

MINUTES OF VIRTUAL REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, JUNE 9, 2020 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

Mayor:	Lori Lewellen
Vice-Mayor:	Lauren Odman
Commissioners:	Chickie Brandimarte
	Bill Harris
	Tamara James
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Thomas Ansbro
City Clerk:	Thomas Schneider

2. Moment of Silence and Pledge of Allegiance

Mayor Lewellen called for a moment of silence after the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Presentation by Sheriff Gregory Tony on community relations efforts (requested by Mayor Lewellen)

Sheriff Tony gave an overview of actions taken by the Broward Sheriff's Office before, and in light of, the killing of George Floyd in Minneapolis, Minnesota. He spoke of the Use of Force Board he instituted and the Professional Standards Committee, and addressed questions and comments from the Commission.

3.2 Presentation by Dania Beach Clergy Alliance (requested by Mayor Lewellen)

Rev. Paul R. Wiggins, Pastor of Greater Mount Zion AME Church, was unable to attend the meeting.

3.3 Presentation by Andy Diaz, founder of Creative Emotional Intelligence Project

Mr. Diaz gave a brief introduction of his background, and noted the power of what we can do when we come together, and the 450 families in 42 states that he was able to help during

COVID-19. He addressed and explained the meaning of creative emotional intelligence, and responded to the Commission's questions and comments.

- 3.4 Special Event request from Kim Butler, Director of Marketing for Dania Pointe, to host a "Salute to Seniors" event to honor local graduating high school seniors from the class of 2020, to be held at Dania Pointe on June 20, 2020 from 10:00 a.m. - 1:00 p.m. The applicant is requesting Special Event fee waiver of \$150.00 for the event. *(Community Development)*

City Manager Garcia noted she and CRA Director Williams highly support this event.

Commissioner James motioned to approve the Special Event request for Salute to Seniors, including waiver of fees; seconded by Vice-Mayor Odman. The motion carried unanimously.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

There were no comments at this meeting.

6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, reported on staffing arrangements and the protest last Friday in Hollywood. He also reported on recent criminal activity in the City.

Discussion ensued regarding a community justice march scheduled for 4:00 p.m. on Thursday, assembling at CW Thomas Park.

Captain Sergio Pellecer, BSO District Fire Chief, gave an update on his department during the COVID pandemic and noted the hurricane plan has been distributed to the City.

7. Consent Agenda

Items removed from Consent Agenda: #7.5

- 7.1 Minutes:
Approve Minutes of May 26, 2020 Virtual City Commission Meeting

- 7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2020-050

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, GRANTING AN EASEMENT OVER A CITY SWALE TO BENEFIT EMERALD PALMS VENTURE LP, A FLORIDA LIABILITY COMPANY (THE "GRANTEE") AS ILLUSTRATED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Public Services*)

7.4 RESOLUTION #2020-051

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM VARIOUS CITY DEPARTMENTS FOR TEMPORARY EMPLOYMENT SERVICES TO BE OBTAINED FROM VARIOUS EMPLOYMENT VENDORS UNDER THE SOUTHEAST FLORIDA GOVERNMENT PURCHASING COOPERATIVE GROUP CONTRACT #19-D-112F, DURING THE LENGTH OF THE CONTRACT, FROM DATE OF COMMISSION APPROVAL THROUGH JANUARY 14, 2022 (WITH ONE TWO-YEAR RENEWAL OPTION), WHICH MAY EXCEED VENDOR TOTALS OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING THAT ALL PURCHASES ARE TO BE MADE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED DEPARTMENTAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Human Resources*)

7.6 RESOLUTION #2020-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, DENOUNCING ANTI-SEMITISM, ANTI-ASIAN BIGOTRY, AND ALL HATEFUL SPEECH, VIOLENT ACTION AND THE SPREAD OF MISINFORMATION RELATED TO COVID-19 THAT CASTS BLAME, PROMOTES RACISM AND DISCRIMINATION OR HARMS THE CITY'S CITIZENS OF ASIAN, PACIFIC ISLANDER, JEWISH, IMMIGRANT AND OTHER DESCENTS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Mayor Lewellen*)

7.7 RESOLUTION #2020-054

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING AND STANDING IN SOLIDARITY WITH THOSE CITIZENS OF THE UNITED STATES CURRENTLY PROTESTING THE POLICE-INVOLVED DEATH OF AN AFRICAN-AMERICAN MAN, GEORGE FLOYD, IN MINNEAPOLIS, MINNESOTA; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Vice-Mayor Odman*)

7.8 RESOLUTION #2020-055

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RETROACTIVELY EXECUTE A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF POMPANO BEACH FOR THE 2018 AWARD FROM THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT; AUTHORIZING THE EXECUTION OF SUBRECIPIENT AGREEMENT TO PROPORTIONATELY DISTRIBUTE THE GRANT FUNDING AMONGST GRANT RECIPIENTS; AND AUTHORIZING THE SUBMITTAL BY THE CITY FOR THE SAME GRANT FOR FISCAL YEAR 2019; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*BSO*)

7.9 RESOLUTION #2020-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR CYCLE 1 BROWARD COUNTY TRANSPORTATION SURTAX REHABILITATION AND MAINTENANCE FUNDS TO PROVIDE FOR STREET REHABILITATION FOR SW 2ND TERRACE, SOUTHWEST 27TH TERRACE AND SOUTHWEST 27TH AVENUE, WITHIN THE DANIA BEACH MUNICIPAL BOUNDARIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Commissioner James motioned to adopt the Consent Agenda, with the exception of Item #7.5; seconded by Vice-Mayor Odman. The motion carried unanimously.

7.5 RESOLUTION #2020-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS BY THE CITY MANAGER'S OFFICE FOR SERVICES TO BE PURCHASED FROM THE NEWS DIRECTORS, INC. FOR PROFESSIONAL CRISIS MANAGEMENT, COMMUNICATION AND VIDEO PRODUCTION SERVICES FOR FISCAL YEAR 2019-2020 (ENDING SEPTEMBER 30, 2020), THAT EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Manager)*

City Attorney Ansbro read the title of Resolution #2020-052.

Commissioner James asked how many more additional iLoveLocal videos there will be and if they will be longer, extended versions or shorter videos.

City Manager Garcia explained we can do as many as six more to include up to 18 additional businesses.

Commissioner Harris suggested perhaps doing one as a group.

City Manager Garcia said this is possible and it could be done with two or three Commissioners together, whichever is the desire of the Commission.

Commissioner Harris motioned to adopt Resolution #2020-052; seconded by Commissioner James. The motion carried unanimously.

8. Bids and Requests for Proposals

8.1 RESOLUTION #2020-057

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RATIFYING INVITATION TO BID ("ITB") NO. 20-001, ENTITLED, "POOL HEATERS FOR P.J. MELI AQUATIC COMPLEX"; AUTHORIZING THE AWARD OF THE BID TO LESLIE'S POOLMART, INC. FOR AN AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS AND NINETY CENTS (\$43,485.90); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

City Attorney Ansbro read the title of Resolution #2020-057.

Commissioner Harris asked if this would delay the opening of the pools beyond the delay caused by COVID.

Mayor Lewellen described the latest City Order, which would open the pools on a limited basis.

City Attorney Ansbro noted lap swimming would be one person per lap lane allowed and the hours would be from 8-11 on weekends and 4-8 on weekdays, following the County Order.

Eric Brown, Director of Parks & Recreation, addressed the lap swimming that would be allowed effective this coming Thursday following the County guidelines.

Commissioner Harris asked if the pool heaters would be electric or natural gas.

Director of Parks & Recreation Brown explained the RFP and annual electrical inspections of all pool sites. He clarified the pool heaters are for use during the winter season.

Commissioner James asked if there would be pool usage at CW Thomas or only at PJ Meli.

Director of Parks & Recreation Brown described the summer camp being planned where CW Thomas could be used for open swim with social distancing. PJ Meli would be able to be used immediately on Thursday for lap swimming.

Discussion ensued on summer camp.

Commissioner James motioned to adopt Resolution #2020-057; seconded by Commissioner Harris. The motion carried unanimously.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2020-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), WHICH EXPENDITURE IS NOT TO EXCEED THE PROJECT ESTIMATE APPROVED BY THE CITY COMMISSION, TO FUND THE SOUTHEAST 2ND AVENUE WATER MAIN PIPE REPLACEMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Public Services)*

City Attorney Ansbro read the title of Ordinance #2020-009.

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

Commissioner James motioned to adopt Ordinance #2020-009, on second reading; seconded by Commissioner Brandimarte. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

10. Discussion and Possible Action

10.1 City Manager's one-year review (*continued from May 26, 2020*)

Linda Gonzalez, Director of Human Resources, reviewed the memo provided to the Commission regarding tonight's process.

Commissioner Brandimarte noted she would submit her comments and not discuss them.

Commissioner Harris noted he completed both forms and wrote a narrative on what he considers an excellent job done by the City Manager.

Commissioner James felt overall, the City Manager scores high in response, but not high on policy procedures and interpersonal relationship with some of the Commissioners. She finds it difficult to give the City Manager constructive criticism, and expressed concerns of staff turnover. She looks at what the City Manager came into with the OIG, but we have not issued an engineering RFP yet or changed the policy. Sometimes, she feels the City Manager is her boss; she has a real concern about the culture here. We have had a lot of challenges with COVID and everyone has stepped up.

Vice-Mayor Odman noted she completed the evaluation and will submit it for the public record tomorrow. She has a good working relationship with the City Manager and she has moved the City forward in a positive way. She addressed strong personalities and how it can become intense; this is a good thing so that we can challenge each other. Like anything in life, things that feel difficult usually bring good. She is very happy with her work here and is happy with what she has done. There are other details she wishes to speak to the City Manager about one-on-one.

There was a brief discussion on scoring the City Manager; the Commission decided not to score.

Mayor Lewellen addressed turnover and noted it is often needed; she is not uncomfortable with the changes the City Manager made. Her only criticism is that she sometimes could be more succinct in her responses, bullet points perhaps; but this is a matter of her personality. Overall, she thinks she does a fantastic job, such as the inspections for City property, including the pools. In her time here, she has met with residents from early on. She spent an hour and half driving around with a resident to observe where problems exist; the problems were addressed quickly. She does a great job because she has relationships with other cities and managers, and in

Tallahassee. Part of the job of the City Manager is to be a check for the Commission; we all have ideas and things we want to do, but we cannot always do the things we want to do. She has done an excellent job letting us know what can and cannot be done and giving a thorough explanation of why. She appreciated her being here and did not give her all 5s. Things to improve are communication skills, but that is part of her personality. Sometimes she takes things personally, but overall she has done a fantastic job. The City Manager said she is not looking for a raise, but she would suggest the Commission give her an extra week of vacation because she has been on call all the time.

Commissioner Harris noted he supports an extra week of vacation; she is always available night and day and the communication has been excellent. He suggested tacking on an extra day during a holiday weekend or a full week of extra vacation.

Commissioner James asked what the cost would be of a week of vacation. She is not comfortable with giving her an extra week.

Mayor Lewellen noted there are times the City Manager has been on vacation and has responded to her request.

Commissioner James said we all do that.

City Manager Garcia thanked the Commission for their feedback, and said if there is concern with an extra week of vacation, a stipulation could be added that she could never cash in that week.

Commissioner James said once she takes the week, there is a financial cost directly related to it; she felt it is around \$3-4,000.00

City Manager Garcia noted when she takes vacation, the Assistant City Manager handles her duties.

City Attorney Ansbro confirmed the City Manager receives 20 vacation days.

Commissioner James noted she not comfortable giving anyone more than a month off.

Commissioner Harris felt an extra day off here and there is needed by everyone and he would support the extra vacation time in lieu of a salary increase.

Mayor Lewellen felt one week of additional vacation is not a lot to ask for.

Commissioner Harris said based on the evaluation being very favorable, the Commission should award the City Manager the extra week of vacation.

Commissioner James spoke of other cities' managers who are also working overtime; they are discussing furloughs and we are discussing extra days off.

Vice-Mayor Odman noted we should focus on what value, if any, we are going to tie to the City Manager's performance.

Frank DiPaolo, Director of Finance, noted the City Manager is not subject to a payout for her vacation, so there is no direct cost to the City. The value of the hours would be \$3,961.00.

Commissioner Harris motioned to approve giving the City Manager five extra days of vacation with no payout; seconded by Vice-Mayor Odman. The motion carried on the following 3-2 Roll Call vote:

Commissioner Brandimarte	No	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	No		

Mayor Lewellen asked if the Commission would want to extend the City Manager's contract by one-year.

Commissioner Brandimarte felt this should be left up to the next seated Commission since there is an election soon.

Commissioner Harris disagreed; he favors a one-year extension to the City Manager's contract.

Commissioner Harris motioned to approve a one-year extension of the City Manager's contract. The motion died for lack of a second.

City Attorney Ansbro clarified it is a 3-year contract, starting March 2019, and cannot be extended. The contract term ends March 12, 2022. The Charter states you cannot add to an existing contract; it cannot be amended until it is close to expiring.

10.2 City Center Project - Commissioner James

Commissioner James said she wants to table the project for six months and not end it. She has spoken to developers; we do not know what it is going to look like in six months.

Commissioner James motioned to take a look at this in six months before we decide to cancel everything today. The motion died for lack of a second.

City Manager Garcia noted we have \$2.6 million in grant money; \$1.8 million for City Hall hardening, and the rest for the fire station. We need to spend that money by August of next year and is concerned we would lose it.

Commissioner James asked how much it would cost to renovate City Hall as previous estimates were over \$14 million. She questioned where the remaining funding would come from and the extent of the renovation.

Commissioner Harris spoke of the post Covid-19 workplace environment; not all employees will need to return to City Hall so the demand for office space has changed.

Commissioner James agreed to delay the project, but not deny it.

City Manager Garcia spoke of the office space changes due to Covid-19; the developer's needed City Hall to be demolished, as well as the library and fire station, and having the developer be a part of it. She also spoke of additional square footage on the west side of City Hall, and recommended issuing another RFP in the future.

Commissioner Brandimarte agreed in postponing it and said our residents were furious; they did not want all those apartments next to the railroad track. She would rather see the money invested in City Hall and felt we should do baby steps. She agrees with the residents regarding too many homes on the railroad track and questioned who would want to live there.

Mayor Lewellen made note of COVID and measures to decrease the amount of units.

City Attorney Ansbro noted when the RFP was issued, it was for a project that was articulated; now it cannot possibly be what was articulated and submitted. He is concerned legally if we continue to hold it; even if we hold it, the project will be clearly different.

Jamie Cole, Special Counsel, said it would be prudent to do a new RFP because what you would be doing down the road would be substantially different than the current RFP. You would be opening up for the other developer to protest the bid since it has changed so much.

Commissioner Brandimarte asked where we stand with what the City Manager said we received in federal funds.

City Attorney Ansbro explained the hardening of City Hall which is \$1.8 million and secondly, the fire station hardening.

Commissioner Harris noted there was language in the contract to demolish the Chamber and Women's Club. Because of COVID, the workplace at City Hall will be different than what was conceived initially. We will not need all the space at City Hall. There are too many unknowns with the economic conditions; we should take the grant money and do what we can, and not do City Center now.

Commissioner James said she does not have a problem accepting grant money. She wants to know how much money we will need to renovate City Hall.

City Manager Garcia responded to build a new City Hall would be \$10 million. If we get the \$1.8 million for a brand new roof, windows and doors, there may be opportunity to set aside some money for renovation of the west wing.

Commissioner James said the Commission did not discuss what they wanted to do in the west wing, and the \$10 million figure seems to be low estimate.

City Manager Garcia noted she would rather wait until the budget workshop to see if the Commission wants to renovate City Hall before an assessment is done to determine cost.

Commissioner James said we should be able to discuss this first instead of getting a memo that the deal was killed. She thinks this is a Commission decision; she wants to make sure whether we are following the proper protocol. She noted there is not a consensus to delay this and she will not make a motion.

Mayor Lewellen asked if the Commission needs to make a decision on this tonight.

City Attorney Ansbro said the developers were amenable and in agreement that the project should be stopped. We will know a lot more in six months to a year and the developers agreed with this.

Mayor Lewellen questioned if the Commission has to say for certain tonight they are killing the deal and moving on with the \$2.6 million in grant money.

City Attorney Ansbro confirmed, for our purposes, the deal has been terminated by the City and the developers.

The Commission consensus was to concur with the recommendation of terminating the project.

City Manager Garcia noted at the next meeting the CIP and Grants Administrator and Finance Director would provide details of the grant funding.

11. Commission Comments

11.1 Commissioner Brandimarte

Commissioner Brandimarte had no comments.

11.2 Commissioner Harris

Commissioner Harris noted there are so many unknowns with COVID at this time and everyone should be safe and wear masks.

11.3 Commissioner James

Commissioner James reminded everyone of the Justice March at 4:00 p.m., beginning at CW Thomas Park.

11.4 Vice-Mayor Odman

Vice-Mayor Odman spoke about the times we are living in with the COVID pandemic, and noted the numbers are increasing. She recommended continuing to be safe and to be guided by medical science.

11.5 Mayor Lewellen

Mayor Lewellen spoke of recent activity of the CARES Act Funding Task Force she serves on. We are waiting on the Governor as to what the County is going to do; we would like to see the money come to the individual cities.

Mayor Lewellen noted she reached out to the Clergy Alliance shortly after the George Floyd video came out, as well as to Sheriff Tony and other cities that are not under a BSO contract for police services, in furtherance of promoting positive things that could be done. She also reached out to state legislators regarding bills that could be brought forward. She invited ideas and suggestions from everyone; we need to change and it needs to come from a lot of locations.

Mayor Lewellen also noted there will be a food distribution at St. Ruth Missionary Baptist Church tomorrow, and this will be an ongoing event.

12. Appointments

12.1 Complete Count Advisory Committee

12.2 Creative Arts Council Advisory Board

12.3 General Employees Pension Board

12.4 Green Advisory Board

12.5 Police and Fire Pension Board

There were no appointments at this meeting.

13. Administrative Reports

13.1 City Manager

City Manager Garcia reported we are going to be able to have a COVID testing site in Dania Beach in our parking garage. She met with the Broward County Health Department, and it will commence next Thursday, June 18 through July 2 from 12:00 – 6:00. The only City requirement is to provide five employees each day.

City Manager Garcia stated she sent a memo to support Arnaldo Suarez with the Dania Beach Casino reopening, based on the Commission direction. Additionally, he has also submitted his game plan to Bertha Henry, Broward County Administrator.

City Manager Garcia noted at the next Commission meeting, she will bring back the COVID testing site and summer camp opening information. She added all of our senior positions have been filled, and she looks forward to continuing to work with the Commission.

Commissioner James asked if it would be possible to have an additional date of testing after the July 4th holiday.

City Manager Garcia responded she would report back if this can happen.

Vice-Mayor Odman thanked City Manager Garcia for the testing site, which has been worked on for some time. She asked how we are going to keep employees safe while working the testing site.

City Manager Garcia addressed the Broward County Health Department testing protocol. There will be 250 tests onsite and City employees will have PPE gear, supplied by the health department.

13.2 City Attorney

City Attorney Ansbro noted he received three proposed ballot questions coming from the County; one would modify the County Charter regarding regional County parks. The County ordinance would mean they could preempt any County lands in the City; he finds this really alarming. The County did receive blowback from some of the city attorneys on the proposal. The County could put something in place and the cities could not object. Staff will continue monitoring what they are doing; we might have to work up something with our citizens to oppose this if it goes in the wrong direction for us.

Commissioner Brandimarte asked if the Commission could get a list of properties.

City Attorney Ansbro said yes, they would be County-owned land in the cities.

Commissioner Harris noted Hollywood will probably cancel fireworks on July 4th due to COVID and the cost.

13.3 City Clerk - Reminders

Tuesday, June 23, 2020 - 7:00 p.m.

City Commission Meeting

Tuesday, July 28, 2020 - 7:00 p.m.

City Commission Meeting

14. Adjournment

Mayor Lewellen adjourned the meeting at 10:39 p.m.

ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK



CITY OF DANIA BEACH


LORI LEWELLEN
MAYOR

Approved: June 23, 2020