

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, OCTOBER 13, 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
Deputy City Clerk:	Miriam Nasser

2. Invocation and Pledge of Allegiance

Father Roger Holoubek, St. Maurice Catholic Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

- 3.1 Special Event Request for the St. Maurice Country Fair to be held on November 12-15, 2009

**Commissioner Anton motioned to approve the Special Event Request for St. Maurice Country Fair; seconded by Vice-Mayor McElyea. The motion carried unanimously.**

4. Proclamations

- 4.1 Fort Lauderdale International Boat Show Days

Commissioner Duke thanked the Marine Industries Association of South Florida for their support and involvement in our City.

Mayor Castro presented the proclamation to the President and other representatives of the Marine Industries Association of South Florida.

John Stevens, President, Marine Industries Association, thanked the City of Dania Beach for their efforts towards improving the marine industry environment in Broward County.

## 5. Citizen Comments

Izzy Fintz, 2440 W. State Road 84, explained that as part of the promotion of their new restaurant “Mike’s Sports Zone Bar & Grill”, they plan to hold the Oktoberfest event on Friday, October 23, 2009, from 6:00 p.m. – 1:00 a.m. He advised the event will take place inside their property and they expect about 300 people. They will provide the necessary parking at their facility and PBA has offered their parking lot as well. Mr. Fintz noted security will be provided by BSO, and they will hire an on-staff firefighter. He indicated that all permits are ready for submittal, pending Commission approval. Mr. Fintz stated he is aware of the short notice request but asked for support of the event. He added that part of the funds received at this event will be donated to a charitable organization.

Colin Donnelly, Assistant City Manager, advised that Mr. Fintz called the City Manager’s Office after the Agenda had been published. He said that staff had no objections to the request, subject to the approval of BSO and the Fire Department.

**Commissioner Duke motioned to approve the Special Event Request, subject to approval by BSO and the Fire Department; seconded by Commissioner Anton. The motion carried unanimously.**

Geri Massaro, 408 SE 4<sup>th</sup> Terrace, noted it was not her intent to insult the Commission, but to express her feelings as a homeowner regarding the Linear Park and the roundabout issue. Ms. Massaro said that she spoke with Public Services Director Orlando who told her that speed bumps and roundabouts would be installed. However, the City failed to inform the neighbors in the area about their plans for 5<sup>th</sup> Avenue and the roundabout. She talked about the lack of respect and consideration from the Commissioners, except for Commissioner Duke. Ms. Massaro asked to put a hold on the construction and modify the plan. She remarked that the City should take care of our downtown instead of spending money on a project that the citizens strongly oppose.

Mark Mechanic, 409 SE 4<sup>th</sup> Terrace, noted he attended one of the meetings at Frost Park regarding this project at which time staff stated that any concerns on the Linear Park would be looked at. He remarked he lives five houses from the roundabout and he was never contacted with any updates on this project. Mr. Mechanic said the live trees were cut, instead of having them relocated. He noted that the placement of the roundabout will make motorists navigate through their street, increasing traffic in their neighborhood. Mr. Mechanic requested the City look at this project and restore the road to its original condition, to protect their neighborhood; otherwise, he proposed closing 4<sup>th</sup> Terrace at 5<sup>th</sup> Avenue. He asked for someone to look at the lighting plan for this project and where the lights would be reflecting. Lastly, he remarked that his neighbor’s driveway is completely blocked.

David Clark, 411 SE 5<sup>th</sup> Street, noted he has been a resident of the City for 18 years and he likes it here. He suggested that instead of using these funds for the Linear Park, they should be used to improve the downtown area. Mr. Clark said that the Commission made a decision on this project without asking the neighbors. He said the Commissioners talk about important things late in the meeting, when everyone is gone home.

Susan Rybski, 406 SE 4<sup>th</sup> Terrace, said she wrote to the Mayor about the construction of the Linear Park. She thought this project was poorly designed and that no one took into consideration the surrounding areas and how it would affect them. Ms. Rybski asked the City to eliminate the roundabout or adjust the design.

Louise Hardenburg, 414 SE 4<sup>th</sup> Terrace, noted she concurred with her neighbors regarding the Linear Park project. She requested some nice landscaping be installed in the area.

Diane Holleguer, 416 SE 4<sup>th</sup> Terrace, stated she would like to see the project go away, it is too large for a small neighborhood. She asked the City to accommodate the residents at 4<sup>th</sup> Terrace and look at the safety issues, since cars would be speeding on 5<sup>th</sup> Avenue. They were told there would be a meeting with Dominic Orlando, but nothing has happened. She did not know about this project until she noticed her beautiful palm tree was gone. Ms. Holleguer explained that if we had to keep the roundabout, they could get rid of the outer circle.

Coach Anne on behalf of South Florida Aquatics Swim Team and Water Polo Team, 311 SE 3<sup>rd</sup> Street, #608, spoke about the parks being closed on Mondays. She said that the parks are important to the children and also our seniors. Ms. Anne remarked that there must be other ways to save money because the parks keep our kids off the streets. She indicated that the City should look at each park individually. Ms. Anne further noted that residents of neighboring cities also come to our parks and use the PJ Meli pool.

Arbie Bailey, 321 NE 2<sup>nd</sup> Avenue, presented a petition for the installation of speed humps to control cut-through traffic in the Poinciana Park residential area, which is attached to and incorporated into these minutes.

Betty Sokol, 609 NW 10<sup>th</sup> Street, thanked the City for supporting our BSO and Fire Department. She noted street lights are out on Griffin Road and would like the City to look into the matter.

Victoria Payne, Executive Director of the Greater Dania Beach Chamber of Commerce, handed invitations to the Commission for the Golf Tournament to be held on Saturday, October 17, 2009, to benefit the Joe DiMaggio Miracle League. She also noted she attended the American Legion Symphonic concert which had a great performance.

Lisa Duke, 609 E. Sheridan Street, on behalf of the Dania Beach Heights Homeowners Association, noted that on Saturday, October 24, they will be celebrating National Volunteer Day with the inauguration of a new park for the community. She advised that over the past four years their association has received \$37,500 in grant funds from Broward County. Ms. Duke thanked Leo Williams as well as the rest of the Public Services crew for all their hard work. She spoke about the new building purchased by AMO on Dixie Highway and Federal Highway. Ms. Duke

further indicated that she is working with City Manager Baldwin and Assistant City Manager Donnelly on the school crossing guard issue on Dixie Highway. Lastly, she noted the need to install a traffic calming device on the corner of SW 2<sup>nd</sup> and Dixie Highway.

## 6. Public Safety Reports

Jack McCartt, Fire Chief, noted October is “Fire Prevention Month”. He asked everyone to check their smoke detectors and batteries and advised that the Fire Department would provide smoke detectors and/or batteries to those who need them. Chief McCartt also provided an update on the H1N1 Flu. He said they would provide inoculations for firefighters/paramedics, to make sure they do not spread the flu to people they are assisting through 911. Chief McCartt indicated that the Fire Department received a request from the Broward County Department of Health asking for assistance in having a “point of distribution” for vaccines in the City, which costs would not be reimbursed by the Federal Government. He asked the Commission for direction.

Mayor Castro would like to see a proposal with total costs.

*Item #10.5 was heard after Public Safety reports.*

*Consent Agenda was heard after Item #10.1*

## 7. Consent Agenda

*Item removed from Consent Agenda: #7.8*

### 7.1 Minutes:

Approve minutes from September 15, 2009 First Public Hearing FY 2009/2010 Budget  
Approve minutes from September 17, 2009 Abatement Hearing  
Approve minutes from September 22, City Commission Meeting  
Approve minutes from September 23, 2009 Final Public Hearing FY 2009/2010 Budget

### 7.2 Travel Requests:

Request from Mayor Castro to attend the 2009 Florida Gaming Summit to be held at the Seminole Hard Rock Hotel & Casino in Hollywood, Florida on October 19-20, 2009 (Cost \$375)

## Resolutions

### 7.3 RESOLUTION #2009-194

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SCBA (SELF CONTAINED BREATHING APPARATUS) EQUIPMENT FROM TEN-8 FIRE EQUIPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$156,616.41 UNDER LAKE COUNTY, FLORIDA BID NO. 07-0811 AWARDED TO TEN-8 FIRE EQUIPMENT, INC.; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2009-195

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT AN EMS GRANT AWARDED BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH THROUGH BROWARD COUNTY IN AN AMOUNT NOT TO EXCEED \$48,360.00 FOR THE PURCHASE OF TWO ALL TERRAIN EMS PATIENT TRANSFER MEDICAL CARTS AND EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO RECEIVE REIMBURSEMENT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH FOR PURCHASES MADE UNDER THE GRANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-196

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE TWO LIFEPAK 15'S FROM PHYSIO-CONTROL UNDER AN EMS GRANT FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF HEALTH IN AN AMOUNT NOT TO EXCEED \$56,030.81 FOR FISCAL YEAR 2009-2010; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO RECEIVE REIMBURSEMENT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH FOR PURCHASES MADE UNDER THE GRANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-197

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE PURCHASE OF EQUIPMENT FOR THE EMERGENCY OPERATIONS CENTER IN AN AMOUNT NOT TO EXCEED \$6,000.00; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, OPPOSING BROWARD COUNTY'S PROPOSAL TO CHARGE, FOR THE FIRST TIME, MUNICIPALITIES IN THE COUNTY FOR TOXICOLOGICAL SERVICES; URGING MUNICIPALITIES THROUGHOUT BROWARD COUNTY TO OPPOSE THE COUNTY'S PROPOSED NEW CHARGES FOR SUCH SERVICES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS FOR BROWARD COUNTY, THE BROWARD LEAGUE OF CITIES, AND ALL MUNICIPALITIES WITHIN BROWARD COUNTY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2009-192

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$8,820,923.00 FOR ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OF THE NANOFILTRATION WATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Dominic Orlando, Director of Public Services, introduced representatives from Camp, Dresser and McKee (CDM). He added that Fred Bloetscher, Public Utility Management and Planning Services, Inc. (PUMPS) worked hard to obtain \$2,550,000 in the form of a principal forgiveness

loan provided by stimulus funds. The rest of the funding will be derived from a supplemental SRF loan through the Department of Environmental Protection.

Jonathan Goldman, CDM, consultant for the project, presented a PowerPoint which is attached to and incorporated into these minutes.

John Chandler, Construction Manager, CDM, explained how the project would ultimately look. He noted they worked extensively with the Building Department on this project to look at different options. Mr. Chandler indicated that this plan will not interfere with the operations of the existing plant and would allow the City the opportunity to sell water very soon.

Michael T. Alford, Architect for the project and a LEED accredited professional, noted he is very familiar with the site, the Public Services Administration building and the Southwest Community Center. He showed some of the highlights of the plan and said that it meets the criteria of the bid package. Additionally, they plan to have a Charette at the beginning of the project so the plan can be discussed in detail. Mr. Alford further indicated that this will be one of the first LEED certified water treatment plants.

Tim O'Neil, Project Manager, CDM, explained the new facility would filter the water to protect the membranes, removing the sand in it. He pointed out that the new equipment will be located in an attractive building which reduces the noise considerably. Mr. O'Neil remarked that the proposed schedule to begin construction by December 1, 2009, would maximize the City's investment.

Mayor Castro questioned if the chemical treatment of the water would change with what is being proposed.

Mr. Goldman responded it would be significantly reduced because they are switching from lime-softening to this process. He noted their job is to blend the water in the most efficient way. Mr. Goldman added that they will provide operator training to help with the transition.

Mayor Castro asked if we would need to bring a consultant to re-evaluate our water rates.

Fred Bloetscher, PUMPS, responded in the affirmative. He further noted that this process would optimize the water and chemical usage.

Commissioner Jones noted he pulled this item because of the cost of the project. He stated we needed to give residents a better understanding on how we are spending the money. Commissioner Jones was concerned with the chemicals used to treat the water as well as the amount of sludge found in it.

Mr. Bloetscher explained that this has been an evolving process and noted that the nanofiltration method would cut back on the lime softening process, hence reducing the amount of sludge in the water. He remarked that we would be the first LEED certified building, and we are spending less money than we predicted two years ago. Furthermore, we will be receiving \$2.5M from the

SRF stimulus package. Mr. Bloetscher indicated that staff went through an extensive selection process to get to the price we wanted and the qualified firm to do the job.

Commissioner Jones asked how long we would be paying for energy costs, etc., before we see any benefits.

Mr. Goldman noted we need to look at the entire treatment plant, because the cost for the lime softening would start going down as some of the nanofiltration water is used.

Commission Jones noted that whenever a project takes more than three years, we should hold workshops so the residents understand what is causing the delay. He was pleased to hear that the quality of the water would be better; however, in the future he would like projects of this magnitude to also address the water capacity.

Commissioner Duke questioned who prepared and reviewed the agreement with CDM.

City Attorney Ansbro responded CDM prepared it and he reviewed it.

Commissioner Duke asked City Attorney Ansbro to include his name under Section 21.11 of the agreement as one of the designated City officials to be noticed.

Mayor Castro confirmed with Mr. Bloetscher that the nanofiltration plant would produce more water, i.e., 2M gallons a day. She requested a report from staff showing how much it would cost to operate the plant this year and next year, including a list of capital savings. Mayor Castro said that once we have this information, we will ask City Manager Baldwin to contact our water actuarial experts to re-evaluate our water rate plan.

City Attorney Ansbro read the title of Resolution #2009-192.

Discussion followed between the Commission and Mr. Bloetscher regarding clarification of the principal forgiveness loan. They wanted assurances that funds were clearly spelled out in the resolution.

Mr. Bloetscher clarified for Commissioner Jones that there are a series of allowances and contingencies included in the \$8,820,923.00 loan application.

Director Orlando noted he did not foresee any Change Orders with CDM, unless something not previously anticipated occurs.

Mr. Chandler confirmed for Commissioner Jones that they did not anticipate any problems that would impact the residents. If this should happen, they would send out notices informing the residents three months in advance.

**Commissioner Jones motioned to adopt Resolution #2009-192; seconded by Commissioner Anton. The motion carried on the following 4-1 Roll Call vote:**

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

**Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Item #7.8; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

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

8. Bids and Requests for Proposals

8.1 RESOLUTION #2009-193 *Revised*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF DESIGN AND BUILDING OF A NANOFILTRATION WATER PLANT; AUTHORIZING THE AWARD OF BID TO CDM, INC. IN THE AMOUNT OF \$8,820,923.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-193.

**Commissioner Jones motioned to adopt Resolution #2009-193; seconded by Commissioner Anton. The motion carried on the following 4-1 Roll Call vote:**

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

*Item #10.4 was heard after Item #8.1*

9. Public Hearings and Site Plans

There were no public hearings at this meeting.

10. Discussion and Possible Action

*Item #10.1 was heard after Item #10.3*

10.1 Extension of the October 10, 2001 Stipulation for Settlement for property located at 2490 SW 32<sup>nd</sup> Street by Jeremiah J. Kelly (J. J. Kelly)

Corinne Lajoie, Principal City Planner, provided a summary of the property and its activities. She noted the applicant is asking for a second extension until the end of December, 2012, due to the current economic situation. Staff has confirmed with the Code Compliance Division that there are no outstanding violations at this site. Ms. Lajoie stated that staff is recommending approval of the request until the end of December, 2010 with the same condition that the Stipulation for Settlement would expire if the property changes ownership.

Mayor Castro confirmed there have been no complaints from any of the surrounding properties.

Vice-Mayor McElyea noted that this is a business in operation that is needed in the City. He thought Mr. Kelly should be given a 5-year extension.

Jeremiah Kelly, property owner, stated he spends a lot of money when their computers, telephones, etc. are ruined because of flooding. He noted there is no other use for the property.

Commissioner Anton noted he has visited the property and flooding is a big issue. He agreed with Vice-Mayor McElyea that the property is well-maintained. Commissioner Anton indicated that we should not make Mr. Kelly come back in a year. He added that if we have a conflict with this property when the One Code is implemented, we can then discuss it with Mr. Kelly.

**Vice-Mayor McElyea motioned to approve a 5-year extension, subject to any changes to be included in the One Code and for this entitlement to apply only to the applicant; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

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

*Consent Agenda was heard after Item #10.1*

*Item #10.2 was heard after Item #10.5*

10.2 Discussion of the Sea Wall located at the corner of NE 3<sup>rd</sup> Street and NE 2<sup>nd</sup> Avenue - Mayor Castro

Mayor Castro asked for staff to evaluate the options regarding the Sea Wall.

Commissioner Anton briefly explained how the Sea Wall has deteriorated over the years. He said that the property owners on both sides of the Sea Wall had offered to repair it and use the property. Commissioner Anton further indicated that he is not comfortable giving away City property and suggested leasing the property to the two individuals, allowing them to maintain it. Commissioner Anton remarked that if we do not act now, when the Sea Wall collapses, we will need to replace theirs and ours.

Charles Camacho, 141 NE 3<sup>rd</sup> Street, noted he is a home and business owner in Dania Beach. He said he came before the Commission in 2001 and 2002 with the offer to repair the Sea Wall located on the corner of NE 3<sup>rd</sup> Street and 2<sup>nd</sup> Avenue. Mr. Camacho advised that at the time he was assured that this would be taken care of, but nothing has been done. Unfortunately, the repair of the Sea Wall is no longer possible and it needs to be replaced. He stated that this is now a safety issue. Mr. Camacho advised that he and his neighbor are ready to build a new Sea Wall immediately. He asked the Commission for consideration of his request.

Commissioner Duke asked if he was willing to rent.

Mr. Camacho responded in the negative. He added they are willing to build a new Sea Wall.

Mayor Castro agreed with Commissioner Anton about giving away City property, even though we cannot do anything with it. She asked City Manager Baldwin and staff to prepare a long-term lease between the City and the two homeowners, for Commission consideration.

**Commissioner Jones motioned to move forward with discussions with the two adjacent homeowners for the preparation of a long-term lease agreement for them to build and maintain the Sea Wall; seconded by Commissioner Anton.**

Dominic Orlando, Director of Public Services, would like to include in the agreement that they replace about twenty feet of pipe when they build the Sea Wall.

Mayor Castro and Commissioner Anton thought this matter should be discussed when negotiations start.

Commissioner Duke pointed out that a 99-year lease, at \$1.00 (one dollar) a year, is similar to giving away City property. He added that the City would own the property but would have no control over it.

Mayor Castro confirmed with Mr. Camacho that they would be paying for the new Sea Wall which is approximately \$20,000-\$30,000.

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

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

***Item #10.3 was heard after Item #10.2***

### 10.3 Discussion of Charter Review Board - Mayor Castro

Mayor Castro noted we spoke about this issue after our Election in March when Commissioner Duke was assigned the task to try to design a Charter Review Board. She remarked that we need

to move forward, since some of the revisions are date-sensitive and we would need to present them at the next Election cycle.

City Attorney Ansbro read the title of Resolution #2009-054 and Resolution #2009-198.

RESOLUTION #2009-054

*Revised*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CREATING A CITY CHARTER REVIEW BOARD; PROVIDING FOR THE APPOINTMENT OF MEMBERS, POWERS AND DUTIES OF THE BOARD, AND FOR BOARD RECOMMENDATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Mayor Castro noted that Commissioner Duke has submitted two resolutions to support the discussion. She further asked if there was money budgeted to cover the legal costs involved in outsourcing legal services. Mayor Castro asked the attorney representing the law firm of Goren, Cherof, Doody and Ezrol for an estimate of their costs and the services they would be providing to the City.

Jacob G. Horowitz, Goren, Cherof, et al, explained the services associated with their legal counseling and added that their costs would be approximately \$25,000-\$30,000 annually.

Commissioner Duke noted this issue was not assigned as a task, but he volunteered to do so. He further indicated that our Charter is very old and needs review. Commissioner Duke said we still have time until the next election cycle. He explained he met with different law firms, including Sam Goren and his firm who come highly recommended. Commissioner Duke stated that we have money in the CRA budget (\$20,000-\$25,000) which was not used for consultant Frank Schnidman, and CRA Executive Director Earle is happy to move it into our General Fund. He suggested we use professionals to provide a more transparent government.

Commissioner Jones asked if we interviewed any other firms and who selected this one. He stated that this should be a neutral decision. Commissioner Jones would like to give the same opportunity to other firms.

Commissioner Duke noted this was not an arbitrary decision, since this firm would be the best selection we could make.

Commissioner Anton questioned the need to have an attorney for this board. He noted we should let the board decide and review the current charter, and the legal issues would be done by our in-house attorney without paying \$30,000.

Vice-Mayor McElyea would like to appoint the board members first, let the in-house attorney offer his advice and outsource legal services if necessary.

Commissioner Jones noted he was part of the prior Charter Review Board. He commented that the recommendations made by the board at the time did not go forward. Commissioner Jones stated that the Commission would be the one to make the final decision on any changes suggested by the board.

Commissioner Duke noted the last time there was a Charter Review Board nothing was done. He thought a qualified firm should be available to provide guidance if needed.

Mayor Castro thanked Commissioner Duke for his efforts and added that there is no doubt that this is a very good firm. However, she thought that if we decide we need legal counsel for this board, we should use the normal bid process. Mayor Castro asked for the Commission to approve the resolution creating the board, so the group can start meeting.

**Commissioner Jones motioned to adopt Resolution #2009-054; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

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

RESOLUTION #2009-198

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPOINTING THE LAW FIRM OF GOREN, CHEROF, DOODY & EZROL, P.A., TO ACT AS SPECIAL COUNSEL TO THE DANIA BEACH CHARTER REVIEW BOARD; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Vice-Mayor McElyea motioned to withdraw Resolution #2009-198; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

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

*Item #10.1 was heard after Item #10.3*

*Item #10.4 was heard after Item #8.1*

10.4 Discussion of Oasis Initiative - Assistant City Manager Donnelly

Colin Donnelly, Assistant City Manager, explained that the Crime Task Force met and proposed a plan to reduce crime within the City. This is an initiative to improve a small defined area by bringing the residential properties in compliance with code. He advised funding for these improvements would be derived from grants. Assistant City Manager Donnelly requested support of the Commission to submit grant applications for this project.

Commissioner Duke wanted to make sure that Assistant City Manager Donnelly has the time and the capacity to undertake this task, since he also has several other duties.

It was the consensus of the Commission to move forward with staff recommendation.

## *Addendum*

### *Item #10.5 was heard after Public Safety reports.*

#### 10.5 Discussion of 5<sup>th</sup> Avenue Traffic Calming/Linear Park – Commissioner Duke

Elizabeth DelSapio, 417 SE 4<sup>th</sup> Terrace, provided pictures showing the roundabout project on 4<sup>th</sup> Terrace and SE 5<sup>th</sup> Avenue. She indicated that since the last Commission meeting, her attorney Patricia A. Rathburn, has been in touch with Chen and Associates and Public Services Director Orlando exploring the options available to make the intersection safer, although she would prefer a cul-de-sac. Ms. DelSapio noted that her neighbors are upset and they want the City to stop the project. They have made several requests to have the property re-surveyed, since construction is in close proximity to her property and the City is not compensating her. She stated that we are dealing with safety issues that need to be addressed now. Ms. DelSapio further noted that she will no longer have a swale in front of her house. She also understands that the current contractor is not doing the landscaping. Ms. DelSapio said she can imagine the lawsuit that would be filed if a biker or a pedestrian is injured because the City would not slow down this project. She asked the City to stop the project and cancel the roundabout.

Patricia Rathburn, 217 NE 2<sup>nd</sup> Street, attorney for Elizabeth DelSapio, noted that she was representing another client when the Linear Park was being discussed in March, 2009. At that meeting, representatives from the City talked about the Linear Park and the roundabout, but said that the project would take about two years to get started, because the right of way had to be acquired and there would be time to meet with the residents again. She stated that the project was approved in December 2008, with 3 roundabouts or traffic circles; on March 15, 2009 the plans were modified which was a significant change to the project. Attorney Rathburn advised that they are afraid that if we wait until construction is completed, it would be too late. She indicated that we would face speeding problems which would become a serious safety issue. Attorney Rathburn asked staff to meet with her client and her neighbors to discuss this matter.

Commissioner Duke noted he met with a lot of the residents in the affected area and has received several complaints regarding the roundabout. He explained that we are dealing with two different projects, the Linear Park and the traffic calming devices which needed to be addressed when Boyd Gaming was coming to the Dania JaiAlai. Since the Casino issue has been postponed, he does not see a reason for the roundabout to be installed. Commissioner Duke recommended staff ask Chen and Associates to present an acceptable re-designed circle, including any additional landscaping needed. He remarked that we need to take care of this matter now and find a solution to make the project acceptable to the neighbors.

Commissioner Jones asked for suggestions to accommodate the affected residents. He noted that we need to correct the situation now and stop moving forward until the project is adjusted.

Vice-Mayor McElyea noted he opposed this project since day one. He said the project should be cancelled.

Commissioner Anton agreed with the comments made regarding the size of the roundabout. He asked Director Orlando what other options would be available to try to fix the problem.

Dominic Orlando, Director of Public Services, noted the traffic circle is almost complete and the petition received asked for the street to be closed, which can easily be done. He further said that two weeks ago he advised the consultant to tell the contractor to stop the work being done on the west side of the traffic circle. Director Orlando noted that the size of the roundabout is the minimum size required by Broward County and the Florida Department of Transportation (FDOT).

Commissioner Anton said we have had complaints about speeding in the area for a long time. He noted that when the plan was originally approved there were several community meetings. Commissioner Anton did not remember any changes made after the project was approved. Lastly, he stated that we cannot ignore the situation and if the project is cancelled, he would not like the City to spend more money.

Mayor Castro said the idea of the Linear Park came about many years ago because the residents were worried about the possibility of 5<sup>th</sup> Avenue becoming a four-lane highway. She noted that part of the Linear Park project was to address the flooding problems in the area. Mayor Castro explained that when Boyd Gaming came to the City, everyone agreed that there was a pre-existing traffic problem. She remarked that the purpose of traffic circles is to control speed and volume. Mayor Castro also noted that there are other areas in the City that need traffic calming devices. She asked Director Orlando how much it would cost to undo the whole project and put the road back the way it was.

Director Orlando responded that we have approximately 40-50% of the work already done. He said he would need to get an estimate from the contractor.

Commissioner Jones noted that he wants to make sure that the individuals affected are made whole.

**Commissioner Duke motioned to cease all SE traffic calming activities at this time until we revisit this issue, to use these funds in other areas of the City that need traffic calming and to restore the area and make residents whole; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

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

*Item #10.2 was heard after Item #10.5*

## 11. Commission Comments

### 11.1 Commissioner Anton

Commissioner Anton noted he attended the grand opening of the Border Patrol building. He indicated this will not be a jail, but a short-term holding facility. Commissioner Anton was pleased to see there is an excellent working relationship between BSO and the Border Patrol.

Commissioner Anton asked City Attorney Ansbro for an update on the Fort Lauderdale Housing Authority issue to purchase some properties in Dania Beach for low-income housing.

City Attorney Ansbro noted he understands they have already purchased two properties in Dania Beach. He advised that he spoke with Rita Brown, Executive Director of the Dania Beach Housing Authority, who will contact the Fort Lauderdale Housing Authority to find out what their intentions are. City Attorney Ansbro indicated he does not have a final answer yet.

Commissioner Anton requested a report on this matter at the next Commission meeting with a recommendation on what we can do to prevent this from happening.

Mayor Castro noted that during the RAC application process, the County was concerned that the City would include residential uses in areas like the Clay Shaw property. However, they are not objecting to the Fort Lauderdale Housing Authority using Dania Beach for low-income housing.

Commissioner Anton admitted we made a mistake with the roundabout issue. He asked the City Manager to discuss this issue with staff to make sure this will not happen again. Commissioner Anton remarked that if this was not the plan originally approved, we should have informed the residents, because we have an obligation to the people.

## 11.2 Commissioner Duke

Commissioner Duke noted he attended the grand opening of the Border Patrol building. He indicated it is an outstanding facility and a very positive thing for our City.

Commissioner Duke recognized the Commission for accepting the fact that we made a mistake on the roundabout project.

Commissioner Duke welcomed Mark Bates as our Director of Finance.

Commissioner Duke encouraged people to get involved and participate in the planting of trees to celebrate National Volunteer Day on October 24.

Commissioner Duke thanked the Chamber of Commerce for arranging the Golf Tournament on October 17. He indicated that the winner will present a check in the amount of \$3,750 to the Miracle League, which supports children with special needs to play baseball. He also congratulated the Chamber of Commerce for a great Web page.

Commissioner Duke noted no changes have been made to the Tourism Council Web Site since the last meeting. He asked Mayor Castro to contact their representative to work on this issue.

Commissioner Duke asked Kristen Jones, Director of Parks and Recreation, for an update on the Arts and Antiques Festival.

Director Jones noted that her original recommendation suggested postponing the event until construction of the Library and parking garage is complete. She noted they had several meetings to consider holding the event at other sites, however, she would rather wait until 2011. Director Jones remarked that, if we move forward with the event now, parking will be an issue as well as a possible liability to the City.

Mayor Castro objected to Director Jones' recommendation. She noted she asked the event coordinator to process permits for consideration and to try to work independently on this occasion, because it seems the City does not want to do this event. Mayor Castro stated that the event brings a lot of people into our City which benefits the downtown businesses. She noted that we all need to be creative and think about alternate solutions.

Commissioner Duke confirmed with Director Jones that the event permit application will be processed by City staff in the usual manner.

### 11.3 Commissioner Jones

Commissioner Jones spoke about the new businesses opening in our City, such as the one presented tonight by Mr. Fintz. He further noted the Blackberry Grill will also open on October 16. Commissioner Jones asked the rest of the Commission to support these additions to the City of Dania Beach.

Commissioner Jones asked Director Jones to look into the possibility of re-opening all of our parks on Mondays and report back to him.

Commissioner Jones noted the Broward League of Cities Education Committee met with the Broward County School Board to discuss some of the legislative priorities regarding school funding. He explained the items to be discussed at their forthcoming meetings.

Commissioner Anton asked Commissioner Jones to bring up the issue of the School Resource Officers at the next Broward League of Cities meeting.

Commissioner Jones noted they already discussed this issue however, they are currently waiting on the proposal from the Broward Sheriff's Office.

### 11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted that he could not attend the Border Patrol grand opening.

Vice-Mayor McElyea spoke about the Fort Lauderdale Housing Authority attempting to buy some properties in Dania Beach for low income housing.

Vice-Mayor McElyea noted the street light problem is a citywide issue.

Commissioner Duke said he spoke with Lynn Shatas, Florida Power and Light, regarding this issue. He asked City Manager Baldwin to pursue this matter.

#### 11.5 Mayor Castro

Mayor Castro asked staff to bring, within the next 60 days, a project timeline, including tasks and cost estimates for the following projects:

- 1) Traffic circle at Dixie Highway and 2<sup>nd</sup>
- 2) Traffic study at NE 2<sup>nd</sup> Avenue as supported by the petition presented this evening.

Mayor Castro further requested suggestions on how we can use the funds intended for the traffic calming project on 5<sup>th</sup> Avenue, or any alternate source to fund the above projects.

Mayor Castro noted the Martin Luther King, Jr. Committee is starting to meet and added that people interested in participating should contact the City.

Mayor Castro noted that she, as well as other members of the Tourism Council, attended the Tourism Marketing luncheon sponsored by the Greater Fort Lauderdale Visitors and Convention Bureau. She further noted that she will ask the Tourism Council Web administrator to update the Tourism Council site.

Mayor Castro concurred with the other Commissioners about the Border Patrol event. She remarked it is a very nice building and will add jobs to this area.

Mayor Castro noted the American Legion Post 304 Anniversary Banquet was a nice and well attended event.

Mayor Castro commended City Manager Baldwin for sending letters to citizens in response to their inquiries.

Mayor Castro spoke about the report about Jaxon's Ice Cream on CNN. They were featured as an old fashioned ice cream parlor and it showed a nice aspect of this community.

Mayor Castro spoke about the Metropolitan Planning Organization (MPO) new funding source process through "hubs". She noted she met with the City of Hollywood regarding the possibility of getting one of the seven "hubs" they have, but they did not agree to give one up. Mayor Castro advised the City is now negotiating with Broward County to talk about a "hub" located in front of the Airport, to see if they would move it to Dania Beach. She indicated that the purpose of these "hubs" is to help implement some of the projects, such as bridges, roadways, etc.

Mayor Castro commended Joe Husosky of the Information Technology Department, for the Facebook and the Twitter page on the City Web Site. She would like the next e-blast that we send out to talk about it and encourage residents to sign up, so they can receive meeting notices, etc. She thanked him for his contributions and great use of technology.

Mayor Castro spoke about the Living Green Fair which will take place on November 14-15 at John U. Lloyd State Park. She encouraged everyone to go to [www.LivingGreenFair.com](http://www.LivingGreenFair.com) and sign-up for the Mayor's water conservation challenge. The City with the most participants will receive a 45 foot Wyland mural to display in their City for one year.

## 12. Appointments

### Charter Review Board

Commissioner Anton appointed Pat Flury and Pat Rafacz.

Vice-Mayor McElyea appointed Kurt Ely and Bob Adams.

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

## 13. Administrative Reports

### 13.1 City Manager

City Manager Baldwin noted he has met with the Broward City-County Managers Association and a study is moving forward to determine how the contract with BSO should be formulated and who is paying their fair share. They anticipate the study to take about 90 days to be finalized.

City Manager Baldwin spoke about the School Resource Officers issue. He noted the Broward County School Board will not pick up 50% of the funding anymore. City Manager Baldwin indicated that the City was notified that we would be responsible for an additional \$86,000. He asked for direction from the Commission in the event we want to continue using the services of the School Resource Officers.

City Manager Baldwin apologized to Vice-Mayor McElyea and Commissioner Duke regarding the street lights that are out citywide. He noted that BSO is preparing an inventory of the lights so we can send it to Florida Power and Light to have them fixed. He will keep the Commission updated on this issue.

City Manager Baldwin advised that the bids for the Sheriff's Office upgrades range from \$500,000- \$800,000. He noted that staff will bring an item for discussion at the next meeting to see if the Commission wants to move forward with the renovations or consider other alternatives.

Commissioner Anton noted that when the 803 Sub-Station was built, we requested the building to be prepared to have a second story added, if needed. He suggested moving the operations there and having our CSA available in the Reception area in the Atrium. Commissioner Anton

thought that we should not spend this money in an area that may be torn down in a few years, when a new City Hall is built. He indicated he would like to see other options for consideration, before a decision is made.

City Manager Baldwin officially introduced Mark Bates as the new Director of Finance. He noted Mr. Bates is a CPA and has a vast financial background.

Mark Bates thanked everyone for the warm welcome he has received.

### 13.2 City Attorney

City Attorney Ansbro spoke about the Library construction project. He said we may need to enter into an agreement with Broward County for the issuance of building permits while platting is in progress. City Attorney Ansbro advised that we need to re-plat all of this area including Fire Station #1 and the parcel to the north. He further indicated that discussions are still taking place with the Deputy County Attorney.

**Commissioner Anton motioned to allow staff to enter into an agreement with Broward County for the issuance of building permits while platting is in progress; seconded by Commissioner Jones. The motion carried unanimously.**

### 13.3 City Clerk - Reminders

Thursday, October 22, 2009 – 6:00 p.m.

Abatement Hearing

Tuesday, October 27, 2009 – 7:00 p.m.

City Commission Meeting

Wednesday, November 4, 2009 – 6:00 p.m.

CRA Board Meeting

### 14. Adjournment

Mayor Castro adjourned the meeting at 10:20 p.m.

ATTEST:

CITY OF DANIA BEACH

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LOUISE STILSON, CMC  
CITY CLERK

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ANNE CASTRO  
MAYOR-COMMISSIONER

Approved: November 10, 2009