they may increase our amount from 1.8 MGD. Director Orlando noted we are part of the Broward County plan for testing, and we will be testing under the nanofiltration treatment.

Commissioner Jones stated that we can't sit back and depend on feasibility; we need to be making inroads to insure we have the necessary capacity.

Director Orlando stated that he recommended to the City Manager not to do anything with the City of Hollywood at this time.

Commissioner Anton wants a backup plan in place.

City Manager Baldwin noted he brought it up at the SFWMD meeting, and everyone agrees that if we renegotiate with the City of Hollywood it will be more costly.

Director Orlando stated we are on top of it. He noted we are limited to the growth in the City and we are allowing for the maximum allowed by the current densities. Director Orlando noted to do anything with Hollywood will be costly because they have infrastructure problems and he does not want us to pay for it.

Commissioner Jones asked Director Orlando to look for grants from SFWMD for double flush toilets.

City Manager Baldwin encouraged the public to attend the two upcoming budget hearings.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk - Reminders

Tuesday, September 15, 2009 - 7:00 p.m.
Thursday, September 17, 2009 - 6:00 p.m.
Tuesday, September 22, 2009 - 6:00 p.m.
Tuesday, September 22, 2009 - 7:00 p.m.
Wednesday, September 23, 2009 - 7:00 p.m.

First Public Hearing FY 2009/2010 Budget
Abatement Hearing
Special CRA Board Meeting
City Commission Meeting
Final Public Hearing FY 2009/2010 Budget

14. Adjournment

Mayor Castro adjourned the meeting at 8:01 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ANNE CASTRO
MAYOR-COMMISSIONER

Approved: September 22, 2009