

**ADDENDUM**  
**DANIA BEACH CITY COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, NOVEMBER 10, 2009 – 7:00 P.M.**

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ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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LOBBYIST REGISTRATION REQUIRED. REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY THE COMMISSION ON ANY PETITION OR ISSUE PURSUANT TO ORDINANCE # 01-93. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE IN THE ADMINISTRATION CENTER.

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IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE, 100 W. DANIA BEACH BOULEVARD, DANIA BEACH, FL 33004, (954) 924-6800 EXTENSION 3624, AT LEAST 48 HOURS PRIOR TO THE MEETING.

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IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
  - B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
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## **7. CONSENT AGENDA**

### 7.9 RESOLUTION #2009-224

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITIES PLANNING IN ORDER TO AVOID THE CURRENTLY PROPOSED SCHOOL BOUNDARY CHANGES IN BROWARD COUNTY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

## **10. DISCUSSION AND POSSIBLE ACTION**

- 10.2 Agreement with the City of Hollywood for the purchase of water via an interconnect system
- 10.3 Follow-up Discussion to the SE Traffic Calming Workshop

**RESOLUTION NO. 2009-224**

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITIES PLANNING IN ORDER TO AVOID THE CURRENTLY PROPOSED SCHOOL BOUNDARY CHANGES IN BROWARD COUNTY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Broward County School Board (“School Board”), Broward County Board of County Commissioners (“County”), and the non-exempt Broward County Municipalities (“Municipalities”) entered into an Interlocal Agreement for Public School Facilities Planning (“ILA”) in 2007 pursuant to the requirements of Sections 163.3180(13) and 163.31777, Florida Statutes; and

**WHEREAS**, the ILA adopted the individual school boundary as the Concurrency Service Area, and adopted a Level of Service standard of 110% of permanent FISH capacity for these Concurrency Service Areas; and

**WHEREAS**, the ILA was found to be in compliance by the Department of Community Affairs and is currently in effect; and

**WHEREAS**, various new facilities were proposed in the School Board’s Educational Plant Survey to support the feasibility of the ILA’s Concurrency Service Areas and Level of Service standards; and

**WHEREAS**, these proposed new facilities were subsequently rejected by the state and, without construction of these facilities, many Concurrency Service Areas will fail to meet the adopted Level of Service standard over the next five years; and

**WHEREAS**, the School Board has responded to these projected failures to meet the Level of Service standard by proposing boundary changes for the affected schools which will ultimately domino across the County and affect a large number of schools; and

**WHEREAS**, such boundary changes are disruptive to the education of our children, deprive families of their reasonable expectations as to which schools their children will attend, and will otherwise cause harm and substantial inconvenience to many of the residents of the Municipalities; and

**WHEREAS**, the Staff Working Group under the ILA, comprised of staff representation from the School Board, County, and the Municipalities, held a meeting on October 29, 2009; and

**WHEREAS**, the Staff Working Group made a recommendation to continue the use of a 110% permanent capacity Level of Service standard, but to amend the ILA to change the Concurrency Service Area from the individual school boundary to eight (8) Concurrency Service Areas, each containing multiple school boundaries, as a means of avoiding the proposed changes to school boundaries; and

**WHEREAS**, another proposal involves the creation of twelve (12) Concurrency Service Areas, which does not avoid the need to change school boundaries at the middle school level and thus does not resolve the current controversy and avoid the above-referenced harm to residents of the Municipalities; and

**WHEREAS**, the Staff Working Group will forward its proposal to the Oversight Committee for the ILA (“Oversight Committee”) for further review in November, 2009; and

**WHEREAS**, the Oversight Committee will subsequently forward its recommendation to the School Board, the County and all Municipalities for approval; and

**WHEREAS**, the proposed amendment to the ILA ultimately requires approval by the School Board, the County and at least 75% of the Municipalities representing at least 50% of the population of Broward County; and

**WHEREAS**, although the amendment process will likely not be complete prior to the School Board's vote on the "Superintendent's Boundary Recommendations," the recommendations brought forth by the Staff Working Group and Oversight Committee should discourage the School Board from approving the currently proposed boundary changes; and

**WHEREAS**, should conditions change and additional facilities be approved for construction by the state, the School Board, County and Municipalities can revisit the ILA and further revise the Level of Service standard or Concurrency Service Areas as may be appropriate; and

**WHEREAS**, the City of Dania Beach, Florida deems it to be in the best interests of the citizens and residents of Broward County to support the amendment to the ILA endorsed by the Staff Working Group, and further urges the School Board, the Municipalities and the County to adopt the same;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and they are made a specific part of this Resolution.

**Section 2.** The City of Dania Beach, Florida supports the continued use of a 110% permanent capacity Level of Service standard, but recommends amending the ILA to change the Concurrency Service Area from the individual school boundary to eight (8) Concurrency Service Areas, each containing multiple school boundaries, and urges the Municipalities, the County and the School Board to approve such an amendment to the ILA.

**Section 3.** That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

**Section 4.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** on November 10, 2009.

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ANNE CASTRO  
MAYOR-COMMISSIONER

ATTEST:

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LOUISE STILSON, CMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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THOMAS J. ANSBRO  
CITY ATTORNEY



**CITY OF DANIA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**DATE** November 10, 2009

**TO** Robert Baldwin, City Manager

**FROM:** Robert Daniels, Director

**SUBJECT** Regional Activity Center Comprehensive Plan Amendment – Water Supply Agreement

**INTRODUCTION**

The City of Dania Beach has been engaged in efforts to resolve future water supply issues for a number of years. These efforts have been affected by changes in state law as well as a renewed focus on redevelopment by the City.

**CHRONOLOGY**

- 1986 – Wells G and H were permitted and installed.
- 1990 – The City entered into an agreement with Broward County for 1.1 mgd from the Broward County South Regional (Brian Piccolo) Wellfield to increase raw water supplies.
- 1991 – Wells G & H were limited to 2 mgd as a result of salt water intrusion.
- 1996 – The City's consumptive use permit was renewed at 2 mgd, which represented no increase for production from Wells G and H.
- 2001 – The permit was renewed with no change in supply.
- 2006 - A new permit was applied for. That application is still pending approval. There have been 5 extensions.
- February 15, 2007 – The Governing Board of the South Florida Water Management District (SFWMD) approved the *2005 – 2008 Lower East Coast Water Supply Plan*. Florida state law required that local governments prepare 10-Year Water Supply Plans and adopt amendments to their comprehensive plans that identify specific projects to meet their projected future demands within 18 months of the District's approval of the *LECWSP*.
- April 28, 2009 – The City of Dania Beach adopted amendments to the Conservation, Capital Improvements and Intergovernmental Coordination elements of its comprehensive plans to address the 10-Year Water Supply Plan needs.
- March 24, 2009 – The City transmitted proposed amendment DCA#09-2AR, which was processed concurrently with Broward County Land Use Plan amendment DCA#09-2AR. The effect of these amendments to the City and County plan would be to revise the land use designations currently within the boundaries to reflect a single designation of "Regional Activity Center" (RAC). These amendments would not have the effect of increasing residential density or non-residential intensity.
- July 6, 2009 – The City was notified by the Florida Department of Community Affairs that the adopted amendments to implement the Water Supply Plan were found to be "not in compliance" and provided recommendations for changes.

- October 22, 2009 – The SFWMD notified the City and Broward county of objections to the proposed RAC amendment.

### **COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS**

The Broward County Land Use Plan amendment to establish a Regional Activity Center (RAC) land use for the City's expanded Community Redevelopment Area is scheduled for adoption hearings at the Broward County Planning Council on December 3, 2009 and County Commission on December 8, 2009. The amendment number is DCA#09-2AR.

On October 22, 2009 the County and City were notified by the South Florida Water Management District (SFWMD) of that agency's concerns with regard to the City's long-term water supply. Specifically, the SFWMD comment requires that the City, ". . . revise the information on sources of water in this amendment to demonstrate that the City has adequate water supplies to serve existing and projected development in the City and the RAC area."

In spite of the fact that the RAC amendment, as it is currently being proposed does not project any increased residential density or non-residential intensity (and therefore no additional demand for water), the SFWMD is requiring that the City demonstrate that it can meet water supply demands beyond 2015, not just for the RAC, but for the City as a whole. This is the requirement that the City has been tasked with to bring its 10-Year Water Supply Plan into compliance. City staff and consultants have been addressing this issue with SFWMD and the Department of Community Affairs (DCA) since the Water Supply Plan comprehensive plan amendments were found to be "not in compliance" in July of this year. The current time line for resolving that issue would normally continue through the year and into mid January 2010, when an administrative hearing has been set with the Florida Department of Community Affairs' Division of Administrative Hearings (DOAH).

### **RESPONSE TO SFWMD COMMENTS**

Since receiving the SFWMD comments staff has worked closely with all agencies involved to resolve the issue.

The Broward County Planning Council's deadline for a response is November 18, 2009 in order to prepare for the Council's December 3 meeting. Contact with that agency's staff confirms that there is no possibility of moving that deadline.

The SFWMD has been contacted several times and District staff has indicated the agency's comments are not negotiable and that the District is not willing to separate the RAC issue from the Water Supply Plan issue. In short, in order to satisfy the District's comments the City must demonstrate that it has an assured water source to meet projected demands for the ten year period, 2010 – 2020. This means there must be an additional .3 mgd (300,000 gallons per day) by 2020. This amount would serve to meet the City's current projections and would bring the Water Supply Plan into compliance.

In order to provide for an assured water source of this size in the time allowed staff has pursued the following.

#### **Removal of the SFWMD's Objection or Agreement to Accept a Lesser Commitment**

The City has engaged lobbying efforts to address the issue with the SFWMD. The current RAC amendment will not result in any additional demands for water. The City,

the District and the Florida Department of Community Affairs are very close to having the issues related to that plan resolved. While it is likely that the resolution would involve a purchase of potable water capacity from the City of Hollywood in late 2009 or early 2010, other options could be pursued up to and until the DOAH administrative hearing, which is scheduled for mid January. The City and its representatives are therefore requesting that the District either remove its objection or accept a commitment from the City that falls short of an actual signed agreement for the purchase of water capacity immediately.

Additional Purchase of Raw Water from Broward County

Broward County has confirmed that there it does not currently have adequate capacity to meet the City’s needs. It has confirmed however, that modeling of its South Regional Wellfield is expected to be completed this month and there is a reasonable expectation that there will be capacity. If that is the case the County’s permitting process would be complete in the spring of 2010 and at that time the County would be willing to sell to the City at a price similar to what is being charged on its current agreement with the City with no reserve capacity fee.

Purchase of Potable Water from the City of Hollywood

The proposal provided by the City of Hollywood would provide for the capacity needed to meet long term needs as outlined in the 10-Year Water Supply Plan

This proposal includes a Reserve Capacity Cost of \$697,143 for 300,000 mgd. Our City could pay this entire Capacity cost at the beginning of the next fiscal year or the cost could be spread out in monthly payments over five years starting October, 2010. Hollywood is insisting that Dania Beach pay a monthly flow charge for the entire 300,000 mgd, beginning immediately upon execution of the agreement. The monthly flow charge would be reduced by 50% and added to the Reserve Capacity charge effective on October 1, 2010.

	<b>Capacity</b>	<b>Flow</b>	<b>Total</b>
<b>Year 1</b>		<b>\$12,200/mo</b>	<b>\$146,400</b>
<b>Years 2 - 6</b>	<b>\$11,620/mo</b>	<b>\$6,100/mo</b>	<b>\$212,600</b>

It is important to note that this agreement would provide the capacity reservation necessary to satisfy only the City’s general Water Supply Plan projections. Additional water capacity would be needed to serve the City’s planned expansion of the RAC in the future as well as any other new proposed amendments. The RAC expansion would include additional non-residential capacity that would cause an added water demand of .35 mgd (350,000 gallons per day), of which .25 mgd (250,000 gallons per day) would have to be acquired at the time the next RAC amendment is approved in the future.

Planning and redevelopment efforts in the City of Dania Beach are sure to generate the need for revisions to the City’s comprehensive plan in the future. Each new proposed amendment will require that the issue of water supply be analyzed and if necessary, amended to increase capacity. That in turn will necessitate that waste water treatment be addressed as well. A strategy for moving forward under these conditions is needed

to ensure that once the City's water supply plans are met it can move forward in a measured and well-thought-out manner as plans change.

Recommendation

Schedule a special meeting of the City Commission for November 17, 2009 to discuss and take action on a final resolution to the RAC amendment water supply issue.

Schedule a workshop after final resolution of the Water Supply Plan and comprehensive plan amendments have been found in compliance to develop a strategy for future development and redevelopment infrastructure planning.