

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, JANUARY 27, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Jones called the meeting to order at 7:00 p.m.

Present:

Mayor:	Albert Jones
Vice-Mayor:	Anne Castro
Commissioners:	Bob Anton Patricia Flury
Interim City Manager:	Colin Donnelly
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Commissioner:	John Bertino
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2. Invocation and Pledge of Allegiance

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

3. Presentations and Special Event Approvals

Addendum

Cynthia Reese, Chairperson, Martin Luther King, Jr. Committee, presented a plaque to the City in appreciation for the support provided toward the MLK events, and thanked everyone for their support. Ms. Reese also presented a signed copy of the book “The People’s Champion” by Willie Horton.

Ms. Reese presented a plaque to the brother of Sam Weiss, who accepted the plaque in his absence. Mr. Weiss donated all the food for the MLK event.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Ralph Viviano, President, Meadowbrook Phase IV, 131 SE 3rd Avenue, noted he met with the City Attorney and Public Services Director Orlando regarding the storm drainage issues in his neighborhood, and will await the Commission's comments.

Chickie Brandimarte and Anthony Amos, "Seniors" Board Members, 101 SE 3rd Avenue, noted she invited the State of Florida Attorney General to attend the Seniors meeting on February 5, 2009, at I.T. Parker Community Center, and he will attend. She invited the Commission to join them for the luncheon.

Jimmy Crimminger, 237 SW 15th Street, provided an update on the A1A Scenic Highway project. He advised we should receive the designation shortly and the celebration would be some time in April.

6. Public Safety Reports

Donn Peterson, BSO Chief, thanked the Commission for allowing them to use the Commission Chamber for a 2 day training course this week.

Jack McCartt, Fire Chief, advised the dedication of Fire Station #93 will be Saturday, February 21, 2009 at 10:00 a.m., and invited everybody to attend the ceremony.

7. Consent Agenda

Items removed from Consent Agenda: #7.7, #7.8

7.1 Minutes:

Approve Minutes of January 8, 2009 Special Meeting

Approve Minutes of January 13, 2009 City Commission Meeting

7.2 Travel Requests:

Request of Mayor Albert Jones to attend the Green Cities Conference in Portland, Oregon on April 18-22, 2009 (Estimated cost \$1,763.00; remaining budget \$3,162.00)

Resolutions

7.3 RESOLUTION #2009-014

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN AN EMS MATCHING GRANT PROGRAM FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF HEALTH; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO PARTICIPATE IN THE GRANT; PROVIDING FOR FUNDING, PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2009-015

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE TELESTAFF SCHEDULING SOFTWARE AND SERVICE FROM PRINCIPAL DECISION SYSTEMS INTERNATIONAL (PDSI), A SOLE SOURCE PROVIDER, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-016

AUTHORIZING THE CITY MANAGER TO PURCHASE ROAD RESURFACING SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000.00 IN FISCAL YEAR 08/09, FROM NORTH FLORIDA EMULSIONS, INC. UNDER HERNANDO COUNTY SOLICITATION NO. 8-058/KCB; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-017

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 WATER MAIN UPGRADE 2008 PROJECT, SUCH SERVICES NOT TO EXCEED TWENTY THREE THOUSAND SEVEN HUNDRED FORTY SIX DOLLARS (\$23,746.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-019

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE APPROPRIATION AND USE OF LAW ENFORCEMENT TRUST FUNDS IN AN AMOUNT NOT TO EXCEED \$103,623.66 FOR THE PURCHASE OF SURVEILLANCE SYSTEMS AND RELATED ACCESSORY EQUIPMENT FOR C.W. THOMAS, FROST, AND P.J. MELI PARKS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-019.

Chief Peterson noted Broward County approved the purchase.

Commissioner Flury motioned to adopt Resolution #2009-019; seconded by Vice-Mayor Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

7.8 RESOLUTION #2009-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO INCREASE FUNDING RELATED TO THE EXISTING CONTRACT WITH FRANK HILL CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE DANIA BEACH MARINA RESTROOMS BY THE AMOUNT OF \$9,800.00; PROVIDING FOR CONFLICTS; PROVIDING FOR FUNDING; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-020.

Interim City Manager Donnelly confirmed for Vice-Mayor Castro that this project has been finalized.

Vice-Mayor Castro motioned to adopt Resolution #2009-020; seconded by Commissioner Anton. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

7.9 RESOLUTION #2009-021

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR APPROPRIATION OF FUNDS FOR FISCAL YEAR 2008-2009 AS A BUDGET AMENDMENT FOR FUNDING OF RELATED COSTS TO THE IMPLEMENTATION OF TELESTAFF SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Items #7.7 and #7.8; seconded by Vice-Mayor Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

8. Bids and Requests for Proposals

8.1 RESOLUTION #2009-018

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO PURCHASE FENCE CONSTRUCTION SERVICES IN FISCAL YEAR 2008-2009, FROM CLASSIC FENCE CO. INC., PURSUANT TO A COMPETITIVE BID FOR FENCE CONSTRUCTION ACTIVITIES (FENCE REPLACEMENT AT THE CITY CEMETERIES) IN THE AMOUNT OF \$52,060.84; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-018.

Commissioner Anton motioned to adopt Resolution #2009-018; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-001

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA AMENDING SECTION 15-12, ENTITLED "BUSINESS TAX SCHEDULE" OF THE CITY CODE OF ORDINANCES TO CORRECT SCRIVENER'S ERRORS PERTAINING TO THE ANNUAL BUSINESS TAXES ASSESSED AGAINST ALL BUSINESS CATEGORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2009-001. He noted this was a correction to a scrivener's error.

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

Commissioner Flury motioned to adopt Ordinance #2009-001, on second reading; seconded by Vice-Mayor Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

9.2 ORDINANCE #2009-002

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, DECLARING THE "DANIA SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT" INACTIVE AND THEREFORE UNNECESSARY; DISSOLVING THE "DANIA SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT" IN ACCORDANCE WITH FLORIDA LAW, BY REPEALING CITY ORDINANCES 40-88 AND 41-88 IN THEIR ENTIRETY. PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-002.

Corinne Lajoie, AICP, Principal Planner, Interim Community Development Director, noted the district is no longer required.

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

Vice-Mayor Castro motioned to adopt Ordinance #2009-002, on first reading; seconded by Commissioner Anton. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

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.

9.3 RESOLUTION #2009-011

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY THE CITY OF DANIA BEACH FROM CHAPTER 28, "ZONING", ARTICLE 4.21,

“SCHEDULE OF LOT YARD AND BULK REGULATIONS” (VA-87-08) AND CHAPTER 27, “VEGETATION”, ARTICLE IV “LANDSCAPING” (VA-88-08), FOR PROPERTY LOCATED AT 1201 STIRLING ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-011 and Resolution #2009-012 because they relate to the same property.

Kristin Dion, City Planner, explained that the request is to construct a 2,500 square foot community center. She presented an overview of the project and advised that the applicant is requesting a variance to reduce the required number of shade trees and to reduce the building setback along the eastern property line. The Planning and Zoning Board recommended approval.

Mayor Jones opened the Public Hearings.

Ken Carlson, Architect for the project, advised that the overhead main transmission lines along the eastern property line contributed to the variance request. He noted that the building is complimentary to the neighborhood. Mr. Carlson was available to answer questions.

Derrick Hankerson, 746 SW 3rd Street, expressed his support of the project.

Jimmy Crimminger, 237 SW 15th Street, supported the project.

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

Vice-Mayor Castro motioned to adopt Resolution #2009-011; seconded by Commissioner Anton.

Corinne Lajoie, AICP, Principal Planner, Interim Community Development Director, explained the required number of trees will be on the site, but the number of shade trees will be reduced and replaced with other trees.

Dan Carter, Landscape Architect, noted that four Royal Palms will be relocated on the site. He advised the tree count is over the required amount.

The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

9.4 RESOLUTION #2009-012

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY THE CITY OF DANIA BEACH, FOR PROPERTY LOCATED AT 1201 STIRLING ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Castro motioned to adopt Resolution #2009-012; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

9.5 RESOLUTION #2009-013

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY SAM JAZAYRI, PRESIDENT OF 36TH STREET ACQUISITION, INC., FOR AN EXTENSION OF A SITE PLAN APPROVAL SP-64-07, APPROVED BY RESOLUTION NO. 2008-002 AND SPECIAL EXCEPTION REQUEST SE-73-07 APPROVAL BY RESOLUTION NO. 2008-001 ON JANUARY 8, 2008, FOR PROPERTY LOCATED AT 2400 COLLINS ROAD (GENERALLY LOCATED ON THE SOUTH SIDE OF COLLINS ROAD, WEST OF THE FORT LAUDERDALE HOLLYWOOD INTERNATIONAL AIRPORT), IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-013.

Kristin Dion, City Planner, provided an overview of the project. She noted that the request to construct 240,560 square feet of warehouse/office complex was previously approved by the Commission on January 8, 2008. Ms. Dion advised that the applicant is currently addressing significant geo-technical issues and is requesting a 2 year extension of the approval. She noted that the site is a designated brownfield.

Corinne Lajoie, AICP, Principal City Planner, Interim Director of Community Development, indicated it could take two years to work through the County process.

Pete Gall, representing the applicant, noted they have been working with the Broward County Department of Environmental Protection for over a year to fill the lakes on the property. The second phase is the solid waste removal permit, then the construction of the site. He asked for consideration of the request.

Commissioner Anton recommended a one year extension, and then process another extension at the end of one year.

Mayor Jones opened the Public Hearing.

Derrick Hankerson, 746 SW 3rd Street, noted a property owner in the area commented to him that their flooding is caused by filling of lakes.

Mr. Gall confirmed that all the stormwater will remain on site, and they will not be affecting any of the surrounding properties.

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

Vice-Mayor Castro motioned to adopt Resolution #2009-013; seconded by Commissioner Flury. The motion carried on the following 3-1 Roll Call vote:

Commissioner Anton	No	Vice-Mayor Castro	Yes
Commissioner Flury	Yes	Mayor Jones	Yes

10. Discussion and Possible Action

10.1 Legislative Projects Priorities – Interim City Manager Donnelly

Interim City Manager Donnelly distributed a list of proposed projects to the Commission, which is attached to and incorporated into these minutes. He noted that Representative Klein’s office requested that we include the projects to raise the bridges and re-align Griffin Road, even though they are not shovel-ready.

Commissioner Flury was disappointed that all the projects were for Public Services. She was concerned with the submittal of the bridge because this action would not make any difference as long as the railroad track is there. Commissioner Flury noted this is the most critical project that we could do for the City. She remarked that the dredging of the Dania Cut-Off Canal has not been approved by the City Commission.

Jeremy Earle, CRA Executive Director, confirmed the cost of the bridge is \$10M. The estimated cost for the bridge was obtained from the FEC whose only requirement is that we design the bridge allowing for two tracks for the commuter rail proposed for this area. He suggested the parking garage also be included on the list of projects.

Vice-Mayor Castro suggested that we partner the US1 Bridge with the FEC Bridge and asked for this information to be specified on the list.

Dominic Orlando, Director of Public Services, advised the dredging of the Dania Cut-Off Canal has not been finalized. He noted that the County is no longer proposing to pay a portion of the dredging and the total cost would be the City’s responsibility.

Commissioner Anton explained the process to dredge the Dania Cut-Off Canal.

Discussion followed among the Commission and Director Orlando regarding the pros and cons of leaving the dredging of the Canal on the list.

Vice-Mayor Castro said we may never be able to afford to dredge the Canal.

Mayor Jones noted that the mayors will be meeting with Congressman Klein on February 9, and suggested Interim City Manager Donnelly and Director Orlando join him at this meeting to discuss this matter.

Director Orlando clarified that the dredging of the Dania Cut-Off Canal is not shovel-ready because the design is not yet complete. He further said that the main hold-up for this project is where to put the dredged material.

CRA Director Earle noted that in a recent meeting with Broward County Administrator Bertha Henry, they implied that previous members of the City administration agreed that our portion to pay for the project would be \$1.25M.

The Commission generally agreed to leave the dredging project on the list.

10.2 Aramark – 3901 Ravenswood Road – Vice-Mayor Castro

Vice-Mayor Castro advised that the General Manager of Aramark Refreshment Services invited the Commission to their site to visit the plant. She asked staff to make the necessary arrangements.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton noted the Melaleuca Gardens Homeowners Association would meet tomorrow night in the Commission Chamber.

Commissioner Anton complimented the Martin Luther King, Jr. Committee on a very successful event.

11.2 Commissioner Bertino

Commissioner Bertino was not present.

11.3 Commissioner Flury

Commissioner Flury had no additional comments.

11.4 Vice-Mayor Castro

Vice-Mayor Castro asked the City Clerk to add the ECO Group to the second Commission Agenda in February for a brief presentation. She recognized their commitment to preserve our best asset.

City Attorney Ansbro responded for Vice-Mayor Castro that the Green Advisory Board item would come before the Commission in February.

Vice-Mayor Castro attended a “topping off” party today on Ravenswood Road and Griffin Road, where the two hotels are being built. She explained that a “topping off” is a ceremony held when

they finish the external structure of a building and put a tree on top. Vice-Mayor Castro noted that this site would generate jobs for our City.

Vice-Mayor Castro received a letter from the Metropolitan Planning Organization (MPO) where the Florida Department of Transportation (FDOT) is inviting people to attend a South Florida East Coast Corridor Transit Analysis kick-off meeting. She was surprised to see that Dania Beach was the study City for this issue and yet they did not plan to hold a meeting here.

11.5 Mayor Jones

Mayor Jones commented that we need to correct the number of years for the Martin Luther King, Jr., event reflecting the years we have been supporting these activities. He noted that next year will celebrate our Silver Anniversary.

Mayor Jones advised that he, together with Interim City Manager Donnelly, BSO Chief Peterson and Lt. Granville, met with Hollywood Commissioner Beam Furr to discuss mutual concerns regarding 22nd Avenue/Ely Boulevard, SW 12th Street and Sheridan Street. He noted that the Principal of Attucks Middle School also attended the meeting.

Mayor Jones requested the Director of Parks and Recreation to develop a policy for the use of park facilities. He is concerned with the City's liability if anyone is injured. Mayor Jones thought that a permit should be issued for the use of the smaller parks. He suggested that BSO and Code Enforcement investigate large gatherings in city parks.

12. Appointments

Mayor Jones appointed Pat Chuckerman to the Marine Advisory Board.

Vice-Mayor Castro noted she is concerned with the audit of the Beach Watch Restaurant. She asked if the City was liable for the under reporting by the Restaurant. Vice-Mayor Castro wants a letter sent to the restaurateurs telling them they need to keep better records.

City Attorney Ansbro noted the audit should be provided to the Department of Revenue. He will send Beach Watch a letter stating that they need to cooperate with the City and the audit. City Attorney Ansbro advised that he and Finance Director Varney are meeting tomorrow with the person who is inquiring to purchase the Restaurant lease.

The Commission requested a discussion item be placed on the next Commission Agenda.

Commissioner Flury clarified for the record that there is an existing lease agreement between the City and Beach Watch and no changes are likely to happen in the immediate future.

Commissioner Anton motioned to approve the board appointment; seconded by Vice-Mayor Castro. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

Interim City Manager Donnelly reported that the Florida Department of Transportation (FDOT) advised that they will allow us to install a sign in the medians addressing the partial street closure on SE 2nd Street. FDOT will also look into the medians for the project and determine future locations.

Interim City Manager Donnelly advised that the Tutoring Program at Collins Elementary, which is funded through a grant, now requires the creation of an advisory board. This board met today and it was a very productive meeting. He noted that part of the grant educates parents and advised that technology classes will be held at Collins Elementary on Friday nights from 5:00 – 6:00 p.m. Interim City Manager Donnelly said that relevant information would be posted to the City Web Site.

Interim City Manager Donnelly noted that the TIME 4 KIDS artwork will be displayed at the Arts and Antiques Festival to be held January 30-February 1, 2009.

Interim City Manager Donnelly advised that the Grant Advisory Board met on January 22 and a representative from the Marine Advisory Board addressed the Board. The Marine Advisory Board would like the City to apply for a marine grant to remove rocks that are a hazard to navigation and located outside of City limits. He asked the Commission for approval to submit the grant application.

It was the consensus of the Commission to apply for the marine grant.

Interim City Manager Donnelly questioned if we needed to get the property owners together to discuss the proposed FIND dredging project.

Commissioner Anton advised this is not a Dania Beach sponsored project and that most of these property owners are aware of the program.

Interim City Manager Donnelly suggested a boat float land parade to help unite the east/west sides of the City in conjunction with the Christmas parade.

13.2 City Attorney

City Attorney Ansbro advised that the contract with the City Manager would be discussed at the February 11 City Commission meeting.

13.3 City Clerk - Reminders

Wednesday, February 4, 2009 – 6:00 p.m.
Tuesday, February 10, 2009

CRA Board Meeting
Primary Election Day

Wednesday, February 11, 2009 – 7:00 p.m.
Saturday, February 21, 2009 – 10:00 a.m.
Tuesday February 24, 2009 – 7:00 p.m.

City Commission Meeting
Fire Station #93 Dedication
City Commission Meeting

Mayor Jones suggested a joint meeting with the City of Hollywood be held after the Election.

14. Adjournment

Mayor Jones adjourned the meeting at 8:38 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ALBERT C. JONES
MAYOR-COMMISSIONER

Approved: February 11, 2009