

CITY OF DANIA BEACH CITY COMMISSION MEETING
JANUARY 25, 2022 at 7:00 PM
PUBLIC MEETING AND PUBLIC COMMENTS PROCEDURE

The City of Dania Beach City Commission will be conducting a “Hybrid” City Commission Meeting in the Commission Chamber with limited public access and utilizing communications media technology (“CMT”) for additional access, in accordance with Ordinance No. 2021-012, adopted February 9, 2021, and Resolution No. 2021-070, adopted May 11, 2021, related to conducting public meetings while under the public health emergency related to the spread of Novel Coronavirus Disease 2019 (COVID-19).

Please visit www.daniabeachfl.gov/virtualmeetings for detailed instructions on how to attend and participate in virtual City Commission meetings. Public access to this virtual meeting can be accomplished as follows:

- Watch Meeting on the City’s YouTube Channel at www.daniabeachfl.gov/2654/Watch-DaniaTV
- Watch Meeting on Comcast Cable Channel 78
- Join the Meeting virtually or by telephone using Zoom

Any member of the public wishing to comment publicly on any matter including on specific agenda items can do so by one of the following options:

Before 2:00 p.m. on the day of the meeting, comments can be submitted into the record by using the following link:

<https://daniabeach.seamlessdocs.com/f/PublicSpeakingFormCityCommission> *(all public comments submitted will be provided to the City Commission prior to the meeting and will be attached to the minutes of this meeting and become part of the official record)*

Participating in a public meeting using the video conference platform:

- Virtual attendance: Join Zoom via the browser and enter using the meeting ID; to be recognized during public comment, click “Raise my hand” in the software
- Telephone attendee: dial meeting phone number and enter meeting ID; to be recognized during public comment, dial *9 to raise your hand

For more information about this City Commission meeting or submitting a public comment at the meeting, please contact:

Thomas Schneider, City Clerk
City of Dania Beach
100 W Dania Beach Boulevard
Dania Beach, FL 33004
954-924-6800 | tschneider@daniabeachfl.gov

NOTICE: This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-924-6800 ext. 3624, no later than two days prior to such proceeding. Anyone wishing to appeal any decision made by the Dania Beach City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at www.daniabeachfl.gov.

**Instructions for Participating and Viewing
City of Dania Beach Hybrid City Commission Meeting
January 25, 2022 at 7:00 PM**

Through the City's Website:

Please click the link below:

www.daniabeachfl.gov/2654/Watch-DaniaTV

Through Comcast Channel 78:

If you are a Comcast/Xfinity customer, please go to Channel 78 to view the meeting.

Before 2:00 p.m. on the day of the meeting, submit Public Comments by clicking this link:

<https://daniabeach.seamlessdocs.com/f/PublicSpeakingFormCityCommission> *(all public comments submitted will be provided to the City Commission prior to the meeting and will be attached to the minutes of this meeting and become part of the official record).*

Options for Viewing and Participating in the Meeting Using Zoom

Go to <https://zoom.us/> to access the meeting from your device

Use this meeting link to join as an attendee: <https://us02web.zoom.us/j/87050308596>

Using your telephone

One tap mobile :

US: +13017158592,,87050308596# or +13126266799,,87050308596#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or
+1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 870 5030 8596

To raise hand and be acknowledged to speak:

1. Users who call in can dial *9 to raise their hand
2. If in Zoom, hover at the bottom middle of screen to see the raise hand option and click
3. Once you have been selected to speak, you may be prompted to unmute your device or this will be done for you.

**AGENDA
DANIA BEACH CITY COMMISSION
HYBRID REGULAR MEETING
TUESDAY, JANUARY 25, 2022 - 7:00 PM**

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

LOBBYIST REGISTRATION IS REQUIRED. PRIOR TO ENGAGING IN ANY LOBBYING ACTIVITIES, WHETHER OR NOT COMPENSATION IS PAID OR RECEIVED IN CONNECTION WITH THOSE ACTIVITIES, EACH LOBBYIST SHALL FILE WITH THE CITY CLERK AN ANNUAL REGISTRATION STATEMENT AND PAY AN ANNUAL TWO HUNDRED FIFTY DOLLARS (\$250.00) REGISTRATION FEE FOR EACH PRINCIPAL OR EMPLOYER. REGISTRATION FORMS ARE AVAILABLE ON THE CITY WEBSITE: WWW.DANIABEACHFL.GOV. (ORDINANCE #2012-019; AMENDED BY ORDINANCE #2019-019)

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

IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

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

**DECORUM POLICY FOR MEETINGS OF THE CITY COMMISSION
OF THE CITY OF DANIA BEACH, FLORIDA:**

INDIVIDUALS WHO WISH TO MAKE ANY "CITIZEN'S COMMENTS" UNDER THAT PORTION OF THE CITY COMMISSION AGENDA, OR WHO OTHERWISE WANT TO ADDRESS THE CITY COMMISSION, MUST FIRST BE REGISTERED WITH THE CITY CLERK (FORMS ARE AVAILABLE OUTSIDE OF THE CITY COMMISSION CHAMBERS AND MUST BE GIVEN TO THE CLERK BEFORE THE MEETING). OTHERS WHO WANT TO ADDRESS THE COMMISSION ON ANY MATTERS MUST FIRST BE RECOGNIZED BY THE MAYOR. ALL SUCH PERSONS MUST USE THE PODIUM IN THE COMMISSION CHAMBER. NO MORE THAN ONE PERSON AT A TIME MAY ADDRESS THE COMMISSION FROM THE PODIUM. COMMENTS ARE ONLY TO BE MADE TO THE CITY COMMISSION AND ARE NOT TO BE DIRECTED TO THE AUDIENCE OR CITY STAFF.

NO INDIVIDUAL SHALL MAKE ANY SLANDEROUS OR UNDULY REPETITIVE REMARKS, OR ENGAGE IN ANY OTHER FORM OF BEHAVIOR THAT DISRUPTS OR IMPEDES THE ORDERLY CONDUCT OF THE MEETING, AS DETERMINED BY THE MAYOR. NO INDIVIDUAL MAY SPEAK DIRECTLY TO OR ADDRESS THE MAYOR, CITY COMMISSIONER OR CITY STAFF: COMMENTS ARE TO BE ONLY DIRECTED TO THE COMMISSION AS A WHOLE. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OF OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE PERMITTED IN THE COMMISSION CHAMBER.

IF ANY PERSON'S CONDUCT AS DETERMINED BY THE MAYOR IS FOUND TO BE DISRUPTIVE OR INTERFERES WITH THE ORDERLY CONDUCT OF THE MEETING, THE PERSON MAY BE ASKED BY THE MAYOR TO LEAVE THE COMMISSION CHAMBERS; IF THE PERSON DOES NOT LEAVE AND THE CONDUCT PERSISTS, THE CITY POLICE DEPARTMENT WILL BE REQUESTED TO ESCORT THE INDIVIDUAL FROM THE CITY COMMISSION CHAMBERS.

ALL CELLULAR TELEPHONES ARE TO BE SILENCED DURING THE MEETING. ALL PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. (RESOLUTION #2020-032)

1. CALL TO ORDER/ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND SPECIAL EVENT APPROVALS

- 1. Commendation for Josie's Too – Celebrating 60 Years in Business in Dania Beach - presented by Vice-Mayor Salvino
- 2. Presentation on Green Building opportunities by Corinne Lajoie, Assistant Director of Community Development - requested by Commissioner Odman

3. Public Art update by Corinne Lajoie, Assistant Director of Community Development, and Linda Flynn, Cultural Planning Group

4. PROCLAMATIONS

5. CITIZEN COMMENTS

Addressing the Commission: A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters whether or not scheduled on that day's agenda. Individuals wishing to speak on a matter not included on the "Public Hearing" section of the agenda, which matter pertains to an item before the City Commission which requires a decision of the City Commission, may do so by signing in and submitting a form to that effect with the City Clerk prior to the meeting. Speakers at Public Hearings shall also submit such a form. Each speaker shall be limited to 3 minutes for his or her comments. If more than ten (10) speakers express a desire to speak, the Commission shall determine on a meeting by meeting basis whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

6. PUBLIC SAFETY REPORTS

7. CONSENT AGENDA

1. Minutes:
Approve Minutes of December 14, 2021 City Commission Virtual Meeting
2. Travel Requests: None
3. Approve funding for Broward League of Cities Board of Directors Meeting hosted by City of Dania Beach (*City Manager*)
4. RESOLUTION NO. 2022-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 37TH TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Public Services*)

5. RESOLUTION NO. 2022-007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 43RD TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Public Services*)

6. RESOLUTION NO. 2022-008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 52ND STREET DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7. RESOLUTION NO. 2022-009

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 54TH COURT STORMWATER DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

8. RESOLUTION NO. 2022-010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT (“ILA”) WITH BROWARD COUNTY RELATED TO THE GOVERNING USE OF THE BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Attorney)*

9. RESOLUTION NO. 2022-011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF A CONTRACT FOR TWO (2) BEACH LIFEGUARD TOWERS TO BAUSCH ENTERPRISES, INC.; WAVING COMPETITIVE BIDDING TO AWARD THE CONTRACT TO THE SUCCESSFUL BIDDER UNDER THE CITY’S REQUEST FOR PROPOSAL (RFP) NO. 21-004 AND TO CONSTRUCT TWO (2) ADDITIONAL LIFEGUARD TOWERS THAT WERE NOT CONSIDERED IN THE ORIGINAL RFP; AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE TOTAL COST OF ONE HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$139,700.00); AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

10. RESOLUTION NO. 2022-012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR SERVICES TO BE PROVIDED BY AMC SURVEILLANCE; AND AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO PROCURE MAINTENANCE OF THE CITY'S SURVEILLANCE CAMERA SYSTEM; AUTHORIZING THE PURCHASES PROVIDED THE PURCHASES ARE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

11. RESOLUTION NO. 2022-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOLAR STREETLIGHT RETROFIT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

12. RESOLUTION NO. 2022-014

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT SENATE BILL NO. 224 AND HOUSE BILL NO. 105 IN THE 2022 LEGISLATIVE SESSION WHICH, IF ENACTED, WOULD AUTHORIZE COUNTIES AND MUNICIPALITIES TO RESTRICT SMOKING ON PUBLIC BEACHES AND IN PUBLIC PARKS, DIRECTING THE CITY'S STATE LOBBYISTS TO ADVOCATE IN FAVOR OF SENATE BILL 224 AND HOUSE BILL 105; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Commissioner Davis)*

13. RESOLUTION NO. 2022-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH BROWARD COUNTY AND OTHER PARTICIPATING MUNICIPALITIES REGARDING A COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

14. RESOLUTION NO. 2022-016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) FOR A 2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (“SAFER”) GRANT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE APPLICATION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Fire Rescue)*

8. BIDS AND REQUESTS FOR PROPOSALS

1. RESOLUTION NO. 2022-017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY COMMISSION TO RANK THE THREE FIRMS THAT RESPONDED TO THE CITY’S REQUEST FOR QUALIFICATIONS (“RFQ”) NO. 21-033, ENTITLED “FRANK C. ‘TOOTIE’ ADLER PARK IMPROVEMENTS”, FOR DESIGN SERVICES RELATED TO CONSTRUCTION AT FRANK C. ‘TOOTIE’ ADLER PARK, AND TO AUTHORIZE CONTRACT NEGOTIATIONS TO BEGIN WITH THE TOP-RANKED CONSULTANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

9. PUBLIC HEARINGS

1. ORDINANCE NO. 2022-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED “LAND DEVELOPMENT CODE (LDC),” PART 7, ENTITLED “CODE ADMINISTRATION”, ARTICLE 725 ENTITLED “DEFINITIONS,” TO AMEND SECTION 725-30, ENTITLED “TERMS DEFINED,” BY AMENDING THE DEFINITION OF FAMILY; AMENDING PART 1 OF THE LDC, ENTITLED “USE REGULATIONS,” ARTICLE 105, ENTITLED “USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS,” TO CREATE A NEW SECTION 105-250 ENTITLED “REASONABLE ACCOMMODATION PROCEDURES AMENDING CHAPTER 28 ENTITLED “LAND DEVELOPMENT CODE”, PART 6, ENTITLED “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS,” ARTICLE 610, ENTITLED “PUBLIC HEARING NOTICES,” AT SECTION 610-20, ENTITLED “TABLE OF PUBLIC NOTICE REQUIREMENTS.” TO INCLUDE THE NOTICE REQUIREMENTS FOR A REASONABLE ACCOMMODATION HEARING BEFORE THE SPECIAL MAGISTRATE; AND AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION,” ARTICLE IV, ENTITLED “CODE ENFORCEMENT;”

SECTION 2-84, ENTITLED “POWERS OF SPECIAL MAGISTRATE,” TO AMEND THE POWERS OF THE SPECIAL MAGISTRATE TO AUTHORIZE THE SPECIAL MAGISTRATE TO HEAR APPEALS RELATING TO A REASONABLE ACCOMMODATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

2. ORDINANCE NO. 2022-008

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED THE “LAND DEVELOPMENT CODE”, PART 8 ENTITLED “TECHNICAL APPENDIX, ARTICLE 835, ENTITLED “TELECOMMUNICATION TOWERS AND ANTENNAS”, OF THE CITY’S CODE OF ORDINANCES, TO UPDATE THE CITY’S TELECOMMUNICATIONS ORDINANCES TO BE CONSISTENT WITH STATE AND FEDERAL LAW; CREATING STANDARDS FOR COMMUNICATIONS FACILITIES’ DESIGN, LOCATION AND COLLOCATION; ADDING CRITERIA FOR REVIEW OF TELECOMMUNICATIONS EQUIPMENT AND FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

3. ORDINANCE NO. 2022-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA RELATING TO THE CITY’S CODE OF ORDINANCES AMENDING CERTAIN PROVISIONS TO FURTHER ESTABLISH IRRIGATION RESTRICTIONS BY AMENDING CHAPTER 27, ENTITLED “WATER AND SEWERS”, AT ARTICLE II, ENTITLED “WATER SHORTAGE REGULATIONS,” AT SECTION 27-43, ENTITLED “PERMANENT RESTRICTIONS FOR LAWN AND LANDSCAPING IRRIGATION”, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Public Services)*

10. DISCUSSION AND POSSIBLE ACTION

1. RESOLUTION NO. 2022-018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZE THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT TO PURCHASE THE SCULPTURE ENTITLED “LET LOVE GUIDE YOUR WAY,” DESIGNED BY THE PUBLIC ARTIST LLOYD GORADESKY, IN A NOT TO EXCEED AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND DOLLARS (\$143,000.00);

PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Commissioner Davis)*

2. Update on Water Utility Account delinquencies - Adam Segal, Deputy Director of Finance

11. COMMISSION COMMENTS

1. Commissioner Davis
2. Commissioner Lewellen
3. Commissioner Odman
4. Vice-Mayor Salvino
5. Mayor James

12. APPOINTMENTS

1. General Employees Pension Board
1 Commission Appointment for a term beginning June 22, 2020 and ending June 22, 2022

13. ADMINISTRATIVE REPORTS

1. City Manager
2. City Attorney
3. City Clerk - Reminders

Friday, January 28, 2022 - 10:00 a.m.

Tuesday, February 8, 2022 - 5:30 p.m.

Tuesday, February 8, 2022 - 7:00 p.m.

Tuesday, February 22, 2022 - 7:00 p.m.

City Commission Workshop - RAC Units &
Moratorium on Development

CRA Board Meeting

City Commission Meeting

City Commission Meeting

14. ADJOURNMENT

Commendation

OFFICE OF THE MAYOR • CITY OF DANIA BEACH, FLORIDA

Presented by Vice Mayor Marco A. Salvino, Sr.

- WHEREAS,** Josie's Too!, the friendly neighborhood bar, is celebrating its 60th Anniversary of doing business in the city of Dania Beach; and
- WHEREAS,** Josie's Too!, located at 2660 Griffin Road is owned and managed by Ms. Josie Bovie; and
- WHEREAS,** Josie's Too! was opened by Josie's parents Ann and Joseph Clementi in January 1962 and was named Ann's Tavern; and
- WHEREAS,** as a young woman, Josie Bovie helped her parents in the bar every day, eventually taking ownership in 1971 after her parents retired; and
- WHEREAS,** Josie's Too! is open 7 days a week, has 3 employees, and retains a loyal customer base; and
- WHEREAS,** Josie Bovie not only manages the bar but as diminutive as she is, Josie also acts as the bouncer!; and
- WHEREAS,** Josie's Too! has attracted some famous guests including Tom Brady (NFL) and Davy Jones from the Monkees; and
- WHEREAS,** Josie Bovie visits her bar every day, is the hostess with the mostest, is frequently found singing Karaoke, is a beloved mother figure to her customers, and is treasured by them for her generous and kind heart.

NOW, THEREFORE, on behalf of the Dania Beach City Commission, I, Tamara James, Mayor of the City of Dania Beach, Florida, do hereby commend **Josie's Too!** for 60 years of service to our Dania Beach community and do congratulate Josie Bovie on this significant anniversary.

Dated this 25th day of January 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK



TAMARA JAMES
MAYOR

MINUTES OF VIRTUAL REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, DECEMBER 14, 2021 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

Mayor:	Tamara James
Vice-Mayor:	Marco A. Salvino, Sr.
Commissioners:	Joyce L. Davis
	Lori Lewellen
	Lauren Odman
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Thomas Ansbro
City Clerk:	Thomas Schneider

2. Moment of Silence and Pledge of Allegiance

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

3. Presentations and Special Event Approvals

3.1 Tamara James Foundation Thanksgiving Drive - requested by Mayor James

Mayor James presented a short video of the Tamara James Foundation Thanksgiving Drive, and thanked BSO and Fire Rescue, Public Services, and the administration. She noted they were able to give out 1,000 turkeys and food baskets to the needy.

3.2 American Rescue Plan Act (ARPA) funding and eligible uses/projects presentation by Government Services Group, Inc.

Chris Polischuck, Senior Advisor, Government Services Group, Inc. gave a PowerPoint presentation, which is attached to and incorporated into these minutes.

Mayor James referenced the item for the utilities program and noted the County had this, but the timeline was short and application process was difficult for some residents to adhere to the guidelines and paperwork. She asked Finance Director DiPaolo how much of a deficit we have with our utilities.

Finance Director DiPaolo responded when he last checked, it was in the high 20 percent compared to our baseline of 9-10% before COVID.

Mayor James asked if it is something that is like that, if he would recommend that we not utilize it even if we earmark some money and wait for a period to see if they could utilize the County's funding.

Mr. Polischuck explained that in other South Florida governments there are existing programs granted but some residents have trouble accessing the programs in a timely manner and they are choosing to use some of the ARPA money for that. It is an eligible use, and we would just make sure the duplication of benefits does not become a problem.

Finance Director DiPaolo said his recommendation regarding the utility payment assistance program is that if we can use some of the ARPA money to start our own public awareness program, then we could facilitate and help residents who are having trouble with the paperwork for assistance from the County. If we could make a strong effort to try to utilize and leverage the money that is out there from the County and then if that money dries up, we can investigate our own campaign with the funding.

Mr. Polischuck noted that the communication program would likely be an eligible use of the ARPA funds.

3.3 NW 1st Street Bridge Public Art Mural Presentation by CACAB/Candido Sosa-Cruz, Deputy City Manager

Deputy City Manager Sosa-Cruz gave a PowerPoint presentation, which is attached to and incorporated into these minutes. He introduced Marcos Conde, finalist A and Skyler Nador, finalist B, who made presentations utilizing the same PowerPoint presentation.

Mr. Conde presented his concept for the art mural.

Commissioner Odman asked what the plan is for maintenance of the artwork from wear and tear two, three or four years out.

Mr. Conde noted at the end of painting the mural, they add a clear coat that lasts a long time and is created for outdoor murals.

Mayor James questioned if coating could be applied to combat graffiti.

Mr. Conde explained that the anti-graffiti clear coat would be more expensive, and he has not had any graffiti problems in the past with his murals in Dania Beach.

Commissioner Davis asked about the detail of the mural.

Mr. Conde described his other artwork in Dania Beach and hopes he can create something beautiful for the City.

Ms. Nador presented her concept for the art mural.

Mayor James asked that whoever we go with that the mural be graffiti-proof and include our logo on either design.

Assistant City Manager Sosa-Cruz noted the CACAB wanted the Commission to select the finalist, either A or B.

Commissioner Davis chose A.

Commissioner Lewellen chose B.

Commissioner Odman chose A.

Vice-Mayor Salvino chose B.

Mayor James chose A.

The majority of the Commission selected finalist A, Marcos Conde.

Vice-Mayor Salvino said the designs were great on both and asked if it was possible to take the other design and have it put at the new Griffin Road bridge by the airport. He suggested that it be brought up at the next meeting.

- 3.4 Special Event request from Marina84 Sports Bar & Grill to host a recurring "Marina84 Bike Night" to be held at 2440 West State Road 84 every Wednesday beginning January 5, 2022 through December 28, 2022 from 5:00 p.m. - 11:00 p.m. *(Community Development)*

Commissioner Lewellen motioned to approve the Special Event request for Marina84 Bike Night; seconded by Vice-Mayor Salvino. The motion carried unanimously.

- 3.5 Special Event request from the Florida Recreation & Parks Association (FRPA) for the 2022 SE FRPA Turf Rodeo to be held at P.J. Meli Park & Aquatic Complex on Thursday, March 24, 2022 from 8:00 a.m. - 3:00 p.m. *(Parks & Recreation)*

Commissioner Lewellen motioned to approve the Special Event request for the 2022 SE FRPA Turf Rodeo; seconded by Vice-Mayor Salvino. The motion carried unanimously.

- 3.6 Amendment to the Special Event request from the City of Dania Beach Community Redevelopment Agency (CRA) to host "Dania After Dark" on December 4, 2021, and on the second Saturday of each month in 2022, up to and including November 12, 2022 from 5:00 p.m. - 10:00 p.m. *(Community Development)*

Commissioner Lewellen noted she must abstain from voting as she owns a business in this area; however, she is allowed to participate in the discussion.

Mayor James asked if the other business involved in this amendment are coming out to sell during Dania After Dark and if that is going to impact the other vendors who are paying the event producer to participate.

Michael Chen, CRA Director, stated that the change before the Commission is to include the adjacent local businesses to allow them to participate within the event. They have advised the production manager of this change and he did not have any problems with that.

Mayor James questioned if the other businesses named in the amendment are coming to sell at Dania After Dark and if they are going to be a vendor like the rest of the participants. She asked if everyone would be under the same umbrella to follow the same set of rules at Dania After Dark.

Director Chen clarified they are not vendors to the event but are participants in the event.

Mayor James asked if the businesses would be covered under the production company insurance or if this will be something separate outside of the vendors we have there.

Director Chen said we will have to make sure that is covered, and we will work with our Risk Manager as to what would be appropriate. If it requires an umbrella policy for the participating local businesses, then that is what we will require.

Mayor James asked if the event application must be changed or amended.

Director Chen responded no.

Mayor James asked what businesses have expressed interest in participating in Dania After Dark.

Director Chen noted he does not know of businesses that have expressed that interest, but this puts us in the position to proactively reach out and see if we can get more of the local businesses to engage with the event. The idea of this is to promote our local businesses as well as the event.

Mayor James added she wants to make sure we are working with the local businesses but also wants to be sure we are not competing with Dania After Dark.

Director Chen explained the event manager was part of the discussion for the amendment and he raised no issues other than wanting to make sure the insurance coverage was appropriate based on the Risk Manager's assessment.

Vice-Mayor Salvino said he is confused as he saw Jerry from the ice cream store and Artesanos out back of their property and he thought the CRA was to incorporate our local businesses. The Dello has a bar, and Artesano and Grampa's Bakery both have a restaurant. Earlier this year, we talked about extending Dania After Dark down the street. He does not understand why we would not incorporate every business that wants to be involved and what it has to do with risk management if people are going to be open for business anyway and they are self-insured. It has

no bearing on Dania after Dark. These businesses exist in Dania Beach and are paying their rent and taxes and he does not know why it is an issue. He questioned who put it on the agenda.

Mayor James said it was not her amendment.

Deputy City Manager Sosa-Cruz explained it was a combination of departments; the CRA and Community Development. The purpose was so it is clear as it was not clear in the site plan and the original permit whether the businesses could participate with outdoor seating. We agree Dania After Dark is to enhance the businesses and promote the downtown corridor. We wanted it to be clear that the businesses on First Avenue could participate, and we also extended it from Stirling Road to Dania Beach Boulevard. It is more of making it clear to everyone and to notify the businesses that they can participate or that we are welcoming them to participate. If approved, it is clear to everyone the businesses are encouraged to join.

Mayor James said a couple of years ago, Art in the Hall had wine and the event producer had a concern that it was impacting his sales of alcohol. The lines got blurred when we have businesses now that are operating without a special event permit or without a permit to sell alcohol on the outside. There has not been one alcohol vendor other than the centralized location where everyone goes to the bar unless attendees go inside of another business which operates the way it normally operates.

Vice-Mayor Salvino commented he thought the CRA was there to expand businesses and make it easier for businesses to grow. He is with what the Commission wants.

Commissioner Odman asked why we would not invite the new businesses to join as vendors.

Deputy City Manager Sosa-Cruz said the main streets to several of the businesses are closed starting at 3:00 p.m. so they are limited to what they can do. Businesses are required to get a BTR. That requirement is a specific license that allows them to sell, and they pay the City revenue for that. The food truck comes in for a couple hours and are not required to have a BTR but are to become a vendor under a similar criterion. Asking a business to now become a vendor is like asking them to get a second license when they are already paying taxes, BTR and for inspections.

Commissioner Odman questioned what the issue was about selling alcohol, whether it was that it was outside and if it is illegal.

Deputy City Manager Sosa-Cruz stated he did not know what the issue was.

Mayor James said the business that was selling alcohol outside did not have a permit, so yes it was illegal and went against code. She recalls the CACAB and the issues with a few bottles of wine. She wants to be consistent and fair. If one business can sit outside and sell alcohol, she wants to be consistent and fair to them all and everyone is abiding by the same set of rules.

Commissioner Odman asked if that is something we can do.

Deputy City Manager Sosa-Cruz explained the reason for amending the site plan was so that it was clear to everyone, the businesses and the vendors. There are private businesses that are already part of this site plan. It was understood to some of us that the businesses in the site plan could continue operating and were encouraged to participate in the event, like they do in other cities. The businesses open their doors, place chairs and tables, and whatever they serve inside they serve outdoors because they are participating in this event. When staff spoke to Director Chen about any issues or hurdles as far as the production manager and alcohol sales, he stated the production manager had an agreement with the vendors on who could sell alcohol but that did not preclude the businesses that are abutting First Avenue to sell what they normally sell outdoors.

Commissioner Odman questioned if we could allow the vendors to sell alcohol.

Deputy City Manager Sosa-Cruz noted that is already happening. Everyone that was approved by the production manager, which he believes is one vendor and the businesses abutting First Avenue.

Commissioner Odman asked whether other vendors wanting to sell alcohol could ask to sell it.

Deputy City Manager Sosa-Cruz responded that is between the production manager and the vendors; they have an agreement.

Commissioner Odman said she understands how that would be unfair and asked if it could not be an easy fix.

Deputy City Manager Sosa-Cruz noted that Director Chen met with the production manager after the event, and everyone was very happy.

Director Chen confirmed what Deputy City Manager Sosa-Cruz stated.

Director Chen explained the contract is set up for the production manager to control his vendors; he does not have the authority over the businesses. We will get with him to coordinate and collaborate with the businesses. He is very reasonable and understands how the event functions and if he sees issues, we will discuss them with him and the businesses involved. He was fully engaged because he drafted the revised site plan and knows the consequences of what we are talking about here.

Commissioner Davis motioned to approve the Amendment to the Special Event request for Dania After Dark; seconded by Vice-Mayor Salvino. The motion failed on the following 2-2 Roll Call vote:

Commissioner Davis	Yes	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Abstained	Mayor James	No
Commissioner Odman	No		

Deputy City Manager Sosa-Cruz commented he knows Director Chen said previously that the goal was to expand the event, allowing additional businesses. If the vote remains 2-2, it dies, and no business will be able to participate.

Mayor James said she had a long conversation with Director Chen, the City Manager and Community Development Director Norena, and they discussed all the other businesses and most of them were not going to participate.

Vice-Mayor Salvino commented he thinks this was moot and now we are forcing all the businesses to apply for a special event permit, and it would be odd if we have five apply and one gets turned away from the event. He is surprised and disappointed in the vote and feels it is a slap in the face to businesses in Dania Beach. He felt the two no votes should reconsider that we are doing this for the betterment of the City.

Commissioner Davis said at the end of the day, we are here to support and expand Dania After Dark to include everyone. She would like to see us support the small businesses in Dania Beach. She thought the amendment would clarify everything for everyone who did not understand. She does not think this should be a closed case and we are smart enough to be able to support small businesses as well as Dania After Dark and the vendors that come with it.

Commissioner Lewellen commented this is clearly about her business; they did everything legal and within their license. The unfortunate thing is they complemented the event as there were people coming specifically to the restaurant and they encouraged them to check out the event. She felt this is somewhat of a personal issue and unfortunately, this is going to affect other businesses. There are several places that could benefit from this. The issue with Art in Hall was that they were not licensed to serve wine and they were handing it out inside City Hall and there were concerns with liability. Her business has a license to serve wine and beer, which is what they were doing.

Mayor James said this was not a personal attack; she wants things to be fair and consistent. She is speaking about the businesses on the amendment only and wants to make sure we are fair. She agrees we can come together and come back with something that is consistent and fair for everyone involved in the event.

Commissioner Lewellen noted it cost her business money because Saturday night is their busiest night and shutting down the road and parking lot causes an issue. All the vendors used their trash dumpster causing a very full dumpster that had nothing to do with her business. It ends up costing money in the long run and they do not mind doing it if they can work with it, and she believes it was a complement to the event as a whole.

Commissioner Odman commented she was out of the loop; she could tell it was something with the alcohol. She did not know Commissioner Lewellen owned Artesano and felt her questions would have been different. She did not understand why we did not talk about it and wished someone would have said what the real issue was. She has a whole host of other questions now.

Mayor James asked if this changes Commissioner Odman's vote.

Commissioner Odman said everyone did strange things.

Vice-Mayor Salvino asked if we can reopen it again.

Mayor James said we have a large agenda, and we are not going to stay on this. We can bring this back with something that is fair and consistent.

Commissioner Odman noted she would like to bring it back at the next meeting.

Mayor James commented the problem with bringing it back at the first meeting in January is it would not allow Commissioner Lewellen to serve and sell alcohol outside at the January event.

City Manager Garcia said it is very important that we continue to have our words and our actions aligned, a global view of not just Dania After Dark today but Dania After Dark in the future. We are going from First Avenue to Dania Beach Boulevard with a goal to go from Stirling Road to where the Fish Grill is, to not only retain existing businesses but to recruit future businesses. She noted on a Saturday night we are shutting down the parking lot of local businesses that are still recovering from the pandemic, that are here 365 days of the year and are paying a BTR, and questioned why we would want to hurt them by not accommodating them and letting them participate in Dania After Dark.

City Manager Garcia added she would hope to see the Dello participate and maybe have an outdoor bar with high tops. Perhaps in the future, Grampa's can help and the antique shops of today could be little cafés and art shops. We are that City with a vision, and we want to continue to think outside of the box. We need to put ourselves in other people's shoes. She does not see where it makes sense to hurt an existing business rather than collaborate with them and have them participate in Dania After Dark, especially during these challenging times and in the future. We have limited outdoor dining and limited outdoor places where people can enjoy a beer or a glass of wine; if we can partner with local businesses, it is a win-win for everyone.

Commissioner Odman asked if she took back her vote if we could bring something back to vote on at the next meeting.

City Manager Garcia said yes, but it would prevent participation from the businesses in January.

Mayor James noted it means to go outside of their normal function; we are not saying the businesses must be closed.

City Manager Garcia commented we are shutting down their parking lot for use on Saturday night.

Mayor James said we are still shutting down the parking lot and she does not understand how we have a Commissioner who has said she does not want us to use the parking lot but in turn wants to sit outside and serve alcohol to be a part of the event.

City Manager Garcia noted we have been able to relocate those food trucks to other areas.

Mayor James said the original site plan had that area for food trucks; the updated site plan removed them as the Commissioner did not want them on her property. Instead, there were wooden barrels leading up to a table that was serving alcohol. Either you want to be a part of the event or not.

Director Chen commented the issue of the food trucks capacity for the event has nothing to do with any of the parking lots. The food trucks can be lined up and down the street. The reason that there were not more food trucks is that the event producer could not bring more to the event. There were two more spaces that were marked for food trucks, but he could not get them there.

Commissioner Lewellen noted they lease the parking lot; the issue with the food trucks is that if you add them to the lot, you are blocking the access to and from the business and that is illegal. The last time this event took place, the business was not open yet. When they did open, they were not open all night on Saturday night until midnight; it is a different set of circumstances. If you are going to put a bunch of large trucks in front of the entranceway to a location, you are just trying to harm the business. It is a Saturday night, the busiest night of the week and then to ask them to pay more money for special event permits, additional trash pick-up or whatever else comes along with it, is harmful. If other businesses are aware they can do this, she is sure some of them may want to participate.

Commissioner Odman said she understands the consequences that the businesses cannot do something next month. She would like something brought back that allows the businesses to do something with alcohol so that everyone is in compliance. As it is now, she is going to keep her vote the same.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Linda Wilson, 1st Vice President of Friends of the Dania Beach Library, announced they are holding a reorganization meeting of the Dania Beach Historical Society and Museum at WMODA on January 11th from 4:30 p.m. – 6:30 p.m. She would like to find out what happened to funds from the 115th celebration and wants to know the status of the charitable funds grants, the timeline, and the new regulations. She also spoke of the crosswalk painting proposals and addressed how they could be done; it would be wonderful to expand it to the neighborhoods.

Igal Hatanian, 6911 SW 36th Terrace, thanked City staff for everything they have done to make him a proud resident in Dania Beach. He spoke about the oak hammock overlay ordinance and noted some people are scared to do anything with their trees as they do not understand the

ordinance. He suggested the City hire an arborist who would take care of the trees in the community.

Sarit Lev-Tov, 5960 SW 37th Terrace, said she agreed with Mr. Hatanian in that everyone is afraid of touching or coming close to the trees. Everyone should have clarity on what they can do with trimming the trees.

Elias Bichachi, 5910 SW 37th Avenue, commented it is an easy process to call the arborist about trimming the trees and spoke in support of the tree ordinance.

Stephanie Jofe, 5880 SW 37th Terrace, spoke on behalf of numerous neighbors who support the tree overlay district ordinance.

6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, noted he would start sharing the 240 Report, which is the Dania Pointe zone, and reported on recent criminal activity there and in the City in general. He gave updates on the traffic unit, commercial vehicle enforcement, homeless outreach, and 225 SW 15th Street.

Captain Sergio Pellecer, BSO District Fire Chief, gave an update on departmental activities including Fire Suppression Month inspections, Fire Rescue public education, officer development program, call volumes in November, and the Fire Fighters' Toy Drive held on November 26th and 27th at Dania Pointe.

7. Consent Agenda

Items removed from Consent Agenda: #7.13

- 7.1 Minutes:
 - Approve Minutes of October 26, 2021 City Commission Virtual Meeting
 - Approve Minutes of November 9, 2021 City Commission Virtual Meeting

- 7.2 Travel Requests: None

Resolutions

- 7.3 RESOLUTION #2021-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, JOINING THE ICLEI - LOCAL GOVERNMENTS FOR SUSTAINABILITY USA'S ("ILCEI USA'S") ICLEI150 RACE TO ZERO; COMMITTING TO PARTICIPATE IN THE REQUIRED RACE TO ZERO ACTIVITIES; AUTHORIZING THE MAYOR TO SIGN THE ICLEI150 COMMITMENT FORM; AUTHORIZING THE CITY MANAGER TO COMMIT SUFFICIENT STAFF TIME AND RESOURCES TO CARRY OUT RACE TO ZERO ACTIVITIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.
(Commissioner Lewellen)

7.4 RESOLUTION #2021-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TWO (2) YEAR RENEWAL OF THE EXISTING AGREEMENT WITH MARTIN-GOLD COAST, LLC FOR BUS STOP AND SHELTER MAINTENANCE SERVICES AND AMENDING THAT AGREEMENT TO INCLUDE TWENTY-EIGHT (28) ADDITIONAL BUS STOPS AND BUS SHELTERS IN AN AMOUNT PAID TO THE CITY OF SIXTY-SIX THOUSAND TWO HUNDRED DOLLARS (\$66,200.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.5 RESOLUTION #2021-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR DATA BACKUP AND DISASTER RECOVERY SERVICES, TO BE PROVIDED BY NET3 TECHNOLOGY, FOR FISCAL YEAR 2021-22, THAT EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROCEEDING WITHOUT COMPETITIVE BIDDING AND AUTHORIZING PURCHASES THAT ARE TO BE MADE WITHIN THE INFORMATION TECHNOLOGY FUND APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.6 RESOLUTION #2021-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR MONTHLY SERVER MONITORING AND SUPPORT SERVICES, INCLUDING ADDITIONAL CONTRACTED SUPPORT FROM LAN INFOTECH, FOR FISCAL YEAR 2021-22, THAT EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROCEEDING WITHOUT COMPETITIVE BIDDING AND AUTHORIZING PURCHASES FROM THE INFORMATION TECHNOLOGY FUND APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.7 RESOLUTION #2021-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR LASERFICHE ELECTRONIC DOCUMENT STORAGE AND RETENTION SOFTWARE, TO BE PROVIDED BY MCCINNOVATIONS, FOR FISCAL YEAR 2021-22, THAT EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROCEEDING WITHOUT COMPETITIVE BIDDING AND AUTHORIZING SUCH PURCHASES THAT ARE TO BE MADE WITHIN THE INFORMATION TECHNOLOGY FUND WITHIN THE CITY'S APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.8 RESOLUTION #2021-185

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ONE (1) FORD VEHICLE FOR THE PUBLIC SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTEEN THOUSAND THREE HUNDRED THIRTY NINE DOLLARS (\$116,339.00) FROM PALMETTO FORD OF MIAMI, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, BY UTILIZING THE PRICING UNDER THE FLORIDA SHERIFFS ASSOCIATION ("FSA") CONTRACT FSA20-VEL18.; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.9 RESOLUTION #2021-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR THE BROWARD METROPOLITAN PLANNING ORGANIZATION's (MPO's) "2021/2022 COMPLETE STREETS AND OTHER LOCALIZED INITIATIVES PROGRAM" ("CSLIP"), TO SEEK GRANT FUNDING FOR THE IMPROVEMENT OF NW AND SW 1ST AVENUE, BETWEEN SW 3RD STREET AND NW 3RD STREET, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

7.10 RESOLUTION #2021-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ESTABLISHING THE OFFICIAL INTENT OF THE CITY TO ISSUE TAX-EXEMPT BONDS OR NOTES IN AN AMOUNT NOT EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), TO FINANCE THE COSTS RELATING TO STREET LIGHTING IMPROVEMENT CAPITAL PROJECTS, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS OR NOTES TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE OF SUCH BONDS OR NOTES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.11 RESOLUTION #2021-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING A CITY "DEBT MANAGEMENT POLICY"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.12 RESOLUTION #2021-189

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING A CITY "FUND BALANCE AND RESERVES POLICY"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.14 RESOLUTION #2021-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE ASSIGNMENT AND ASSUMPTION OF THE WESTREC LEASE AND CONSENT TO ASSUMPTION TO HARBOUR TOWNE SMI WESTREC, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THAT IS A WHOLLY-OWNED SUBSIDIARY OF SUNTEX MARINA INVESTORS, LLC.; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE ASSIGNMENT AGREEMENT AND ESTOPPEL LETTER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Attorney)*

7.15 RESOLUTION #2021-192

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE ASSIGNMENT AND ASSUMPTION OF (1) THE MARINA MANAGEMENT AGREEMENT DATED OCTOBER 1, 2016 BETWEEN THE CITY OF DANIA BEACH AND WESTREC MARINA MANAGEMENT, INC., AS MANAGER AND OPERATOR OF THE MARINA LOCATED AT 151 NORTH BEACH ROAD, DANIA BEACH ("MARINA"), AND (2) THE FISHING PIER MANAGEMENT AND BAIT SHOP OPERATIONS AGREEMENT, DATED AUGUST 1, 2014 (THE PIER MANAGEMENT AGREEMENT), WHICH AGREEMENTS COLLECTIVELY SHALL BE KNOWN AS THE "MANAGEMENT AGREEMENTS", TO BE ASSIGNED TO WESTREC SMI OPCO, LLC, A DELAWARE LIMITED LIABILITY COMPANY

("ASSIGNEE"), WHICH IS A SUBSIDIARY OF SUNTEX MARINA INVESTORS, LLC, A DELAWARE LIMITED LIABILITY COMPANY.; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE ASSIGNMENT AND ASSUMPTION OF THE MANAGEMENT AGREEMENTS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Attorney)*

Commissioner Odman motioned to adopt the Consent Agenda, with the exception of Item #7.13; seconded by Commissioner Lewellen. The motion carried unanimously.

7.13 RESOLUTION #2021-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CAREERSOURCE BROWARD ("CSBD") FOR A SUMMER YOUTH EMPLOYMENT PROGRAM; TO PROVIDE SUMMER EMPLOYMENT OPPORTUNITIES TO FOURTEEN (14) YOUTH RESIDENTS OF DANIA BEACH, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

City Attorney Ansbro read the title of Resolution #2021-190.

Commissioner Davis said she pulled this item because during the last presentation on this program, she had questions about documentation and ensuring this was an evidence-based program. She was told that the Commission would be provided with the evaluations given during the fifth week of the program to demonstrate that the program was working. She said the Mayor requested a testimonial. The pre/post tests are to allow us to get the perspective from the children and the employers. The Vice-Mayor and City Manager wanted to ensure the kids were placed in Dania Beach businesses to the furthest extent possible. She has no problem supporting or funding this, but we do not have the documentation yet. She suggested we hold off on this item until we receive the documentation. She noted she called Ms. King and left her a detailed message and she has not heard from her since.

Mayor James commented she did have one young lady come in and speak. She did have a conversation and Ms. King said she tries to place the kids at businesses in Dania Beach and if not, it would be in the surrounding businesses. She also had a conversation with the City Manager and stated maybe we could look to see if we would want to open up job opportunities for the summer. This is still in the works. The priority of ours is to make sure these students are placed in Dania Beach.

Commissioner Davis explained the documentation she is seeking; the 5th week evaluation and pre and post tests on the 6th week of the program as this gives us written documentation that the program was successful.

Mayor James said she would speak with Ms. King to get the documentation; we need to get our brand/logo on the printed materials.

Commissioner Davis noted her issue is this was in August, and it is now December; she is not comfortable moving forward with this now.

Commissioner Davis motioned to wait until the documentation is received prior to moving forward with funding the \$50,000 under Resolution #2021-190; seconded by Commissioner Lewellen. The motion carried on the following 5-0 Roll Call vote:

Commissioner Davis	Yes	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes	Mayor James	Yes
Commissioner Odman	Yes		

8. Bids and Requests for Proposals

8.1 RESOLUTION #2021-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE AWARD OF INVITATION TO BID (“ITB”) NO. 21-025, ENTITLED “PIER REFURBISHING PROJECT” TO INDUSTRIAL MAINTENANCE SERVICES, INC., (D/B/A IMS CONTRACTING INC.) (“INDUSTRIAL”) AT A COST OF TWO MILLION NINE THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS AND SEVENTY-TWO CENTS (\$2,009,971.72); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Public Services*)

City Attorney Ansbro read the title of Resolution #2021-193.

Vice-Mayor Salvino motioned to adopt Resolution #2021-193; seconded by Commissioner Davis. The motion carried on the following 5-0 Roll Call vote:

Commissioner Davis	Yes	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes	Mayor James	Yes
Commissioner Odman	Yes		

8.2 RESOLUTION #2021-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE AWARD OF REQUEST FOR PROPOSALS (“RFP”) NO. 21-030, ENTITLED “PUBLIC ART PLAN ADMINISTRATOR” TO THE CULTURAL PLANNING GROUP, LLC, IN AN ANNUAL AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

City Attorney Ansbro read the title of Resolution #2021-194.

Commissioner Lewellen motioned to adopt Resolution #2021-194; seconded by Commissioner Davis. The motion carried unanimously.

8.3 RESOLUTION #2021-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE AWARD OF REQUEST FOR PROPOSALS (“RFP”) NO. 21-029, ENTITLED “BEACH CLEANING SERVICES”, TO BEACH RAKER LLC, IN AN ANNUAL AMOUNT NOT TO EXCEED ONE HUNDRED SIX THOUSAND TWO HUNDRED DOLLARS (\$106,200.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Parks & Recreation*)

City Attorney Ansbro read the title of Resolution #2021-195.

Vice-Mayor Salvino asked if we are raking it up now or burying it.

City Manager Garcia responded burying it.

Eric Brown, Director of Parks & Recreation, explained the company that would have removed the seaweed did not bid during the re-bid process. Removing it is an extra cost and he will follow up with Beach Raker to ensure that plastic is not being buried. We have reached out to other cities to see what they are doing.

Commissioner Davis noted we are spending over \$100,000 and they are not doing a good job; we are not getting the service that our beach deserves and she has a problem with doing this for another two years.

Parks & Recreation Director Brown explained that is what we did by re-opening the second time when we went out to bid. The language we put in the bid the second time was for the removal of the seaweed. We will meet with our contractor to make sure we are doing best practices.

Mayor James asked if there is a way to do away with the contract if we are not happy with the service.

City Manager Garcia said it is very important that we put them on notice that we are okay with burying seaweed, but not okay with burying plastic and fishing line. We could have our City Attorney add that language to the contract that we must be mutually satisfied.

Mayor James asked City Attorney Ansbro if that is language that we could add.

City Attorney Ansbro responded yes; we could add that but the company does not know about it yet so we would have to negotiate with them.

Parks & Recreation Director Brown said it is time sensitive and he will get with the City Attorney tomorrow to add that language.

City Attorney Ansbro noted it would be good to know what it would cost to have it removed.

City Manager Garcia clarified we do not have a problem with burying the seaweed; we just do not want them burying plastics and things that are detrimental to the environment.

Vice-Mayor Salvino asked if there are not many companies out there.

Parks & Recreation Director Brown responded he knows of three. Hollywood uses Beach Raker, but some municipalities rake the beach themselves through their Public Services Department.

Vice-Mayor Salvino motioned to adopt Resolution #2021-195; seconded by Mayor James. The motion carried unanimously.

8.4 RESOLUTION #2021-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY COMMISSION TO RANK THE THREE FIRMS THAT RESPONDED TO THE CITY'S REQUEST FOR QUALIFICATIONS ("RFQ") NO. 21-024, ENTITLED "CONSTRUCTION MANAGER AT RISK SERVICES", FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO NEW CONSTRUCTION AT CW THOMAS PARK, AND TO AUTHORIZE CONTRACT NEGOTIATIONS TO BEGIN WITH THE TOP-RANKED CONSULTANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Parks & Recreation*)

City Attorney Ansbro read the title of Resolution #2021-196.

Commissioner Lewellen motioned to adopt Resolution #2021-196; seconded by Vice-Mayor Salvino. The motion carried unanimously.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2021-029

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 6, OF THE CITY CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "BEACHES, PARKS, WATERWAYS AND RECREATION" AT ARTICLE IV, ENTITLED "REGULATION OF MARINE VEHICLES IN CITY WATERWAYS" BY AMENDING SECTION 6-42(s) ENTITLED "REGULATION OF CITY WATERWAYS" TO CHANGE THE REFERENCE TO FLORIDA STATUTES CHAPTER 371 TO FLORIDA STATUTES 328; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (**SECOND READING**) (*City Attorney*)

City Attorney Ansbro read the title of Ordinance #2021-029 and noted the amendment is to correct the reference to Florida statutes.

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

Commissioner Lewellen motioned to adopt Ordinance #2021-029, on second reading; seconded by Vice-Mayor Salvino. The motion carried unanimously.

9.2 ORDINANCE #2021-030

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 DANIA BEACH OCEAN PARK PIER REFURBISHING 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 #2021-030 and noted the Charter requires two public hearings for expenditure of City funds exceeding \$1 million.

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

Vice-Mayor Salvino motioned to adopt Ordinance #2021-030, on second reading; seconded by Commissioner Lewellen. The motion carried unanimously.

9.3 ORDINANCE #2021-031

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE (LDC); AMENDING SECTION 725-30, ENTITLED “TERMS DEFINED” BY (1) CREATING A DEFINITION FOR “LABORATORY”; (2) AMENDING THE DEFINITION OF “OFFICE, MEDICAL” TO INCLUDE SPECIFIC NON-LABORATORY USES; AND (3) AMENDING SECTION 115-40, ENTITLED “SCHEDULE OF PERMITTED USES” FOR INDUSTRIAL ZONED DISTRICTS RELATING TO LABORATORIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2021-031.

Corinne Lajoie, Assistant Director of Community Development, gave a brief overview of the text amendment requested by Lab Gurus, LLC.

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

Vice-Mayor Salvino motioned to adopt Ordinance #2021-031, on second reading; seconded by Commissioner Lewellen. The motion carried unanimously.

9.4 ORDINANCE #2022-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 OF THE CITY CODE OF ORDINANCES WHICH CHAPTER IS ENTITLED “LAND DEVELOPMENT CODE,” SUBPART 1, ENTITLED “COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS”, ARTICLE 300, ENTITLED “HOW TO USE,” AT SECTION 300-10, ENTITLED “THE CRA INCLUDES SIX FORM-BASED DISTRICTS”; AMENDING SECTION 300-30, ENTITLED “HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT;” AMENDING ARTICLE 301, ENTITLED “LEGAL AND ADMINISTRATIVE PROVISIONS,” AT SECTION 301-20, ENTITLED “APPLICABILITY” TO FURTHER ADDRESS REGIONAL ACTIVITY CENTER (RAC) FUTURE LAND USE DESIGNATIONS AS IDENTIFIED IN THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2022-001.

Corinne Lajoie, Assistant Director of Community Development, gave a presentation on the text amendment to address RAC future land use designations.

Mayor James asked if we do not currently have #2 in the presentation in place.

Assistant Director of Community Development Lajoie responded no and explained the governor has been issuing executive orders that allow for extensions for hurricanes, Zika, COVID, etc., and a lot of developers utilize that. This provision would ask that they not do that and instead follow the land development code.

Mayor James questioned if this is something we can have moving forward.

Assistant Director of Community Development Lajoie said this would be put in place immediately because we are so low on the units. As we use them and see what works well for us, we may consider holding onto them for the future as well.

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

Vice-Mayor Salvino motioned to adopt Ordinance #2022-001, on first reading; seconded by Commissioner Davis. The motion carried unanimously.

9.5 ORDINANCE #2022-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO FLORIDA STATUTE SECTIONS 163.3184, 163.3161(10) AND 187.101(3), THE CITY AMENDS ITS COMPREHENSIVE PLAN, TO CREATE ELEMENT 11, ENTITLED "PROPERTY RIGHTS ELEMENT;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2022-002.

Corinne Lajoie, Assistant Director of Community Development, gave an overview of the Comprehensive Plan amendment to create a property rights element.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-002, on first reading; seconded by Mayor James. The motion carried on the following 5-0 Roll Call vote:

Commissioner Davis	Yes	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes	Mayor James	Yes
Commissioner Odman	Yes		

9.6 ORDINANCE #2022-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO ADOPT AN AMENDMENT TO THE CITY OF DANIA BEACH COMPREHENSIVE PLAN TO UPDATE THE WATER SUPPLY PLANNING PROVISION, BY AMENDING THE TEXT FOR THE "SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, NATURAL GROUNDWATER AQUIFER RECHARGE

ELEMENT,” THE “CAPITAL IMPROVEMENTS ELEMENT,” THE “CONSERVATION ELEMENT,” AND THE “FUTURE LAND USE ELEMENT” ATTACHED AS COMPOSITE EXHIBIT “A,” AND INCORPORATED BY REFERENCE INTO THIS ORDINANCE; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND ALL OTHER UNITS OF LOCAL GOVERNMENT AND OTHER GOVERNMENTAL AGENCIES, AS REQUIRED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2022-003.

Corinne Lajoie, Assistant Director of Community Development, gave a presentation on the Comprehensive Plan amendment to update the water supply planning provision.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-003, on first reading; seconded by Vice-Mayor Salvino. The motion carried unanimously.

9.7 ORDINANCE #2022-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO UPDATE OF CERTAIN PROVISIONS OF CHAPTER 28, ENTITLED “LAND DEVELOPMENT CODE” (THE “LDC”) BY: (1) AMENDING SECTION 105-180, ENTITLED “E-1 DISTRICT;” TO ADD REFERENCE TO NEWLY ENACTED STATE LEGISLATION AFFECTING THE ESTATE RESIDENTIAL USE DISTRICTS; (2) BY AMENDING SECTION 110-20, ENTITLED “LIST OF PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES” TO CLARIFY REGULATIONS FOR KENNELS AND VETERINARIANS; (3) BY AMENDING SECTION 110-100, ENTITLED “HOTELS” TO PERMIT HOTEL SHUTTLE VEHICLES TO PARK AT HOTELS; (4) BY AMENDING SECTION 110-320, ENTITLED “MOBILE FOOD VENDING CONDITIONS OF USE” TO ADDRESS THE SUNSET PROVISION; (5) BY AMENDING SECTION 110-190, ENTITLED “USES SUBJECT TO MINIMUM SEPARATION DISTANCES” TO SPECIFY DOOR-TO-DOOR DISTANCE SEPARATION MEASUREMENT; (6) BY AMENDING SECTION 215-50, ENTITLED “PERMITTED YARD ENCROACHMENTS IN THE E-1, RS-18000, RS-12000, RS-8000, RS-6000, NBHD-RES, AND RD-8000 DISTRICTS;” (7) BY AMENDING SECTION 215-60, ENTITLED “PERMITTED YARD ENCROACHMENTS IN THE RM, RM-1 AND RM-2 DISTRICTS;” (8) BY AMENDING SECTION 215-90, ENTITLED “ACCESSORY STRUCTURE SETBACKS” TO CLARIFY AIR CONDITIONING UNIT SETBACKS FOR MOBILE HOMES; (9) BY AMENDING SECTION 220-65, ENTITLED “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; GO SOLAR- BROWARD ROOFTOP SOLAR CHALLENGE PERMITTING PROCESS;” TO CLARIFY RULES FOR ROOFTOP SOLAR PANELS; (10) BY AMENDING SECTION 275-90, ENTITLED “PERIMETER BUFFER LANDSCAPE REQUIREMENTS FOR VEHICULAR USE AREAS (VUAS)” TO CONFORM WALL HEIGHT REGULATIONS WITH OTHER SECTIONS OF THE LAND DEVELOPMENT CODE; (11) BY AMENDING SECTION 303-40, ENTITLED “CITY CENTER (CC) DISTRICT” TO CORRECT FIGURE 303-7 CITY CENTER DISTRICT MAP; (12) BY AMENDING SECTION 610-20, ENTITLED “TABLE OF PUBLIC NOTICE REQUIREMENTS” TO MODIFY THE REQUIREMENT FOR POSTING AT CITY HALL AND ON CITY WEBSITE FROM TEN (10) DAYS TO FIVE (5) DAYS; (13) BY AMENDING SECTION 620-40, ENTITLED “LIST OF AUTHORIZED ADMINISTRATIVE VARIANCES” TO CLARIFY PERMITTED ADMINISTRATIVE VARIANCES; AND (14) BY AMENDING SECTION 675-20, ENTITLED “TEMPORARY USES AUTHORIZED” TO CLARIFY RULES FOR TEMPORARY USES AND SPECIAL EVENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2022-004.

Richard Lorber, Planning & Zoning Manager, gave an overview of the text amendments.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-004, on first reading; seconded by Commissioner Davis. The motion carried unanimously.

9.8 ORDINANCE #2022-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING BY VOLUNTARY PETITION THE ANNEXATION OF LAND (22,425 SQUARE FEET, LOCATED BETWEEN ANGLERS AVENUE ALSO KNOWN AS RAVENSWOOD ROAD AND SW 22ND AVENUE, SW 42ND STREET, AND SW 39TH STREET), WHICH REAL PROPERTY IS OWNED BY SMS OF SOUTH FLORIDA, INC., A FLORIDA CORPORATION, INTO THE CORPORATE LIMITS OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, AND PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development/City Attorney)*

City Attorney Ansbro read the title of Ordinance #2022-005.

Eve Boutsis, Assistant City Attorney, gave a presentation on the voluntary annexation request for Franmar (Academy Bus).

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

Commissioner Lewellen motioned to adopt Ordinance #2022-005, on first reading; seconded by Vice-Mayor Salvino. The motion carried unanimously.

9.9 ORDINANCE #2022-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING ARTICLE 826 ENTITLED "OAK HAMMOCK TREE PROTECTION OVERLAY" UNDER THE CITY'S LAND DEVELOPMENT CODE (LDC) OF THE CITY OF DANIA BEACH CODE TO BECOME A PERMANENT ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development/City Attorney)*

City Attorney Ansbro read the title of Ordinance #2022-006.

Eve Boutsis, Assistant City Attorney, gave an overview of the creation of an article in the LDC to make the Oak Hammock Tree Protection Overlay district permanent.

Mayor James opened the Public Hearing.

Michael Jofe, 5880 SW 37th Terrace, spoke in favor of the ordinance.

Sean Ritterman questioned the November 17th meeting referenced on the first page of the ordinance.

Assistant City Attorney Boutsis noted the reference would be removed.

Commissioner Lewellen questioned if the ordinance has really worked.

Assistant City Attorney Boutsis described one issue that occurred; she is not aware of any other issues.

Assistant Director of Community Development Lajoie noted since the ordinance was put in place, our landscape consultant has been tracking activity; people are complying with the requirements of the ordinance. We are achieving the goal set for this area.

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

Commissioner Odman motioned to adopt Ordinance #2022-006, on first reading; seconded by Commissioner Davis. The motion carried on the following 5-0 Roll Call vote:

Commissioner Davis	Yes	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes	Mayor James	Yes
Commissioner Odman	Yes		

9.10 RESOLUTION #2021-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION (SP-46-21MOD), SUBMITTED BY KIMLEY-HORN & ASSOCIATES, INC., FOR PROPERTY GENERALLY LOCATED WEST OF BRYAN ROAD, BETWEEN NW 2 STREET AND RADIANT DRIVE, WITHIN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A” (“PROPERTY”), WHICH EXHIBIT IS MADE A PART OF AND INCORPORATED BY REFERENCE INTO THIS RESOLUTION; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Ansbro read the title of Resolution #2021-197 and advised this item was a quasi-judicial hearing and swore-in those who would speak as they came forward. He asked the Commission to disclose any communication they had on this matter.

Corinne Lajoie, Assistant Director of Community Development, gave a presentation on the site plan modification request for Spirit Airlines headquarters.

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

Vice-Mayor Salvino motioned to adopt Resolution #2021-197; seconded by Commissioner Lewellen. The motion carried unanimously.

9.11 RESOLUTION #2021-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN (SP-035-20), VARIANCE (VA-055-20), AND DESIGN VARIATION (OT-054-20) SUBMITTED BY GREENSPOON MARDER, LLP, ON BEHALF OF PRH-DANIA BEACH, LLC, FOR PROPERTY LOCATED AT 901 E. DANIA BEACH BOULEVARD IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO AND INCORPORATED INTO TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

City Attorney Ansbro read the title of Resolution #2021-198 and Resolution #2021-199 as they relate to the same property. He advised these items were quasi-judicial hearings and swore-in those who would speak as they came forward. He asked the Commission to disclose any communication they had on these matters.

Richard Lorber, Planning & Zoning Manager, gave an overview of the site plan, design variation, and plat requests for Parkview Place. He noted the applicant had withdrawn the variance request and the resolution would be amended to remove it.

Mayor James asked what the traffic would do to streets other than Dania Beach Boulevard. There will be at least 530 parking spaces for 355 residences, and she does not agree with the number of parking spaces. She has been to other complexes with problems with parking. She has seen it at Saratoga and The Place at Dania Beach and wants to know the plan to stop giving 1.5 parking spaces and asked if it is the norm for all south Florida.

Planning & Zoning Manager Lorber said this meets the parking requirements; there is no reduction like there was at Saratoga and pointed out there is a bus stop in the front.

Dennis Mele, Greenspoon Marder, representing the applicant, addressed the location of the site, stacking of cars onsite, and parking. He noted the variance has been removed and described the onsite-parking garage.

Commissioner Davis said traffic is a huge thing for her; it truly changes the lives of the residents. She asked when a traffic study is done whether it is done on the current situation or whether it includes other developments that are not online yet. Our beach gets shut down all the time for being overcrowded.

Attorney Mele explained how traffic studies are conducted; they add in what is going to be there in the future as well as the current situation, then add their own project.

Commissioner Lewellen asked if the units are part of the old RAC units sitting out there or are new ones.

Attorney Mele responded this application has been in the works since 2020.

Commissioner Lewellen asked if the lot to the east is owned by the same developer.

Attorney Mele said no.

Commissioner Lewellen questioned the reserve areas.

Attorney Mele addressed the locations of the reserve areas and clearing the tier one items; the tier two items are included as conditions of approval in the resolution. Infrastructure items have been cleared in the tier one items.

Commissioner Lewellen said the residents are not wrong being concerned with all the rental units coming in and it is not just the traffic concerns. She is concerned about a 14-story building and asked if it has to be that many stories.

Attorney Mele addressed preserving the reserve areas and the limitations on spreading out on this site. He noted they are not right next to any neighbors and all access is out of and into Dania Beach Boulevard; no side streets are involved. He reiterated they are not asking for any variances.

Mayor James noted the project looks great and is pleasing to the eye. Once we set the precedent and changed the code, development of this type ensued. She is as concerned as anyone about traffic as it impacts all of us and our quality of life.

Mayor James opened the Public Hearings.

Stephanie Jofe, 5880 SW 37th Terrace, said it makes her sad as this causes a domino effect with the loss of trees.

Attorney Mele noted they are meeting all the City's landscaping requirements and had extra review by the Broward County Environmental Department, so he assures all requirements have been met.

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

Vice-Mayor Salvino motioned to adopt Resolution #2021-198 as amended; seconded by Commissioner Lewellen. On Roll Call vote:

Commissioner Davis	No	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes		
Commissioner Odman	No		

Mayor James said she would like to continue this item as she has not had a chance to speak with the developer and we have not heard from the community.

Attorney Mele noted if the motion does not pass, the statute requires a statement be made for the reason for denial. The developer is not asking for variances, and they are meeting the code, so he is not sure what the basis for denial would be.

Vice-Mayor Salvino commented we are in a position today that was created years ago. We cannot be afraid to follow the rule; the codes were made. If we tell them no, we are going to be sued. He got this from the City Attorney many years with the Calm Project; anytime we turn down a project that has met the requirements, we are subject to a lawsuit.

Mayor James said she dislikes being told we will be sued. They would probably just sue us for change over the decision, and not necessarily for money. She asked Commissioners Davis and Odman why they voted no.

Commissioner Odman explained her concerns about our development are far reaching; infrastructure, traffic, and environment. Most projects she supported addressed the environmental impact to the area or the entire City. There have been developers that specialize in that sort of thing to lessen their environmental impact to the area.

Attorney Mele noted in the staff reports, it shows they have met the environmental, traffic and tree preservation requirements. The applicant has met all the City's requirements.

Commissioner Odman said it is a conflict with her because she was not here when the rules were put into place. We are in a predicament where we feel we must push projects through that meet the legal requirements but do not meet the requirements that we feel should be in place for the City.

Commissioner Davis agreed that is her struggle; she was not here when the codes were changed. Meeting the requirements is one thing, but the quality of life is something else. She wants to avoid Dania Beach becoming a high-rise community. She has to listen to her residents and to her gut feeling. For her, it is the speed of it; it is too fast, and it is bothering her consciously because she was not here to change those codes. It is the concern of the residents. She knows because she sees it and hears about it every day.

Attorney Mele reiterated they complied with what they were asked to do.

Assistant City Attorney Boutsis noted the Commission has every right to re-evaluate their ordinances. Her concern here is that there is a record where staff and Planning & Zoning is recommending approval but there is no testimony that what was imposed is being violated. If there is a true concern, then maybe look at getting a moratorium for future projects.

Mayor James said what we all are hearing from the residents is that it is scary and concerning and she gets that. That was her concern with going back to the County for more units to build. If we want to do something about the amount of development coming, we should change the code. This person is building what they purchased the property for. The community has not shown up and that is what she makes her decisions based on.

Mayor James voted yes. The motion carried 3-2.

9.12 RESOLUTION #2021-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE “ADLER” PLAT (PL-034-20) SUBMITTED BY GREENSPOON MARDER, LLP , ON BEHALF OF PRH-DANIA BEACH, LLC FOR THE PROPERTY LOCATED AT 901 E. DANIA BEACH BOULEVARD IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN AND INCORPORATED BY REFERENCE INTO THIS RESOLUTION AS EXHIBIT “A”; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

Vice-Mayor Salvino motioned to adopt Resolution #2021-199; seconded by Commissioner Lewellen. The motion carried on the following 3-2 Roll Call vote:

Commissioner Davis	No	Vice-Mayor Salvino	Yes
Commissioner Lewellen	Yes	Mayor James	Yes
Commissioner Odman	No		

Vice-Mayor Salvino felt some of the projects that the Commission has approved that have not come up out of the ground are liable to a change of the zoning codes. Whatever is out there now, let us finish those but he would rather see us stop it at this point where we can. We are at a maximum now and we have to change the code.

Commissioner Odman agreed and asked the City Manager to put an item, moratorium on development, on the January agenda for discussion and possible action. She said we may need to workshop this and questioned what we want to do about it. Every time this comes up, we should have that consistency if the expectations are met of the City, that the developer and their project will be able to go through. Let us discuss changing the code. The item could be under her name or Vice-Mayor Salvino’s name. Let us have this conversation so we are not going through this every time for the next year.

10. Discussion and Possible Action

There were no items on this agenda.

11. Commission Comments

11.1 Commissioner Davis

Commissioner Davis noted she attended the City’s holiday events and thanked the entire Parks & Recreation team. She spoke of all the holiday events she attended and noted there were conflicts in the scheduling. She would like the events to be coordinated. She wished everyone happy holidays.

11.2 Commissioner Lewellen

Commissioner Lewellen thanked City Attorney Ansbro for his service, as this is his last meeting with the City. She wished everyone happy holidays.

11.3 Commissioner Odman

Commissioner Odman confirmed her discussion item would be added to the January agenda and asked if Assistant Director of Community Development Lajoie could get an update on our green building standards for the first meeting in January. She looks forward to seeing everyone back in person.

11.4 Vice-Mayor Salvino

Vice-Mayor Salvino spoke of attending all the same events as the other Commissioners and wished everyone happy holidays.

11.5 Mayor James

Mayor James reminded everyone of the Kwanza celebration this Thursday at 6:00 p.m. at City Hall and commended the Parks Department on the tree lighting ceremony. She would also like to see the events better coordinated and wished everyone a happy new year.

12. Appointments

12.1 Education Advisory Board

12.2 General Employees Pension Board

There were no appointments at this meeting.

13. Administrative Reports

13.1 City Manager

City Manager Garcia reported the Ocean Park Beach Drainage Project is nearing completion and would end by the end of the month; new catch basins and tidal valves will reduce the impact of high tides and minimize flooding in the north end of the parking lot.

City Manager Garcia also reported the Southeast Watermain Replacement Project is nearing completion as well. With 9,000 linear feet of new pipes and valves, it will improve the service, reliability and water quality and decrease line repairs for our residents.

City Manager Garcia advised the Speed Hump Improvement Project Phase I east of I-95 is completed. Phase II west of I-95 will begin in March and is expected to be completed by mid-May.

City Manager Garcia said the Lucky Fish negotiations are going well. She looks forward to bringing the contract for this project on January 25th.

City Manager Garcia reported we received some great news from Francisco Rojo with the City Place project directly behind the City Hall garage. This is a very exciting project and we supported them with a loan. This is affordable housing and will help with the inventory, addressing all the needs in our community.

City Manager Garcia noted out of more than 60 cities in Dade and Broward County, we are only one of five where both the City Manager and Deputy City Manager are both credentialed certified professional managers recognized by the International City Managers Association. We are committed to developing our team and she wished everyone happy holidays and a remarkable 2022.

13.2 City Attorney

City Attorney Ansbro said he has been with the City since January of 1998. In that time, we have only had three court challenges to the hundreds of land use, zoning, and development decisions. All three trial courts ruled in the City's favor. One case involving the Casino's development agreement is on appeal. Of the hundreds of ordinances, none have ever been challenged in the courts. Of the hundreds of bids, request for proposals and other similar solicitations over that period, we had two bid protests, and both were decided by the City Commission in the City's favor and none of them or any solicitations were ever challenged in court.

City Attorney Ansbro noted of the hundreds of contracts and agreements to which the City has been a party over those years, none have ever been disputed in a court. Of the hundreds of construction, engineering, architectural and other capital project contracts processed by the City over all those years, none have ever resulted in a court dispute. He said he thinks he has done a pretty decent job with the help of a lot of people to protect us. He appreciates the opportunity to have served; it has been an honor and a pleasure. He wished Assistant City Attorney Boutsis all the best, wished the City continued progress, and thanked everyone.

13.3 City Clerk - Reminders

Tuesday, January 11, 2022 - 5:30 p.m.
Tuesday, January 11, 2022 - 7:00 p.m.
Thursday, January 13, 2022 - 5:00 p.m.
Tuesday, January 25, 2022 - 7:00 p.m.

CRA Board Meeting
City Commission Meeting
CRA Board Workshop - Board Priorities
City Commission Meeting

14. Adjournment

Mayor James adjourned the meeting at 11:00 p.m.

ATTEST:

CITY OF DANIA BEACH

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)		
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Approve funding for Broward League of Cities Board of Directors Meeting hosted by City of Dania Beach		
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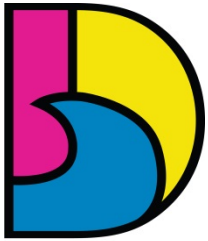
Purchasing Requests ONLY		
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Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

Exhibits Attached

Memo - Broward League Luncheon - Contingency Funding
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DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH OFFICE OF THE CITY MANAGER

MEMORANDUM

DATE: January 14, 2022

TO: Honorable Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

RE: Funding for Broward League of Cities Board of Directors Meeting – Hosted by City of Dania Beach

Request

The City of Dania Beach is hosting the Broward League of Cities Board of Directors monthly meeting on March 3, 2022 at Rodizio Grill, Dania Pointe. We are expecting an attendance of 50.

This is a unique opportunity to showcase the city of Dania Beach and Dania Pointe to all Broward County municipalities.

Background

The Broward League of Cities is a non-partisan, non-profit organization dedicated to raising awareness and resolving issues facing Broward County's 31 cities and municipalities. Membership is made up of elected officials from municipal governments and area businesses.

The City of Dania Beach is honored to host the March meeting and established a committee to prepare for the event. The committee has worked diligently to secure a location, sponsorships, branded giveaways, and is working on a PowerPoint presentation and informational brochure showcasing Dania Beach, a City on the RISE, and Dania Pointe, a city within a city.

Budgetary Impact

Based on the quotes received from Rodizio Grill for lunch and USA Tournament Golf Inc., for the Dania Beach and sponsor-branded "giveaways," City Administration is requesting funding from Commission Contingency not to exceed \$5500.

Recommendation

The City Administration recommends the Mayor and Commission approve the funding request from Commission Contingency not to exceed \$5500.

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 37th TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Purchasing Requests ONLY

Dept:

Acct #:

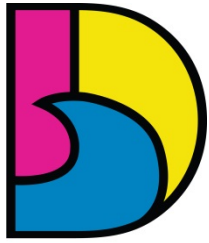
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AUTHBID-SW 37TER-DRAINAGE-012522, R-2022- Southwest 37th Terrace Drainage Improvement Project Authorization to Bid



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

**CITY OF DANIA BEACH
PUBLIC SERVICES DEPARTMENT**

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer Akin Ozaydin, P.E., Deputy Public Services Director/City Engineer

**RE: AUTHORIZATION TO BID THE SW 37th TERRACE DRAINAGE
IMPROVEMENT PROJECT**

Request

The Public Services Department (PSD) requests the adoption of the attached resolution authorizing the bidding process for the SW 37th Terrace Drainage Improvement Project.

Background

On December 8, 2020, PSD presented new and much-needed stormwater projects including the SW 37th Street Drainage Project to the City Commission.

In March 2021, the PSD engaged Chen Moore and Associates (one of the firms chosen as an engineering consultant per the Consultants Competitive Negotiation Act) for the design, bidding assistance, and construction engineering services for SW 37th Terrace Drainage Improvement Project. Chen Moore and Associates has completed the design engineering and required documents for bidding out the construction work for this important project.

Budgetary Impact

Funding in the amount of \$823,800 is budgeted in Account No. 403-38-31-538-63-10 for the SW 37th Terrace Drainage Improvement Project.

Recommendation

PSD recommends the adoption of the resolution authorizing PSD to proceed with the bidding process for the SW 37th Terrace Drainage Improvement Project.

RESOLUTION NO. 2022-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 37th TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On December 8, 2020, the City Commission authorized the Southwest 37th Terrace Drainage Improvement Project (“Project”), along with other neighborhood drainage projects, to address chronic flooding; and

WHEREAS, the Public Services Department (“PSD”) contracted Chen Moore and Associates to design, develop construction documents, permit and provide post design services for the Project; and

WHEREAS, design is complete and the Project is ready to begin the bidding process;

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City Commission authorizes staff to proceed with the Southwest 37th Terrace Drainage Improvement Project competitive bidding process with funding of approximately Eight Hundred Twenty-Three Thousand Eight Hundred Dollars (\$823,800.00) currently available from Account Number 403-38-31-538-63-10.

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

Section 4. That this Resolution shall be in force and become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 43RD TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Purchasing Requests ONLY

Dept:

Acct #:

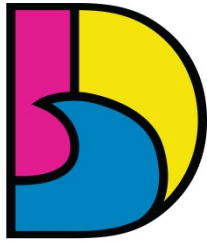
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AUTHBID-SW 43TERR-DRAINAGE-012522, R-2022- Southwest 43rd Terrace Drainage Improvement Project Authorization to Bid



DANIA BEACH
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CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

**RE: AUTHORIZATION TO BID THE SW 43rd TERRACE STORMWATER DRAINAGE
IMPROVEMENT PROJECT**

Request

The Public Services Department (PSD) is requesting the adoption of the attached resolution authorizing the bidding process for the SW 43rd Terrace Drainage Improvement Project.

Background

In 2018, PSD contracted with Chen Moore and Associates (CMA) to study drainage solutions in a limited area covering the east of SW 40th Avenue and south of Griffin Road. CMA completed the Southwest Area Stormwater Study Final Report that same year, which determined that the work that would have the most impact on flooding in the neighborhood would be improvements along SW 43rd Terrace. Accordingly, PSD engaged CMA to design and permit drainage improvements along SW 43rd Terrace.

The SW 43rd Terrace Drainage Improvement Project was one of the projects included in the City's voter approved Transportation Surtax Capital Projects. In July 2020, the Broward County Commission approved grant funding for this Project as part of the first year of Transportation Surtax projects.

CMA, (one of the firms chosen as an engineering consultant per the Consultants Competitive Negotiation Act) has completed the design engineering and required documents for bidding out the construction work for the SW 43rd Terrace Drainage Project.

Budgetary Impact

Broward County and the City are preparing an Interlocal Agreement (ILA) for funding in the amount of \$2.1M for this project. A fully executed ILA is required before awarding the construction contract for the SW 43rd Terrace Drainage Improvement Project.

\continued...



RESOLUTION TO BID THE SW 43rd TERRACE STORMWATER DRAINAGE IMPROVEMENT PROJECT

Recommendation

PSD recommends the adoption of the resolution authorizing PSD to proceed with the bidding process for the SW 43rd Stormwater Terrace Drainage Improvement Project.

RESOLUTION NO. 2022-007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 43RD TERRACE DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2018, the Public Services Department (“PSD”) contracted with Chen Moore and Associates (“CMA”) to study drainage solutions in a limited area covering east of Southwest 40th Avenue and south of Griffin Road; and

WHEREAS, CMA completed the “Southwest Area Stormwater Study Final Report” that same year, and identified improvements along Southwest 43rd Terrace that would have the most impact on flooding in the southwest area neighborhood; and

WHEREAS, the PSD contracted with CMA to design and permit drainage improvements along Southwest 43rd Terrace, and

WHEREAS, the Southwest 43rd Terrace Drainage Improvement Project was one of the projects included in the City’s voter-approved Transportation Surtax Capital Projects list; and

WHEREAS, in July 2020, the Broward County Commission approved grant funding in the amount of \$2.1 million for this Project as part of the first year of the transportation surtax; and

WHEREAS, CMA has completed the design engineering and required documents for bidding out the construction work for the drainage project;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City Commission authorizes staff to proceed with the SW 43rd Terrace Drainage Improvement Project construction with transportation surtax funds of approximately Two Million One Hundred Thousand Dollars (\$2,100,000) to be made available through an Interlocal Agreement with Broward County.

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

Section 4. That this Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 52ND STREET DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Purchasing Requests ONLY

Dept:

Acct #:

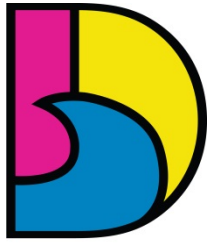
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AUTHBID-SW 52STR-DRAINAGE-012522, R-2022- Southwest 52nd Street Drainage Improvement Project Authorization to Bid



DANIA BEACH
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**CITY OF DANIA BEACH
PUBLIC SERVICES DEPARTMENT**

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

**RE: AUTHORIZATION TO BID THE SW 52nd STREET DRAINAGE
IMPROVEMENT PROJECT**

Request

The Public Services Department (PSD) requests the adoption of the attached resolution authorizing the bidding process for the SW 52nd Street Drainage Improvement Project.

Background

On December 8, 2020, PSD presented new and much-needed stormwater projects including the SW 52nd Street Drainage Project to the City Commission.

In March 2021, PSD engaged Chen Moore and Associates (one of the firms chosen as an engineering consultant per the Consultants Competitive Negotiation Act) for the design, bidding assistance, and construction engineering services for SW 52nd Street Stormwater Drainage Improvement Project. Chen Moore and Associates has completed the engineering design and required documents for bidding out of the construction work for this project.

Budgetary Impact

Funding is available in Stormwater Management Infrastructure other than Buildings Account No. 403-38-31-538-63-10 for the SW 52nd Street Stormwater Drainage Improvement Project in the amount of \$775,000.

Recommendation

PSD recommends the adoption of the resolution authorizing PSD to proceed with the bidding process for the SW 52nd Street Stormwater Drainage Improvement Project.

RESOLUTION NO. 2022-008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 52ND STREET DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On December 8, 2020, the City Commission authorized the Southwest 52nd Street Drainage Improvement Project, along with other neighborhood drainage projects, to address chronic flooding; and

WHEREAS, the Public Services Department (“PSD”) contracted with Chen Moore and Associates to design, prepare construction documents, permit and provide post design services for the Project; and

WHEREAS, the design is nearly complete, and the project will require bidding in the near future;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City Commission authorizes staff to proceed with the SW 52nd Street Drainage Improvement Project construction competitive bidding with funding of approximately Seven Hundred Seventy-Five Thousand Dollars (\$775,000.00) currently available in Stormwater Management other than Buildings Account Number 403-38-31-538-63-10.

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

Section 4. That this Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 54TH COURT STORMWATER DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Purchasing Requests ONLY

Dept:

Acct #:

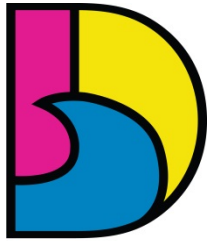
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AUTHBID-SW 54th COURT -DRAINAGE-012522 (002), R-2022- Southwest 54th Court Stormwater Drainage Improvement Project Authorization to Bid



DANIA BEACH
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**CITY OF DANIA BEACH
PUBLIC SERVICES DEPARTMENT**

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

**RE: AUTHORIZATION TO BID THE SW 54th COURT STORMWATER DRAINAGE
IMPROVEMENT PROJECT**

Request

The Public Services Department (PSD) requests the adoption of the attached resolution authorizing the bidding process for the SW 54th Court Stormwater Drainage Improvement Project.

Background

On December 8, 2020, PSD presented new and much-needed stormwater projects including the SW 54th Court Stormwater Drainage Improvement Project to the City Commission.

In March 2021, PSD engaged Chen Moore and Associates (one of the firms chosen as an engineering consultant per the Consultants Competitive Negotiation Act) for the design, bidding assistance, and construction engineering services for SW 54th Court Stormwater Drainage Improvement Project. Chen Moore and Associates has completed the engineering design and required documents for bidding out of the construction work for this project.

Budgetary Impact

Funding is available in Stormwater Management Infrastructure other than Buildings Account No. 403-38-31-538-63-10 for the SW 54th Court Stormwater Drainage Improvement Project in the amount of \$900,000.

Recommendation

PSD recommends the adoption of the resolution authorizing PSD to proceed with the bidding process for the SW 54th Court Stormwater Drainage Improvement Project.

RESOLUTION NO. 2022-009

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOUTHWEST 54TH COURT STORMWATER DRAINAGE IMPROVEMENT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 8, 2020, the City Commission authorized the Southwest 54th Court Stormwater Drainage Improvement Project, along with other neighborhood drainage projects, to address chronic flooding; and

WHEREAS, the Public Services Department (“PSD”) engaged Chen Moore and Associates to design, create construction documents, permit, and provide post design services for the Project; and

WHEREAS, the design is nearly complete, and the project will require bidding in the coming weeks;

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City Commission authorizes staff to proceed with the SW 54th Court Stormwater Drainage Improvement Project construction competitive bidding with funding of approximately Nine Hundred Thousand Dollars (\$900,000.00) currently available in Stormwater Management other than Buildings Account Number 403-38-31-538-63-10.

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

Section 4. That this Resolution shall be in force and become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Resolution

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT ("ILA") WITH BROWARD COUNTY RELATED TO THE GOVERNING USE OF THE BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS

Purchasing Requests ONLY

Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

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Exhibits Attached

Memo - Opioid settlement, R-2022- BC ILA for Opioid Litigation Settlement Funds, Interlocal Agreement



CITY OF DANIA BEACH CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE: January 25, 2022

TO: Mayor and City Commissioners

FROM: Eve A. Boutsis, City Attorney **Eve A. Boutsis**
Digitally signed by Eve A. Boutsis
DN: cn=Eve A. Boutsis, o=City of Dania Beach, ou=Legal
Department, email=eaboutsis@daniasbeachfl.gov, c=US
Date: 2022.01.25 16:05:17 -0500

SUBJECT: Interlocal Agreement (ILA) between Broward County and the City relating to administration of County Regional Funds under the Opioid settlement entered into by the State, County, and City ("Florida Plan").

The Request

A recommendation in support of entering into the Interlocal Agreement (ILA) between Broward County and the City relating to administration of County Regional Funds under the Opioid settlement entered into by the State, County, and City ("Florida Plan").

Background

The State of Florida and many municipalities filed suit against pharmaceutical companies and distributors (pharmaceutical supply chain participants) that caused the Opioid crisis in Florida and the United States. The State of Florida and the City of Dania Beach, along with other county governments and city governments sought to hold the pharmaceutical supply chain participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance. The State of Florida, through the Attorney General, has negotiated a Memorandum of Understanding that distributes the proceeds of any settlement with the pharmaceutical supply chain participants, based upon the reported expenses of each community due to the opioid crisis. On July 13, 2021, the City Commission authorized the proper City officials to enter into the Memorandum of Understanding (MOU) which includes a schedule of distribution, and the City of Dania Beach, based upon reported opioid incidents in the City could receive \$3, 472.37, in the first year from the global settlement and may receive funding for up to ten years.

The MOU, a/k/a Florida Opioid Allocation and Statewide Response Agreement ("Florida Plan"), which is attached to the ILA, creates the framework for a unified plan between the state of Florida and local governments within the state of Florida regarding the proposed allocation and use of Opioid Litigation settlement funds. The Florida Plan, as currently drafted, divides the settlement funds into three funds: (i) the City/County Fund; (ii) the Regional Fund; and (iii) the State Fund. Those who entered into MOU are now coordinating how the funds are paid out and how to account for the funds. Because of the MOU regarding settlement and the structure of the settlements, Broward County and the City of Dania Beach desire to enter into the attached Interlocal Agreement

("ILA") pursuant to Section 163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969," in order to regulate the use of the Broward County Regional Opioid Settlement funds. The County and the City recognize that it is in the best interest of both the County and the City to enter into this ILA to ensure that Broward County qualifies under the MOU as a "Qualified County" to receive the County Regional Funds pursuant to the Florida Plan, that can then be distributed to the City.

Budgetary Impact

By entering into this ILA, it ensures that the County qualifies under the underlying MOU to receive opioid settlement funds, and that the City, as a subrecipient can receive its proportionate fair share of the settlement funds.

Recommendation

It is recommended that the City Commission approve the execution of the ILA.

cc: Ana M. Garcia, ICMA-CM, City Manager
Candido Sosa Cruz, ICMA-Deputy City Manager

RESOLUTION NO. 2022-010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT ("ILA") WITH BROWARD COUNTY RELATED TO THE GOVERNING USE OF THE BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida and many municipalities filed suit against pharmaceutical companies and distributors (pharmaceutical supply chain participants) that caused the Opioid crisis in Florida and the United States; and

WHEREAS, the State of Florida and the City of Dania Beach, along with other county governments and city governments sought to hold the pharmaceutical supply chain participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Florida, through the Attorney General, has negotiated a Memorandum of Understanding that distributes the proceeds of any settlement with the pharmaceutical supply chain participants, based upon the reported expenses of each community due to the opioid crisis; and

WHEREAS, on July 13, 2021, pursuant to Resolution No. 2021-103, the City Commission authorized the proper City officials to enter into the State of Florida Memorandum of Understanding (MOU); and

WHEREAS, the MOU includes a schedule of distribution, which based upon reported opioid incidents in the City, the City could receive Three Thousand Four Hundred Seventy-Two Dollars and Thirty-Seven Cents (\$3,472.37), in the first year from the global settlement and may receive funding for up to ten years; and

WHEREAS, the MOU a/k/a Florida Opioid Allocation and Statewide Response Agreement ("Florida Plan"), which is attached to the ILA, creates the framework for a unified plan between the state of Florida and local governments within the state of Florida regarding the proposed allocation and use of Opioid Litigation settlement funds. The Florida Plan, as currently drafted, divides the settlement funds into three funds: (i) the City/County Fund; (ii) the Regional Fund; and (iii) the State Fund; and

WHEREAS, those who entered into the MOU are now coordinating how the funds are paid out and how to account for the funds; and

WHEREAS, under the MOU, and the proposed underlying settlements, Broward County and the City of Dania Beach desire to enter into the attached Interlocal Agreement (“ILA”) pursuant to Section 163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969," in order to regulate the use of the Broward County Regional Opioid Settlement funds; and

WHEREAS, the Parties recognize that it is in the best interest of County and Municipalities to enter into this ILA to ensure that Broward County qualifies under the MOU as a "Qualified County" to receive the County Regional Funds pursuant to the Florida Plan, that can then be distributed to the City;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the proper City officials are authorized to execute the attached Interlocal Agreement with Broward County governing the use of the Broward County Regional Opioid Settlement funds.

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

Section 4. That this Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



INTERLOCAL AGREEMENT GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS

This Interlocal Agreement ("Agreement") is made and entered into by and between Broward County ("County"), a political subdivision of the state of Florida, and each of the following municipalities that elects to enter into this Agreement: City of Coconut Creek, Cooper City, City of Coral Springs, City of Dania Beach, Town of Davie, City of Deerfield Beach, City of Fort Lauderdale, City of Hallandale Beach, Town of Hillsboro Beach, City of Hollywood, Town of Lauderdale-by-the-Sea, City of Lauderdale Lakes, City of Lauderhill, Village of Lazy Lake, City of Lighthouse Point, City of Margate, City of Miramar, City of North Lauderdale, City of Oakland Park, City of Parkland, Town of Pembroke Park, City of Pembroke Pines, City of Plantation, City of Pompano Beach, Village of Sea Ranch Lakes, Town of Southwest Ranches, City of Sunrise, City of Tamarac, City of Weston, City of West Park, and City of Wilton Manors, each a municipal corporation existing under the laws of the state of Florida (each a "Municipality" and collectively the "Municipalities") (County and the Municipalities are collectively referred to as the "Parties").

Recitals

A. A national epidemic arose as a result of the manufacture, distribution, and over-prescribing of opioid analgesics and resulted in opioid overdoses and addictions throughout Broward County ("Opioid Epidemic").

B. County and Municipalities have suffered harm from the Opioid Epidemic.

C. County is a Charter County within the state of Florida, and has an estimated population of 1,932,212 based on the most recent census data.

D. Municipalities are located in Broward County, Florida.

E. The state of Florida has filed an action pending in Pasco County, Florida, and a number of Florida cities and counties have also filed an action titled *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) ("Opioid Litigation"). The County is a litigating participant in the Opioid Litigation.

F. Proposed settlements have been developed to resolve certain claims under the Opioid Litigation.

G. The Attorney General for the State of Florida ("Attorney General") anticipates that settlement funds arising out of the Opioid Litigation will be distributed to the State of Florida over multiple years as part of a global settlement, and not directly distributed to County and Municipalities.

H. The Florida Memorandum of Understanding a/k/a Florida Opioid Allocation and Statewide Response Agreement ("Florida Plan") attached hereto as Exhibit A sets forth the

framework for a unified plan between the state of Florida and local governments within the state of Florida regarding the proposed allocation and use of Opioid Litigation settlement funds. The Florida Plan, as currently drafted, divides the settlement funds into three funds: (i) the City/County Fund; (ii) the Regional Fund; and (iii) the State Fund.

I. To receive its share of the Regional Fund (the "County Regional Funds," as defined below), County must qualify as a "Qualified County" as that term is defined under the Florida Plan.

J. If County does not qualify as a "Qualified County," the County Regional Funds will be allocated to Broward Behavioral Health Coalition (BBHC), which would be required under the Florida Plan to spend such funds within Broward County to the greatest extent practicable.

K. To qualify as a Qualified County under the Florida Plan, County must enter into an Agreement with municipalities whose populations, taken together, contain at least 50% of the County's population.

L. Under the Florida Plan, County will be required to expend the County Regional Funds in Broward County for abatement of the effects of the Opioid Epidemic.

M. County has an abatement plan that is being utilized to respond to the Opioid Epidemic.

N. The Broward County Community Response Team ("BCCRT") is a taskforce that advises, plans, and provides for programs relating to the abatement of opioid abuse and other substance abuse throughout Broward County.

O. County operates the Broward Addiction Recovery Center ("BARC"), which provides substance abuse assessment, prevention, detoxification, residential, and outpatient services to adults aged 18 years and older. BARC also provides treatment for substance abuse and co-occurring disorders such as depression, anxiety, trauma, and other mental health concerns that may contribute to an individual's substance abuse and dependence.

P. The Parties recognize that enabling County to receive the County Regional Funds for expenditure in the best interest of all persons within the geographic boundaries of Broward County will ensure that Opioid Litigation settlement funds are available and used to address opioid-related impacts within Broward County.

Q. The Parties recognize that it is in the best interest of County and Municipalities to enter into this Agreement to ensure County qualifies as a "Qualified County" to receive the County Regional Funds pursuant to the Florida Plan.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. DEFINITIONS

- 1.1 Unless otherwise defined herein, all defined terms in the Florida Plan are incorporated herein and shall have the same meanings as in the Florida Plan.
- 1.2 "County Regional Funds" shall mean the amount of the Regional Funds remitted to County by the state of Florida, provided County qualifies as a Qualified County.

ARTICLE 2. CONDITIONS PRECEDENT

This Agreement shall become effective on the Commencement Date set forth in Article 3, so long as the following conditions precedent have been satisfied:

- A. Execution of this Agreement by County and Municipalities that, taken together, contain at least 50% of the County's population, as required by Florida Plan to enable County to become a Qualified County and receive the County Regional Funds from the state of Florida;
- B. Execution of all documents necessary to effectuate the Florida Plan in its final form; and
- C. Filing of this Agreement with the Clerk of the Circuit Court for County as required by Florida Statutes Section 163.01.

ARTICLE 3. TERM

The term of this Agreement shall commence upon the satisfaction of all conditions precedent stated in Article 2 ("Commencement Date"), and shall continue until one (1) year after the expenditure of all County Regional Funds, unless otherwise terminated in accordance with the provisions of the Florida Plan ("Term"). Obligations under this Agreement that by their nature survive termination or expiration, including, but not limited to, any and all obligations relating to record retention, audit, and indemnification, will survive and remain in effect after termination or expiration of this Agreement.

ARTICLE 4. PLAN ADMINISTRATION

County is responsible for administering the County Regional Funds pursuant to the Florida Plan. County staff shall provide all support services including but not limited to legal services, as well as contract management, program monitoring, and reporting, required by the Florida Plan. County is entitled to and shall receive no more than 5% from the County Regional Funds for administrative fees as provided under the Florida Plan, and will deduct such administrative fees on an annual basis. After such deduction, County shall spend all of the remaining County Regional Funds on efforts to abate the deleterious effects of the Opioid Epidemic by utilizing funds for the Approved Purposes (as defined in the Florida Plan), including the provisions related to Core Services (if and as applicable) identified in Exhibit B. County shall spend the County Regional

Funds on programs and in geographic areas based on demonstrated need throughout Broward County without choosing or favoring any particular municipality, geographic area, or socio-economic group.

ARTICLE 5. LOCAL GOVERNMENT REPORTING REQUIREMENTS

To the extent a Municipality receives County Regional Funds directly from County, that Municipality agrees to spend such funds solely for Approved Purpose(s) (as defined in the Florida Plan), and further agrees to timely satisfy all reporting requirements of the Florida Plan. In addition to other available remedies, failure to comply with this provision may disqualify the Municipality from further receipt of County Regional Funds.

ARTICLE 6. NON-APPROPRIATION

This Agreement is not a general obligation of the County. County is not obligated to expend any funds under this Agreement except to the extent of County Regional Funds budgeted and actually received, all of which the County agrees to expend consistent with the terms of this Agreement.

ARTICLE 7. GOVERNMENTAL IMMUNITY

Except to the extent sovereign immunity may be deemed to be waived by entering into this Agreement, nothing herein is intended to serve as a waiver of sovereign immunity by County or any Municipality nor shall anything included herein be construed as consent by County or any Municipality to be sued by third parties in any matter arising out of this Agreement. County and Municipalities are political subdivisions as defined in Section 768.28, Florida Statutes, and shall be responsible for the negligent or wrongful acts or omissions of their employees pursuant to Section 768.28, Florida Statutes.

ARTICLE 8. INSURANCE

Parties are entities subject to Section 768.28, Florida Statutes, and shall furnish the other Parties with written verification of liability protection in accordance with state law upon request by the requesting party.

ARTICLE 9. MISCELLANEOUS

9.1 Public Records. The Parties shall comply with all public records requirements of Chapter 119, Florida Statutes, as may be required by law.

IF ANY PARTY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO A PARTY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE BROWARD COUNTY CUSTODIAN OF PUBLIC RECORDS AT _____, EXT. _____, _____@BROWARD.ORG,

_____, _____, FORT LAUDERDALE, FLORIDA
_____, OR THE MUNICIPALITY'S CUSTODIAN OF PUBLIC RECORDS (SEE EXHIBIT
B FOR EACH MUNICIPALITY'S CUSTODIAN'S CONTACT INFORMATION).

9.2 Truth-In-Negotiation Representation. This Agreement is based upon representations supplied by the Parties to each other and the Parties certify that the information supplied, including without limitation in the negotiation of this Agreement, is accurate, complete, and current at the time of contracting.

9.3 Public Entity Crime Act. Each of the Parties represents that it is familiar with the requirements and prohibitions under the Public Entity Crime Act, Section 287.133, Florida Statutes, and represents that its entry into this Agreement will not violate that Act. In addition to the foregoing, each of the Parties further represents that there has been no determination that it committed a "public entity crime" as defined by Section 287.133, Florida Statutes, and that it has not been formally charged with committing an act defined as a "public entity crime" regardless of the amount of money involved or whether it has been placed on the convicted vendor list. Notwithstanding any provision in this Agreement to the contrary, if any representation made by a party pursuant to this paragraph is false, each of the Parties shall have the right to immediately terminate this Agreement.

9.4 Third Party Beneficiaries. Neither County nor the Municipalities intend to directly or substantially benefit a third party by this Agreement. Therefore, the Parties acknowledge that there are no third-party beneficiaries to this Agreement and that no third party shall be entitled to assert a right or claim against any party based upon this Agreement. Nothing in this Agreement, express or implied, is intended to (i) confer upon any entity or person other than the Parties and their successors or assigns any rights or remedies under or by reason of this Agreement as a third-party beneficiary or otherwise, except as specifically provided in this Agreement; or (ii) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement.

9.5 Notices. In order for a notice to a party to be effective under this Agreement, notice must be sent via U.S. first-class mail with a contemporaneous copy via e-mail to the addresses listed below and shall be effective upon mailing. The addresses for notice shall remain as set forth herein unless and until changed by providing notice of such change in accordance with the provisions of this section.

FOR COUNTY:

Attn: _____

Email address: _____

FOR MUNICIPALITY:

The addresses specified in Exhibit C.

9.6 Assignment. No Party shall have the right to assign this Agreement.

9.7 Materiality and Waiver of Breach. Each requirement, duty, and obligation set forth herein was bargained for at arm's-length and is agreed to by the Parties. Each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement, and each is, therefore, a material term hereof. The failure of any Party to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

9.8 Compliance with Laws. The Parties shall comply with all applicable federal, state, and local laws, codes, ordinances, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

9.9 Severability. In the event any part of this Agreement is found to be unenforceable by any court of competent jurisdiction, that part shall be deemed severed from this Agreement and the balance of this Agreement shall remain in full force and effect.

9.10 Joint Preparation. This Agreement has been jointly prepared by the Parties hereto, and shall not be construed more strictly against any party.

9.11 Interpretation. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement. All personal pronouns used in this Agreement shall include any other gender, and the singular shall include the plural, and vice versa, unless the context otherwise requires. Terms such as "herein," "hereof," "hereunder," and "hereinafter" refer to this Agreement as a whole and not to any particular sentence, paragraph, or section where they appear, unless the context otherwise requires. Whenever reference is made to a section or article of this Agreement, such reference is to the section or article as a whole, including all of the subsections of such section, unless the reference is made to a particular subsection or subparagraph of such section or article.

9.12 Priority of Provisions. If there is a conflict or inconsistency between any term, statement, requirement, or provision of any document or exhibit attached hereto or referenced or incorporated herein and any provision of Articles 1 through 9 of this Agreement, the provisions contained in Articles 1 through 9 shall prevail and be given effect.

9.13 Law, Jurisdiction, Venue, Waiver of Jury Trial. This Agreement will be interpreted and construed in accordance with and governed by the laws of the State of Florida. The Parties acknowledge and accept that jurisdiction of any controversies or legal problems arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder, will be exclusively in the State courts of the Seventeenth Judicial Circuit in Broward

County, Florida, and venue for litigation arising out of this Agreement will be exclusively in such State courts, forsaking any other jurisdiction that any party may claim by virtue of its residency or other jurisdictional device. **BY ENTERING INTO THIS AGREEMENT, THE PARTIES HEREBY EXPRESSLY WAIVE ANY RIGHTS ANY PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO THIS AGREEMENT.**

9.14 Amendments. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the Board and the Municipalities or others with delegated authority or otherwise authorized to execute same on their behalf.

9.15 Prior Agreements. This Agreement represents the final and complete understanding of the Parties regarding the subject matter hereof and supersedes all prior and contemporaneous negotiations and discussions regarding that subject matter. There is no commitment, agreement, or understanding concerning the subject matter of this Agreement that is not contained in this written document.

9.16 Incorporation by Reference. Any and all Recital clauses stated above are true and correct and are incorporated herein by reference. The attached Exhibits are incorporated into and made a part of this Agreement.

9.17 Representation of Authority. Each individual executing this Agreement on behalf of a party hereto hereby represents and warrants that he or she is, on the date he or she signs this Agreement, duly authorized by all necessary and appropriate action to execute this Agreement on behalf of such party and does so with full legal authority.

9.18 Counterparts and Multiple Originals. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

9.19 Force Majeure. If the performance of this Agreement, or any obligation hereunder, is prevented by reason of epidemic, pandemic, hurricane, earthquake, or other casualty caused by nature, or by labor strike, war, or by a law, order, proclamation, regulation, or ordinance of any governmental agency, the party so affected, upon giving prompt notice to the other party, shall be excused from such performance to the extent of such prevention, provided that the party so affected shall first have taken reasonable steps to avoid and remove such cause of non-performance and shall continue to take reasonable steps to avoid and remove such cause, and shall promptly notify the other Parties in writing and resume performance hereunder whenever such causes are removed; provided, however, that if such nonperformance exceeds sixty (60) days, the party that is not prevented from performance by the force majeure event shall have the right to terminate this Agreement upon written notice to the Parties. This section shall not supersede or prevent the exercise of any right the Parties may otherwise have to terminate this Agreement.

IN WITNESS WHEREOF, the Parties have made and executed this Agreement: Broward County, through its Board of County Commissioners, signing by and through its County Administrator, authorized to execute same by Board action on the _____ day of _____ 2022, and the City of _____, signing by and through its officials, duly authorized to execute same.

COUNTY

WITNESSES:

BROWARD COUNTY, by and through its
County Administrator

Signature

By: _____
Bertha Henry, County Administrator

Print/Type Name

_____ day of _____, 2022

Signature

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600

Print/Type Name

By: _____
Danielle W. French (Date)
Deputy County Attorney

AIM/DWF/dmv
12/01/2021

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF COCONUT CREEK

ATTEST:

City of Coconut Creek

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

COOPER CITY

ATTEST:

Cooper City

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF CORAL SPRINGS

ATTEST:

City of Coral Springs

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF DANIA BEACH

ATTEST:

City of Dania Beach

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

TOWN OF DAVIE

ATTEST:

Town of Davie

Town Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Town Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Town Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF DEERFIELD BEACH

ATTEST:

City of Deerfield Beach

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF FORT LAUDERDALE

ATTEST:

City of Fort Lauderdale

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF HALLANDALE BEACH

ATTEST:

City of Hallandale Beach

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF HILLSBORO BEACH

ATTEST:

City of Hillsboro Beach

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF HOLLYWOOD

ATTEST:

City of Hollywood

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

TOWN OF LAUDERDALE-BY-THE-SEA

ATTEST:

Town of Lauderdale-by-the-Sea

Town Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Town Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Town Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF LAUDERDALE LAKES

ATTEST:

City of Lauderdale Lakes

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF LAUDERHILL

ATTEST:

City of Lauderhill

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

VILLAGE OF LAZY LAKE

ATTEST:

Village of Lazy Lake

Village Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Village Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Village Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF LIGHTHOUSE POINT

ATTEST:

City of Lighthouse Point

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF MARGATE

ATTEST:

City of Margate

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF MIRAMAR

ATTEST:

City of Miramar

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF NORTH LAUDERDALE

ATTEST:

City of North Lauderdale

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF OAKLAND PARK

ATTEST:

City of Oakland Park

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF PARKLAND

ATTEST:

City of Parkland

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

TOWN OF PEMBROKE PARK

ATTEST:

Town of Pembroke Park

Town Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Town Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Town Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF PEMBROKE PINES

ATTEST:

City of Pembroke Pines

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF PLANTATION

ATTEST:

City of Plantation

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF POMPANO BEACH

ATTEST:

City of Pompano Beach

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

VILLAGE OF SEA RANCH LAKES

ATTEST:

Village of Sea Ranch Lakes

Village Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Village Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Village Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

TOWN OF SOUTHWEST RANCHES

ATTEST:

Town of Southwest Ranches

Town Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
Town Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
Town Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF SUNRISE

ATTEST:

City of Sunrise

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF TAMARAC

ATTEST:

City of Tamarac

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF WESTON

ATTEST:

City of Weston

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF WEST PARK

ATTEST:

City of West park

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

**INTERLOCAL AGREEMENT
GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

CITY OF WILTON MANORS

ATTEST:

City of Wilton Manors

City Clerk

By: _____
Mayor-Commissioner

_____ day of _____, 20__

By: _____
City Manager

_____ day of _____, 20__

APPROVED AS TO FORM:

By: _____
City Attorney

_____ day of _____, 20__

FLORIDA OPIOID ALLOCATION AND
STATEWIDE RESPONSE
AGREEMENT

BETWEEN

STATE OF FLORIDA DEPARTMENT OF LEGAL AFFAIRS,
OFFICE OF THE ATTORNEY GENERAL

And

CERTAIN LOCAL GOVERNMENTS IN THE STATE OF FLORIDA

This Florida Opioid Allocation and Statewide Response Agreement (the “Agreement”) is entered into between the State of Florida (“State”) and certain Local Governments (“Local Governments” and the State and Local Governments are jointly referred to as the “Parties” or individually as a “Party”). The Parties agree as follows:

Whereas, the people of the State and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and

Whereas, the State, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold many of the same Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance as the State; and

Whereas, certain of the Parties have separately sued Pharmaceutical Supply Chain participants for the harm caused to the citizens of both Parties and have collectively negotiated settlements with several Pharmaceutical Supply Chain Participants; and

Whereas, the Parties share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State; and

Whereas, it is the intent of the State and its Local Governments to use the proceeds from any Settlements with Pharmaceutical Supply Chain Participants to increase the amount of funding presently spent on opioid and substance abuse education, treatment, prevention and other related programs and services, such as those identified in Exhibits “A” and “B,” and to ensure that the funds are expended in compliance with evolving evidence-based “best practices;” and

Whereas, the State and its Local Governments enter into this Agreement and agree to the allocation and use of the proceeds of any settlement described herein

Wherefore, the Parties each agree to as follows:

A. Definitions

As used in this Agreement:

1. “Approved Purpose(s)” shall mean forward-looking strategies, programming and services used to expand the availability of treatment for individuals impacted by substance use disorders, to: (a) develop, promote, and provide evidence-based substance use prevention strategies; (b) provide substance use avoidance and awareness education; (c) decrease the oversupply of licit and illicit opioids; and (d) support recovery from addiction. Approved Purposes shall include, but are not limited to, the opioid abatement strategies listed in Exhibits “A” and “B” which are incorporated herein by reference.

2. “Local Governments” shall mean all counties, cities, towns and villages located within the geographic boundaries of the State.

3. “Managing Entities” shall mean the corporations selected by and under contract with the Florida Department of Children and Families or its successor (“DCF”) to manage the daily operational delivery of behavioral health services through a coordinated system of care. The singular “Managing Entity” shall refer to a singular of the Managing Entities.

4. “County” shall mean a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

5. “Dependent Special District” shall mean a Special District meeting the requirements of Florida Statutes § 189.012(2).

6. “Municipalities” shall mean cities, towns, or villages located in a County within the State that either have: (a) a Population greater than 10,000 individuals; or (b) a Population equal to or less than 10,000 individuals and that has either (i) filed a lawsuit against one or more Pharmaceutical Supply Chain Participants; or (ii) executes a release in connection with a settlement with a Pharmaceutical Supply Chain participant. The singular “Municipality” shall refer to a singular city, town, or village within the definition of Municipalities.

7. “Negotiating Committee” shall mean a three-member group comprised by representatives of the following: (1) the State; and (2) two representatives of Local Governments of which one representative will be from a Municipality and one shall be from a County (collectively, “Members”) within the State. The State shall be represented by the Attorney General or her designee.

8. “Negotiation Class Metrics” shall mean those county and city settlement allocations which come from the official website of the Negotiation Class of counties and cities certified on September 11, 2019 by the U.S. District for the Northern District of Ohio in *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The website is located at <https://allocationmap.iclaimsonline.com>.

9. “Opioid Funds” shall mean monetary amounts obtained through a Settlement.

10. “Opioid Related” shall have the same meaning and breadth as in the agreed Opioid Abatement Strategies attached hereto as Exhibits “A” or “B.”

11. “Parties” shall mean the State and Local Governments that execute this Agreement. The singular word “Party” shall mean either the State or Local Governments that executed this Agreement.

12. “PEC” shall mean the Plaintiffs’ Executive Committee of the National Prescription Opiate Multidistrict Litigation pending in the United States District Court for the Northern District of Ohio.

13. “Pharmaceutical Supply Chain” shall mean the entities, processes, and channels through which Controlled Substances are manufactured, marketed, promoted, distributed or dispensed.

14. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in, or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic.

15. “Population” shall refer to published U.S. Census Bureau population estimates as of July 1, 2019, released March 2020, and shall remain unchanged during the term of this Agreement. These estimates can currently be found at <https://www.census.gov>. *For purposes of Population under the definition of Qualified County, a County’s population shall be the greater of its population as of the July 1, 2019, estimates or its actual population, according to the official U.S. Census Bureau count, which was released by the U.S. Census Bureau in August 2021.*

16. “Qualified County” shall mean a charter or non-chartered County that has a Population of at least 300,000 individuals and: (a) has an opioid taskforce or other similar board, commission, council, or entity (including some existing sub-unit of a County’s government responsible for substance abuse prevention, treatment, and/or recovery) of which it is a member or it operates in connection with its municipalities or others on a local or regional basis; (b) has an abatement plan that has been either adopted or is being utilized to respond to the opioid epidemic; (c) is, as of December 31, 2021, either providing or is contracting with others to provide substance abuse prevention, recovery, and/or treatment services to its citizens; and (d) has or enters into an interlocal agreement with a majority of Municipalities (Majority is more than 50% of the Municipalities’ total Population) related to the expenditure of Opioid Funds. The Opioid Funds to be paid to a Qualified County will only include Opioid Funds for Municipalities whose claims are released by the Municipality or Opioid Funds for Municipalities whose claims are otherwise barred. For avoidance of doubt, the word “operate” in connection with opioid task force means to do at least one of the following activities: (1) gathers data about the nature, extent, and problems being faced in communities within that County; (2) receives and reports recommendations from other government and private entities about activities that should be undertaken to abate the opioid epidemic to a County; and/or (3) makes recommendations to a County and other public and private leaders about steps, actions, or plans that should be undertaken to abate the opioid epidemic. For avoidance of doubt, the Population calculation required by subsection (d) does not include Population in unincorporated areas.

17. “SAMHSA” shall mean the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration.

18. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State and Local Governments or a settlement class as described in (B)(1) below.

19. “State” shall mean the State of Florida.

B. Terms

1. **Only Abatement** - Other than funds used for the Administrative Costs and Expense Fund as hereinafter described or to pay obligations to the United States arising out of Medicaid or other federal programs, all Opioid Funds shall be utilized for Approved Purposes. In order to accomplish this purpose, the State will either: (a) file a new action with Local Governments as Parties; or (b) add Local Governments to its existing action, sever any settling defendants. In either type of action, the State will seek entry of a consent judgment, consent order or other order binding judgment binding both the State and Local Governments to utilize Opioid Funds for Approved Purposes (“Order”) from the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, West Pasco Division New Port Richey, Florida (the “Court”), except as herein provided. The Order may be part of a class action settlement or similar device. The Order shall provide for continuing jurisdiction by the Court to address non-performance by any party under the Order.

2. **Avoid Claw Back and Recoupment** - Both the State and Local Governments wish to maximize any Settlement and Opioid Funds. In addition to committing to only using funds for the Expense Funds, Administrative Costs and Approved Purposes, both Parties will agree to utilize a percentage of funds for the Core Strategies highlighted in Exhibit A. Exhibit A contains the programs and strategies prioritized by the U.S. Department of Justice and/or the U.S. Department of Health & Human Services (“Core Strategies”). The State is trying to obtain the United States’ agreement to limit or reduce the United States’ ability to recover or recoup monies from the State and Local Government in exchange for prioritization of funds to certain projects. If no agreement is reached with the United States, then there will be no requirement that a percentage be utilized for Core Strategies.

3. **No Benefit Unless Fully Participating** - Any Local Government that objects to or refuses to be included under the Order or refuses or fails to execute any of documents necessary to effectuate a Settlement shall not receive, directly or indirectly, any Opioid Funds and its portion of Opioid Funds shall be distributed to, and for the benefit of, the Local Governments. Funds that were for a Municipality that does not join a Settlement will be distributed to the County where that Municipality is located. Funds that were for a County that does not join a Settlement will be distributed pro rata to Counties that join a Settlement. For avoidance of doubt, if a Local Government initially refuses to be included in or execute the documents necessary to effectuate a Settlement and subsequently effectuates such documents necessary to join a Settlement, then that Local Government will only lose those payments made under a Settlement while that Local Government was not a part of the Settlement. If a Local Government participates in a Settlement, that Local Government is thereby releasing the claims of its Dependent Special District claims, if any.

4. **Distribution Scheme** – If a Settlement has a National Settlement Administrator or similar entity, all Opioids Funds will initially go to the Administrator to be distributed. If a Settlement does not have a National Settlement Administrator or similar entity, all Opioid Funds will initially go to the State, and then be distributed by the State as they are received from the Defendants according to the following distribution scheme. The Opioid Funds will be divided into three funds after deducting any costs of the Expense Fund detailed below. Funds due the federal government, if any, pursuant to Section B-2, will be subtracted from only the State and Regional Funds below:

(a) City/County Fund- The city/county fund will receive 15% of all Opioid Funds to directly benefit all Counties and Municipalities. The amounts to be distributed to each County and Municipality shall be determined by the Negotiation Class Metrics or other metrics agreed upon, in writing, by a County and a Municipality, which are attached to this Agreement as Exhibit “C.” In the event that a Municipality has a Population less than 10,000 people and it does not execute a release or otherwise join a Settlement that Municipalities share under the Negotiation Class Metrics shall be reallocated to the County where that Municipality is located.

(b) Regional Fund- The regional fund will be subdivided into two parts.

(i) The State will annually calculate the share of each County within the State of the regional fund utilizing the sliding scale in paragraph 5 of the Agreement, and according to the Negotiation Class Metrics.

(ii) For Qualified Counties, the Qualified County’s share will be paid to the Qualified County and expended on Approved Purposes, including the Core Strategies identified in Exhibit A, if applicable.

(iii) For all other Counties, the State will appropriate the regional share for each County and pay that share through DCF to the Managing Entities providing service for that County. The Managing Entities will be required to expend the monies on Approved Purposes, including the Core Strategies as directed by the Opioid Abatement Task Force or Council. The Managing Entities shall expend monies from this Regional Fund on services for the Counties within the State that are non-Qualified Counties and to ensure that there are services in every County. To the greatest extent practicable, the Managing Entities shall endeavor to expend monies in each County or for citizens of a County in the amount of the share that a County would have received if it were a Qualified County.

(c) State Fund - The remainder of Opioid Funds will be expended by the State on Approved Purposes, including the provisions related to Core Strategies, if applicable.

(d) To the extent that Opioid Funds are not appropriated and expended in a year by the State, the State shall identify the investments where settlement funds will be deposited. Any gains, profits, or interest accrued from the deposit of the Opioid Funds to the extent that any funds are not appropriated and expended within a calendar year, shall be the sole property of the Party that was entitled to the initial amount.

(e) To the extent a County or Municipality wishes to pool, comingle, or otherwise transfer its share, in whole or part, of Opioid Funds to another County or Municipality, the comingling Municipalities may do so by written agreement. The comingling Municipalities shall provide a copy of that agreement to the State and any settlement administrator to ensure that monies are directed consistent with such agreement. The County or Municipality receiving any such Opioid Funds shall assume the responsibility for reporting how such Opioid Funds were utilized under this Agreement.

5. Regional Fund Sliding Scale- The Regional Fund shall be calculated by utilizing the following sliding scale of the Opioid Funds available in any year after deduction of Expenses and any funds due the federal government:

- A. Years 1-6: 40%
- B. Years 7-9: 35%
- C. Years 10-12: 34%
- D. Years 13-15: 33%
- E. Years 16-18: 30%

6. Opioid Abatement Taskforce or Council - The State will create an Opioid Abatement Taskforce or Council (sometimes hereinafter “Taskforce” or “Council”) to advise the Governor, the Legislature, DCF, and Local Governments on the priorities that should be addressed by expenditure of Opioid Funds and to review how monies have been spent and the results that have been achieved with Opioid Funds.

(a) Size - The Taskforce or Council shall have ten Members equally balanced between the State and the Local Government representatives.

(b) Appointments Local Governments - Two Municipality representatives will be appointed by or through Florida League of Cities. Two county representatives, one from a Qualified County and one from a county within the State that is not a Qualified County, will be appointed by or through the Florida Association of Counties. The final representative will alternate every two years between being a county representative (appointed by or through Florida Association of Counties) or a Municipality representative (appointed by or through the Florida League of Cities). One Municipality representative must be from a city of less than 50,000 people. One county representative must be from a county of less than 200,000 people and the other county representative must be from a county whose population exceeds 200,000 people.

(c) Appointments State -

- (i) The Governor shall appoint two Members.
- (ii) The Speaker of the House shall appoint one Member.

- (iii) The Senate President shall appoint one Member.
- (iv) The Attorney General or her designee shall be a Member.
- (d) Chair - The Attorney General or designee shall be the chair of the Taskforce or Council.
- (e) Term - Members will be appointed to serve a four-year term and shall be staggered to comply with Florida Statutes § 20.052(4)(c).
- (f) Support - DCF shall support the Taskforce or Council and the Taskforce or Council shall be administratively housed in DCF.
- (g) Meetings - The Taskforce or Council shall meet quarterly in person or virtually using communications media technology as defined in section 120.54(5)(b)(2), Florida Statutes.
- (h) Reporting - The Taskforce or Council shall provide and publish a report annually no later than November 30th or the first business day after November 30th, if November 30th falls on a weekend or is otherwise not a business day. The report shall contain information on how monies were spent the previous fiscal year by the State, each of the Qualified Counties, each of the Managing Entities, and each of the Local Governments. It shall also contain recommendations to the Governor, the Legislature, and Local Governments for priorities among the Approved Purposes or similar such uses for how monies should be spent the coming fiscal year to respond to the opioid epidemic. Prior to July 1st of each year, the State and each of the Local Governments shall provide information to DCF about how they intend to expend Opioid Funds in the upcoming fiscal year.
- (i) Accountability - The State and each of the Local Governments shall report its expenditures to DCF no later than August 31st for the previous fiscal year. The Taskforce or Council will set other data sets that need to be reported to DCF to demonstrate the effectiveness of expenditures on Approved Purposes. In setting those requirements, the Taskforce or Council shall consider the Reporting Templates, Deliverables, Performance Measures, and other already utilized and existing templates and forms required by DCF from Managing Entities and suggest that similar requirements be utilized by all Parties to this Agreement.
- (j) Conflict of Interest - All Members shall adhere to the rules, regulations and laws of Florida including, but not limited to, Florida Statute §112.311, concerning the disclosure of conflicts of interest and recusal from discussions or votes on conflicted matters.

7. **Administrative Costs-** The State may take no more than a 5% administrative fee from the State Fund and any Regional Fund that it administers for counties that are not Qualified Counties. Each Qualified County may take no more than a 5% administrative fee from its share of the Regional Funds. Municipalities and Counties may take no more than a 5% administrative fee from any funds that they receive or control from the City/County Fund.

8. **Negotiation of Non-Multistate Settlements** - If the State begins negotiations with a Pharmaceutical Supply Chain Participant that is separate and apart from a multi-state negotiation, the State shall include Local Governments that are a part of the Negotiating Committee in such negotiations. No Settlement shall be recommended or accepted without the affirmative votes of both the State and Local Government representatives of the Negotiating Committee.

9. **Negotiation of Multistate or Local Government Settlements** - To the extent practicable and allowed by other parties to a negotiation, both Parties agree to communicate with members of the Negotiation Committee regarding the terms of any other Pharmaceutical Supply Chain Participant Settlement.

10. **Program Requirements-** DCF and Local Governments desire to make the most efficient and effective use of the Opioid Funds. DCF and Local Governments will work to achieve that goal by ensuring the following requirements will be minimally met by any governmental entity or provider providing services pursuant to a contract or grant of Opioid Funds:

a. In either performing services under this Agreement or contracting with a provider to provide services with the Opioid Funds under this Agreement, the State and Local Governments shall be aware of and comply with all State and Federal laws, rules, Children and Families Operating Procedures (CFOPs), and similar regulations relating to the substance abuse and treatment services.

b. The State and Local Governments shall have and follow their existing policies and practices for accounting and auditing, including policies relating to whistleblowers and avoiding fraud, waste, and abuse. The State and Local Governments shall consider additional policies and practices recommended by the Opioid Abatement Taskforce or Council. c. In any award or grant to any provider, State and Local Governments shall ensure that each provider acknowledges its awareness of its obligations under law and shall audit, supervise, or review each provider's performance routinely, at least once every year.

d. In contracting with a provider, the State and Local Governments shall set performance measures in writing for a provider.

e. The State and Local Governments shall receive and report expenditures, service utilization data, demographic information, and national outcome measures in a similar fashion as required by the 42.U.S.C. s. 300x and 42 U.S.C. s. 300x-21.

f. The State and Local Governments, that implement evidenced based practice models will participate in fidelity monitoring as prescribed and completed by the originator of the model chosen..

g. The State and Local Governments shall ensure that each year, an evaluation of the procedures and activities undertaken to comply with the requirements of this Agreement are completed.

h. The State and Local Governments shall implement a monitoring process that will demonstrate oversight and corrective action in the case of non-compliance, for all providers that receive Opioid Funds. Monitoring shall include:

- (i) Oversight of the any contractual or grant requirements;
- (ii) Develop and utilize standardized monitoring tools;
- (iii) Provide DCF and the Opioid Abatement Taskforce or Council with access to the monitoring reports; and
- (iv) Develop and utilize the monitoring reports to create corrective action plans for providers, where necessary.

11. **Reporting and Records Requirements-** The State and Local Governments shall follow their existing reporting and records retention requirements along with considering any additional recommendations from the Opioid Abatement Taskforce or Council. Local Governments shall respond and provide documents to any reasonable requests from the State or Opioid Abatement Taskforce or Council for data or information about programs receiving Opioid Funds. The State and Local Governments shall ensure that any provider or sub-recipient of Opioid Funds at a minimum does the following:

(a) Any provider shall establish and maintain books, records and documents (including electronic storage media) sufficient to reflect all income and expenditures of Opioid Funds. Upon demand, at no additional cost to the State or Local Government, any provider will facilitate the duplication and transfer of any records or documents during the term that it receives any Opioid Funds and the required retention period for the State or Local Government. These records shall be made available at all reasonable times for inspection, review, copying, or audit by Federal, State, or other personnel duly authorized by the State or Local Government.

(b) Any provider shall retain and maintain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to the use of the Opioid Funds during the term of its receipt of Opioid Funds and retained for a period of six (6) years after its ceases to receives Opioid Funds or longer when required by law. In the event an audit is required by the State of Local Governments, records shall be retained for a minimum period of six (6) years after the audit report is issued or until resolution of any audit findings or litigation based on the terms of any award or contract.

(c) At all reasonable times for as long as records are maintained, persons duly authorized by State or Local Government auditors shall be allowed full access to and the right to examine any of the contracts and related records and documents, regardless of the form in which kept.

(d) A financial and compliance audit shall be performed annually and provided to the State.

(e) All providers shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by The Office of the Inspector General (section 20.055, F.S.) or the State.

(f) No record may be withheld nor may any provider attempt to limit the scope of any of the foregoing inspections, reviews, copying, transfers or audits based on any claim that any record is exempt from public inspection or is confidential, proprietary or trade secret in nature; provided, however, that this provision does not limit any exemption to public inspection or copying to any such record.

12. **Expense Fund** - The Parties agree that in any negotiation every effort shall be made to cause Pharmaceutical Supply Chain Participants to pay costs of litigation, including attorneys' fees, in addition to any agreed to Opioid Funds in the Settlement. To the extent that a fund sufficient to pay the full contingent fees of Local Governments is not created as part of a Settlement by a Pharmaceutical Supply Chain Participant, the Parties agree that an additional expense fund for attorneys who represent Local Governments (herein "Expense Fund") shall be created out of the City/County fund for the purpose of paying the hard costs of a litigating Local Government and then paying attorneys' fees.

(a) The Source of Funds for the Expense Fund- Money for the Expense Fund shall be sourced exclusively from the City/County Fund.

(b) The Amount of the Expense Fund- The State recognizes the value litigating Local Governments bring to the State in connection with the Settlement because their participation increases the amount of Incentive Payments due from each Pharmaceutical Supply Chain Participant. In recognition of that value, the amount of funds that shall be deposited into the Expense Fund shall be contingent upon on the percentage of litigating Local Government participation in the Settlement, according to the following table:

Litigating Local Government Participation in the Settlement (by percentage of the population)	Amount that shall be paid into the Expense Fund from (and as a percentage of) the City/County fund
96 to 100%	10%
91 to 95%	7.5%
86 to 90%	5%
85%	2.5%
Less than 85%	0%

If fewer than 85% percent of the litigating Local Governments (by population) participate, then the Expense Fund shall not be funded, and this Section of the Agreement shall be null and void.

(c) The Timing of Payments into the Expense Fund- Although the amount of the Expense Fund shall be calculated based on the entirety of payments due to the City/County fund over a ten-to-eighteen-year period, the Expense Fund shall be funded entirely from payments made by Pharmaceutical Supply Chain Participants during the first two payments of the Settlement. Accordingly, to offset the amounts being paid from the

City/County Fund to the Expense Fund in the first two years, Counties or Municipalities may borrow from the Regional Fund during the first two years and pay the borrowed amounts back to the Regional Fund during years three, four, and five.

For the avoidance of doubt, the following provides an illustrative example regarding the calculation of payments and amounts that may be borrowed under the terms of this MOU, consistent with the provisions of this Section:

Opioid Funds due to State of Florida and Local Governments (over 10 to 18 years):	\$1,000
Litigating Local Government Participation:	100%
City/County Fund (over 10 to 18 years):	\$150
Expense Fund (paid over 2 years):	\$15
Amount Paid to Expense Fund in 1st year:	\$7.5
Amount Paid to Expense Fund in 2nd year:	\$7.5
Amount that may be borrowed from Regional Fund in 1st year:	\$7.5
Amount that may be borrowed from Regional Fund in 2nd year:	\$7.5
Amount that must be paid back to Regional Fund in 3rd year:	\$5
Amount that must be paid back to Regional Fund in 4th year:	\$5
Amount that must be paid back to Regional Fund in 5th year:	\$5

(d) Creation of and Jurisdiction over the Expense Fund- The Expense Fund shall be established, consistent with the provisions of this Section of the Agreement, by order of the Court. The Court shall have jurisdiction over the Expense Fund, including authority to allocate and disburse amounts from the Expense Fund and to resolve any disputes concerning the Expense Fund.

(e) Allocation of Payments to Counsel from the Expense Fund- As part of the order establishing the Expense Fund, counsel for the litigating Local Governments shall seek to have the Court appoint a third-neutral to serve as a special master for purposes of allocating the Expense Fund. Within 30 days of entry of the order appointing a special master for the Expense Fund, any counsel who intend to seek an award from the Expense Fund shall provide the copies of their contingency fee contracts to the special master. The special master shall then build a mathematical model, which shall be based on each litigating Local Government's share under the Negotiation Class Metrics and the rate set forth in their contingency contracts, to calculate a proposed award for each litigating Local Government who timely provided a copy of its contingency contract.

13. **Dispute resolution-** Any one or more of the Local Governments or the State may object to an allocation or expenditure of Opioid Funds solely on the basis that the allocation or expenditure at issue (a) is inconsistent with the Approved Purposes; (b) is inconsistent with the distribution scheme as provided in paragraph; (c) violates the limitations set forth herein with respect to administrative costs or the Expense Fund; or (d) to recover amounts advanced from the Regional Fund for the Expense Fund. There shall be no other basis for bringing an objection to the approval of an allocation or expenditure of Opioid Funds. In the event that there is a National Settlement Administrator or similar entity, the Local Governments sole action for non-payment of

amounts due from the City/County Fund shall be against the particular settling defendant and/or the National Settlement Administrator or similar entity.

C. Other Terms and Conditions

1. **Governing Law and Venue:** This Agreement will be governed by the laws of the State of Florida. Any and all litigation arising under the Agreement, unless otherwise specified in this Agreement, will be instituted in either: (a) the Court that enters the Order if the matter deals with a matter covered by the Order and the Court retains jurisdiction; or (b) the appropriate State court in Leon County, Florida.

2. **Agreement Management and Notification:** The Parties have identified the following individuals as Agreement Managers and Administrators:

a. State of Florida Agreement Manager:

Greg Slempp

PL-01, The Capitol, Tallahassee, FL 32399

850-414-3300

Greg.slempp@myfloridalegal.com

b. State of Florida Agreement Administrator

Janna Barineau

PL-01, The Capitol, Tallahassee, FL 32399

850-414-3300

Janna.barineau@myfloridalegal.com

c. Local Governments Agreement Managers and Administrators are listed on Exhibit C to this Agreement.

Changes to either the Managers or Administrators may be made by notifying the other Party in writing, without formal amendment to this Agreement.

3. **Notices.** All notices required under the Agreement will be delivered by certified mail, return receipt requested, by reputable air courier, or by personal delivery to the designee identified in paragraphs C.2., above. Either designated recipient may notify the other, in writing, if someone else is designated to receive notice.

4. **Cooperation with Inspector General:** Pursuant to section 20.055, Florida Statutes, the Parties, understand and will comply with their duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing.

5. **Public Records:** The Parties will keep and maintain public records pursuant to Chapter 119, Florida Statutes and will comply with all applicable provisions of that Chapter.

6. **Modification:** This Agreement may only be modified by a written amendment between the appropriate parties. No promises or agreements made subsequent to the execution of this Agreement shall be binding unless express, reduced to writing, and signed by the Parties.

7. **Execution in Counterparts:** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

8. **Assignment:** The rights granted in this Agreement may not be assigned or transferred by any party without the prior written approval of the other party. No party shall be permitted to delegate its responsibilities or obligations under this Agreement without the prior written approval of the other parties.

9. **Additional Documents:** The Parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be reasonably necessary or appropriate to give full force and effect to the basic terms and intent of this Agreement.

10. **Captions:** The captions contained in this Agreement are for convenience only and shall in no way define, limit, extend or describe the scope of this Agreement or any part of it.

11. **Entire Agreement:** This Agreement, including any attachments, embodies the entire agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations or agreements on this subject.

12. **Construction:** The parties hereto hereby mutually acknowledge and represent that they have been fully advised by their respective legal counsel of their rights and responsibilities under this Agreement, that they have read, know, and understand completely the contents hereof, and that they have voluntarily executed the same. The parties hereto further hereby mutually acknowledge that they have had input into the drafting of this Agreement and that, accordingly, in any construction to be made of this Agreement, it shall not be construed for or against any party, but rather shall be given a fair and reasonable interpretation, based on the plain language of the Agreement and the expressed intent of the parties.

13. **Capacity to Execute Agreement:** The parties hereto hereby represent and warrant that the individuals signing this Agreement on their behalf are duly authorized and fully competent to do so.

14. **Effectiveness:** This Agreement shall become effective on the date on which the last required signature is affixed to this Agreement.

IN WITNESS THEREOF, the parties hereto have caused the Agreement to be executed by their undersigned officials as duly authorized.

STATE OF FLORIDA

By: _____ 11/15/2021
Its: _____ DATED

Schedule A

Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“**Core Strategies**”)[, such that a minimum of __% of the [aggregate] state-level abatement distributions shall be spent on [one or more of] them annually].¹

A. Naloxone or other FDA-approved drug to reverse opioid overdoses

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. Medication-Assisted Treatment (“MAT”) Distribution and other opioid-related treatment

1. Increase distribution of MAT to non-Medicaid eligible or uninsured individuals;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Treatment and Recovery Support Services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication with other support services.

C. Pregnant & Postpartum Women

1. Expand Screening, Brief Intervention, and Referral to Treatment (“SBIRT”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“OUD”) and other Substance Use Disorder (“SUD”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with Opioid Use Disorder (OUD) including housing, transportation, job placement/training, and childcare.

D. Expanding Treatment for Neonatal Abstinence Syndrome

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

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E. Expansion of Warm Hand-off Programs and Recovery Services

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions. ;
4. Provide comprehensive wrap-around services to individuals in recovery including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. Treatment for Incarcerated Population

1. Provide evidence-based treatment and recovery support including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. Prevention Programs

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools.;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. Expanding Syringe Service Programs

1. Provide comprehensive syringe services programs with more wrap-around services including linkage to OUD treatment, access to sterile syringes, and linkage to care and treatment of infectious diseases.

I. Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the State.

Schedule B

Approved Uses

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:²

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.
8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training,

² As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Term Sheet.

scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. [Intentionally Blank – to be cleaned up later for numbering]

13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

- c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Fund community anti-drug coalitions that engage in drug prevention efforts.
6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
7. Engage non-profits and faith-based communities as systems to support prevention.
8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create of support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address

mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities provide free naloxone to anyone in the community
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in sections C, D, and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend opioid settlement funds; to show how opioid settlement funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

Exhibit C
Municipalities' Notice Contact Information

Municipality	Municipality's Notice Information (Article 9.5)
City of Coconut Creek	Department: City Clerk Attn: Deputy City Clerk, Marianne Bowers Address: 4800 West Copans Road, Coconut Creek, FL 33063 Email: mbowers@coconutcreek.net
Cooper City	Department: City Clerk Attn: City Clerk, Kathryn Sims Address: 9090 SW 50 th Place, Cooper City, FL 33328 Email: ksims@coopercityfl.org
City of Coral Springs	Department: City Clerk Attn: City Clerk, Debra Thomas Address: 9500 W. Sample Road, Coral Springs, FL 33065 Email: dthomas@coralsprings.org
City of Dania Beach	Department: City Clerk Attn: City Clerk, Thomas Schneider Address: 100 W. Dania Beach Boulevard, Dania Beach, FL 33004 Email: tschneider@daniabeachfl.gov
Town of Davie	Department: Town Clerk Attn: Town Clerk, Evelyn Roig Address: 6591 Orange Drive, Davie, FL 33314 Email: eroig@davie-fl.gov
City of Deerfield Beach	Department: City Clerk Attn: City Clerk, Samantha Gillyard Address: 150 NE 2 nd Avenue, Deerfield Beach, FL 3441 Email: web.clerk@deerfield-beach.com
City of Fort Lauderdale	Department: City Clerk Attn: City Clerk, Jeffrey A. Modareeli, Contact: David Soloman Address: 100 N. Andrews Avenue, Fort Lauderdale, FL 33301 Email: dsoloman@fortlauderdale.gov
City of Hallandale Beach	Department: City Clerk Attn: City Clerk, Jenorgen M. Guillen Address: 400 S. Federal Highway, Hallandale Beach, FL 33009 Email: cityclerkoffice@cohb.org
Town of Hillsboro Beach	Department: Town Clerk Attn: Town Clerk, Sherry D. Henderson Address: 1210 Hillsboro Mile, Hillsboro, FL 33062 Email: shenderson@townofhillsboro.com
City of Hollywood	Department: City Clerk Attn: City Clerk, Patricia Cerny Address: 2600 Hollywood Blvd., Room 221, Hollywood, FL 33020 Email: pcerny@hollywoodfl.org

Municipality	Municipality's Notice Information (Article 9.5)
Town of Lauderdale-by-the-Sea	Department: Town Clerk Attn: Town Clerk, Tedra Allen Address: 4501 North Ocean Drive, Lauderdale-By-The-Sea, FL 33308 Email: TedraA@lbts-fl.gov
City of Lauderdale Lakes	Department: City Clerk Attn: City Clerk, Venice Howard Address: 4300 NW 36 th Street, Lauderdale Lakes, FL 33319 Email: veniceh@lauderdalelakes.org
City of Lauderhill	Department: City Clerk Attn: City Clerk, Andrea M. Anderson Address: 5581 W. Oakland Park Blvd., Lauderhill, FL 33313 Email: aanderson@lauderhil-fl.gov
Village of Lazy Lake	Department: Village Clerk Attn: Donald Lunny, Jr., Esquire Address: 100 SW 3 rd Avenue, 3 rd Floor, Fort Lauderdale, FL 33394 Email: Donald.Lunny@brinkleymorgan.com
City of Lighthouse Point	Department: City Clerk Attn: City Clerk Address: 2200 NE 38 th Street, Lighthouse Point, FL 33064 Email: lhpadmin@lighthousepoint.com
City of Margate	Department: City Clerk Attn: City Clerk, Joseph J. Kavanagh Address: 5790 Margate Blvd., Margate, FL 33063 Email: cityclerk@margatefl.com
City of Miramar	Department: City Clerk Attn: City Clerk, Denise A. Gibbs Address: 2300 Civic Center Place, Miramar, FL 33025 Email: dagibbs@miramarfl.com
City of North Lauderdale	Department: City Clerk Attn: City Clerk, Elizabeth Garcia-Beckford Address: 701 SW 71 st Avenue, North Lauderdale, FL 33068 Email: egbeckford@nlauderdale.org
City of Oakland Park	Department: City Clerk Attn: City Clerk, Renee M. Shrout Address: 3650 NE 12 th Avenue, Oakland Park, FL 33334 Email: renees@oaklandparkfl.org
City of Parkland	Department: City Clerk Attn: City Clerk, Alyson Morales Address: 6600 University Drive, Parkland, FL 33067 Email: amorales@cityofparkland.org
Town of Pembroke Park	Department: Town Clerk Attn: Town Clerk, Marlen D. Martell Address: 3150 SW 52 Avenue, Pembroke Park, FL 33023 Email: townclerk@tppf.gov

Municipality	Municipality's Notice Information (Article 9.5)
City of Pembroke Pines	Department: City Clerk Attn: City Clerk, Marlene Graham Address: 601 City Center Way, 4 th Floor Email: mgraham@ppines.com
City of Plantation	Department: City Clerk Attn: City Clerk, April Beggerow Address: 400 NW 73 Avenue, Plantation, FL 33317 Email: abeggerow@plantation.org
City of Pompano Beach	Department: City Clerk Attn: City Clerk, Asceleta Hammond Address: 100 West Atlantic Blvd., Second Floor, Pompano Beach, FL 33060 Email: asceleta.hammond@copbfl.com
Village of Sea Ranch Lakes	Attn: Mayor Denise Bryan Address: Sea Ranch Lakes, 1 Gatehouse Road, Sea Ranch Lakes, FL 33308 Email: Ddoody@gorencherof.com
Town of Southwest Ranches	Department: Town Clerk Attn: Town Clerk, Russell Muniz Address: 13400 Griffin Road, Southwest Ranches, FL 33330 Email: rmuniz@southwestranches.org
City of Sunrise	Department: City Clerk Attn: City Clerk, Felicia M. Bravo Address: 10770 W. Oakland Park Blvd., Sunrise, FL 33351 Email: cityclerk@sunrisefl.gov
City of Tamarac	Department: City Clerk Attn: City Clerk, Jennifer Johnson Address: 7525 NW 88 Avenue, Tamarac, FL 33321 Email: Jennifer.Johnson@tamarac.org
City of Weston	Department: City Clerk Attn: City Clerk, Patricia Bates Address: 17200 Royal Palm Boulevard, Weston, FL 33326 Email: pbates@westonfl.org
City of West Park	Department: City Clerk Attn: City Clerk Address: 1965 South State Road 7, West Park, FL 33023 Email: agrant@cityofwestpark.org
City of Wilton Manors	Department: City Clerk Attn: City Clerk, Faith Lombardo Address: 2020 Wilton Drive, Wilton Manors, FL 3305 Email: flombardo@wiltonmanors.com

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Resolution

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT RESOLUTION RELATING TO THE AWARD OF A CONTRACT FOR TWO (2) BEACH LIFEGUARD TOWERS TO BAUSCH ENTERPRISES, INC.; WAVING COMPETITIVE BIDDING TO AWARD THE CONTRACT TO THE SUCCESSFUL BIDDER UNDER THE CITY'S REQUEST FOR PROPOSAL (RFP) NO. 21-004 AND TO CONSTRUCT TWO (2) ADDITIONAL LIFEGUARD TOWERS THAT WERE NOT CONSIDERED IN THE ORIGINAL RFP; AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE TOTAL COST OF ONE HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$139,700.00); AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT

Purchasing Requests ONLY

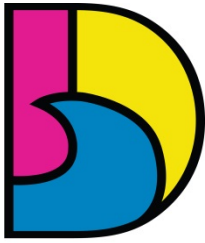
Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

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Exhibits Attached

Memo to City Commission - Waiver of Competitive Bidding for Lifeguard Towers FY22, R-2022 - Bausch Enterprises, Inc. Contract Award to Construct Two Additional Beach Lifeguard Towers (Vendor Selected under RFP 21-004), Dania Beach 2 Zero Quote 12-7-21



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH PARKS AND RECREATION DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and City Commission

FROM: Cassi Warren, CPRP, Parks & Recreation Assistant Director *Cassi Warren*

SUBJECT: Waiver of Competitive Bidding for Two (2) Lifeguard Towers for Purchase Exceeding \$25,000.00 and Award Bid to Bausch Enterprises, Inc.

REQUEST

The Parks & Recreation Department is requesting to waive the competitive bid process for the purchase of two (2) beach lifeguard towers with the purchase exceeding \$25,000.00 and to award the bid to Bausch Enterprises, Inc. in the amount of \$139,700.00 for new beach lifeguard towers along with custom color on the two (2) beach lifeguard towers.

BACKGROUND

On March 12, 2021, the City received responses to the Request for Proposals ("RFP") No. 21-004 to provide two (2) beach lifeguard towers. On April 19, 2021, the City's Selection Committee ("Committee") met and evaluated three (3) responses which led to the selection of Bausch Enterprises, Inc. Bausch Enterprises, Inc. was the lowest, most qualified responded with a bid in the amount of Ninety-Eight Thousand Two Hundred Seventy-Seven Dollars (\$98,277.00).

The purchase of two additional new lifeguard towers was budgeted again this year. A quote for these two (2) additional beaches lifeguard towers was obtained (see attached). In an effort to keep the aesthetics seamless and cohesive to the newest tower installed in December 2021, we would like to use the same company to facilitate this update to the continued efforts to beautify the beach.

BUDGETARY IMPACT

Funds are allocated in the Parks and Recreation, Beach, Buildings Account No. 001-72-02-572-62-10 in the amount of One Hundred Eighteen Thousand Five Hundred Dollars (\$118,500.00). A budget transfer from Parks and Recreation, Beach, Operating Supplies Miscellaneous Account No. 001-72-02-572-52-20 budget transfer in the amount of Twenty-One Thousand Seven Hundred Dollar (\$21,700.00) into Account No. 001-72-02-572-62-10 for a total of One Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$139,700.00).

RECOMMENDATION

Recommendation is for the City Commission to provide approval.

RESOLUTION NO. 2022-011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF A CONTRACT FOR TWO (2) BEACH LIFEGUARD TOWERS TO BAUSCH ENTERPRISES, INC.; WAVING COMPETITIVE BIDDING TO AWARD THE CONTRACT TO THE SUCCESSFUL BIDDER UNDER THE CITY'S REQUEST FOR PROPOSAL (RFP) NO. 21-004 AND TO CONSTRUCT TWO (2) ADDITIONAL LIFEGUARD TOWERS THAT WERE NOT CONSIDERED IN THE ORIGINAL RFP; AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE TOTAL COST OF ONE HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$139,700.00); AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Dania Beach Code of Ordinances, Chapter 2, Article 1, Section 2-10, "Monetary thresholds for certain purchases and payment disbursement authorizations", Subsection (a), sets the monetary threshold at \$25,000.00 for a vendor each fiscal year; and

WHEREAS, in fiscal year 2021 via RFP No. 21-004, the Parks and Recreation Department purchased two (2) lifeguard towers from Bausch Enterprises, Inc; and

WHEREAS, the Department requests to waive competitive bidding in order to use the successful vendor selected under RFP No. 21-004, to replace two (2) additional beach lifeguard towers, for a total cost of One Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$139,700.00) to maintain aesthetics among all towers; and

WHEREAS, the Department requests to waive the annual vendor threshold of Twenty-Five Thousand Dollars (\$25,000.00);

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

Section 1. That the above "Whereas" clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the Commission approves to waive the competitive bidding process to include two (2) additional towers to Bausch Enterprises, Inc., for an annual amount not to exceed One Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$139,700.00), and further authorizes the proper City officials to execute an Agreement for these services.

Section 3. That the amount of One Hundred Thirty-Nine Thousand Seven Hundred Dollars (\$139,700.00) was planned and funded for these services in the Parks and Recreation Department FY 2022 Beach Division budget; however, due to inflation, the quote is over budget and requires a budget transfer of (\$21,700.00) from Beach, Operating Supplies Miscellaneous into the Beach, Buildings and therefore, the Commission authorizes and approves these services for this bid award.

Section 4. That the City Manager and City Attorney are authorized to make minor revisions to the Agreement related to the work as are deemed necessary and proper for the best interests of the City.

Section 5: That the City Commission authorizes the annual vendor threshold of Twenty-Five Thousand Dollars (\$25,000.00) to be exceeded each fiscal year the contract is in place subject to and made within the Parks and Recreation Department's approved level of annual budget appropriations from Recreation, Beach, Buildings Account No. 001-72-02-572-62-10.

Section 6. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 7. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



Bausch Watch Tower Division



QUOTE

Bausch Enterprises Inc.
3171 SE Waaler Street
Stuart, FL 34997
772.220.6652

DATE: DECEMBER 7, 2021

EXPIRATION DATE: January 31, 2022

Michael Huck
Chief Ocean Lifeguard – City of Dania Beach
mhuck@daniabeachfl.gov | daniabeachfl.gov
100 W Dania Beach Blvd. | Dania Beach, FL 33004

SALESPERSON	JOB	INSTALLATION METHODS	DELIVERY ESTIMATE	DELIVERY DATE	PAYMENT TERMS	DUE DATE
Todd B.	Dania Beach # 3 & #4	Crane needed for assembly & I can get a crane quote if requested	\$2500 to parking lot, then assembled*	TBA	To be negotiated	TBD

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	Bausch "Zero" Watch Tower, standard package (please see attached description) with aluminum center ramp	\$64,500	\$129,00
2	Delivery to your site and assembly of Zero	\$2500	\$5,000
2	Aluminum powder coated Board Boxes	\$2850	\$5,700
	Note* Price may vary due to material cost increases and will be based on pricing at time construction begins. Mainly due to a volatile aluminum market and limited availability of materials.*		
	Standard Package on Zero Tower		
	Marine grade aluminum construction		
	Embossed composite decking on 12' by 12' aluminum deck		
	Anodized Aluminum Railing upgrade		
	Three piece aluminum skinned roof with insulation		

	2-30" Aluminum doors with impact glass windows and SS handles			
	Three- 15 degree tint in glass impact windows with folding shutters (inside locking)36" tall with 50 square feet of viewing area			
	2 ventilation hatches includes front vent / seat combination			
	Front access, with anodized aluminum ladder and aluminum railing on ladder and deck			
	6 foot deck elevation			
	Exterior and interior walls powder coated with clear ceramic coating on the exterior			
	Composite front counter			
	49 square foot floor plan with angled windows and walls for decreased glare			
	All stainless steel fasteners and 4 SS lifting eyes on shelter			
	Flag holder			
	Sits on two 12" wide aluminum skids with 4 towing eyes			
			SUBTOTAL	\$139,700
			SALES TAX	Exempt
			TOTAL	\$139,700

Quotation prepared by: Todd Bausch

To accept this quotation, sign here and return: _____

Date: _____

Thank you!



CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Resolution

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR SERVICES TO BE PROVIDED BY AMC SURVEILLANCE; AND AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO PROCURE MAINTENANCE OF THE CITY'S SURVEILLANCE CAMERA SYSTEM; AUTHORIZING THE PURCHASES PROVIDED THE PURCHASES ARE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS

Purchasing Requests ONLY

Dept:

Acct #:

Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AMC Surveillance Exceed 25K 2021-22, R-2022- AMC Surveillance Procurement of Services for Maintenance of City's Surveillance Camera System to Exceed \$25K



**CITY OF DANIA BEACH
PUBLIC SERVICES DEPARTMENT**

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA- CM, City Manager

FROM: Adam Segal, Deputy Finance Director

RE: **Approval of a resolution providing authorization to exceed the City's annual vendor threshold of \$25,000 for AMC Surveillance for Fiscal Year 2021-22.**

Request

The Finance Department is requesting authorization to exceed the City's annual vendor threshold of \$25,000 for AMC Surveillance for Fiscal Year 2021-22.

Background

AMC Surveillance is the City's primary maintenance provider for the City's surveillance camera system. They are a reliable local company that has provided exemplary service to the City for several years.

The Fiscal Year 2021-22 budget includes funding for maintenance and updates to the surveillance camera infrastructure. It is anticipated that the total combined purchases from AMC Surveillance during FY2021-22 will exceed the \$25,000 vendor threshold, requiring City Commission approval.

Budgetary Impact

None – all purchases from AMC Surveillance for Fiscal Year 2021-22 are made within the respective departments' budgetary appropriations.

Recommendation

The Finance Department recommends approval of the resolution providing authorization to exceed the City's annual vendor threshold of \$25,000 for AMC Surveillance for Fiscal Year 2021-22.

RESOLUTION NO. 2022-012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR SERVICES TO BE PROVIDED BY AMC SURVEILLANCE; AND AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO PROCURE MAINTENANCE OF THE CITY'S SURVEILLANCE CAMERA SYSTEM; AUTHORIZING THE PURCHASES PROVIDED THE PURCHASES ARE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Dania Beach Code of Ordinances, Chapter 2, Article 1, Section 2-10, "Monetary thresholds for certain purchases and payment disbursement authorizations", Subsection (a), sets the monetary threshold at \$25,000.00 for a vendor each fiscal year; and

WHEREAS, the Fiscal Year 2021-22 budget includes funding for maintenance and updates to the surveillance camera infrastructure; and

WHEREAS, AMC Surveillance is the City's primary maintenance provider for the City's surveillance camera system, and they are a reliable local company that has provided exemplary service to the City for several years; and

WHEREAS, the total amount of purchases from AMC Surveillance for fiscal year 2021-22 will exceed the annual Twenty Five Thousand Dollars (\$25,000.00) City purchase threshold for a single vendor and, therefore, require City Commission approval.

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

Section 1. That the above "Whereas" clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That all purchases made from AMC Surveillance shall be subject to approved annual budget appropriations and in accordance with the City's procurement policies and are authorized to exceed the annual amount of Twenty-Five Thousand Dollars (\$25,000.00) purchase threshold for a single vendor.

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

Section 4. That this Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNIEDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOLAR STREETLIGHT RETROFIT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

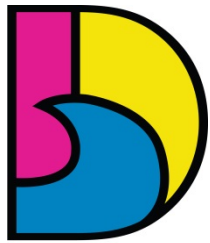
Purchasing Requests ONLY

Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-AUTHBID-380RETROFIT-012522, R-2022- Solar Streetlight Retrofit Project Authorization to Bid



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

RE: AUTHORIZATION TO BID THE SOLAR LIGHT RETROFIT PROJECT

Request

The Public Services Department (PSD) is requesting the adoption of the attached resolution authorizing the bidding process for the Solar Streetlight Retrofit Project (Project).

Background

The Year 30 solar streetlights are planned for streets that are Community Development Block Grant (CDBG) eligible, covering areas west of I-95 and north of Griffin Road, as well as streets adjacent to SW 40 Avenue. Another important element of the plan is to retrofit the older generation of solar lights.

The City started installing solar lights in 2006, primarily in sections where FPL street light installations were not feasible. Most of these older batch of solar lights require replacing many of their outdated and/or discontinued components. This group of lights often go out of service and their repair is cumbersome and frequently delayed. The Citywide Street Lighting Plan identified about 400 older generation solar lights in this category. Once retrofitted, these lights will provide years of reliable and mostly low maintenance service.

The City Commission approved the Citywide Street Lighting Improvement Project in the 2021-2022 Capital Projects Plan, along with funding of \$1 million to address the retrofit element. PSD will advertise this Project once the City Commission approves this request.

Budgetary Impact

On December 14, 2021, City Commission adopted Resolution 2021-187 to authorize the Finance Department to seek \$1M in financing to fund the Project.

Recommendation

PSD recommends the adoption of the resolution authorizing PSD to proceed with the bidding process for procuring the services required to implement the Solar Streetlight Retrofit Project.

RESOLUTION NO. 2022-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE SOLAR STREETLIGHT RETROFIT PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 14, 2021, the City Commission approved the Solar Streetlight Retrofit Project (the “Project”) in the 2021-2022 Capital Improvement Plan funded with One Million Dollars (\$1,000,000.00) via Resolution 2021-187; and

WHEREAS, the Project includes the retrofit of nearly four hundred (400) existing older generation lights to improve reliability and longevity; and

WHEREAS, a consulting firm, Public Utility Management and Planning Services, Inc., is preparing the necessary specification documents to competitively bid the project;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City Commission authorizes staff to proceed with the Solar Streetlight Retrofit Project bid advertisement with funding in the amount of One Million Dollars (\$1,000,000) that will be financed by the Finance Department.

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

Section 4. That this Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT RESOLUTION URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT SENATE BILL NO. 224 AND HOUSE BILL NO. 105 IN THE 2022 LEGISLATIVE SESSION WHICH, IF ENACTED, WOULD AUTHORIZE COUNTIES AND MUNICIPALITIES TO RESTRICT SMOKING ON PUBLIC BEACHES AND IN PUBLIC PARKS, DIRECTING THE CITY'S STATE LOBBYISTS TO ADVOCATE IN FAVOR OF SENATE BILL 224 AND HOUSE BILL 105

Purchasing Requests ONLY

Dept:

Acct #:

Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

R-2022- Support of Municipalities and Counties to Ban Smoking in Public Places

RESOLUTION NO. 2022-014

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT SENATE BILL NO. 224 AND HOUSE BILL NO. 105 IN THE 2022 LEGISLATIVE SESSION WHICH, IF ENACTED, WOULD AUTHORIZE COUNTIES AND MUNICIPALITIES TO RESTRICT SMOKING ON PUBLIC BEACHES AND IN PUBLIC PARKS, DIRECTING THE CITY'S STATE LOBBYISTS TO ADVOCATE IN FAVOR OF SENATE BILL 224 AND HOUSE BILL 105; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the National Center for Chronic Disease Prevention and Health Promotion of the Centers for Disease Control and Prevention:

- Tobacco use is the leading cause of preventable disease, disability, and death in the United States;
- About 34 million US adults smoke cigarettes, and 58 million nonsmokers are exposed to secondhand smoke. Every day, about 1,600 young people under age 18 try their first cigarette, and nearly 200 become daily cigarette smokers;
- Cigarette smoking causes more than 480,000 deaths annually, including 41,000 deaths from secondhand smoke. For every American who dies because of smoking, at least 30 are living with a serious smoking-related illness;
- Smoking-related illness cost the United States over \$300 billion each year, including more than \$225 billion in direct medical costs;
- Secondhand smoke, which affects 58 million nonsmoking Americans, also causes stroke, lung cancer, and coronary heart disease in adults. Children who are exposed to secondhand smoke are at increased risk of SIDS, impaired lung function, acute respiratory infections, middle ear disease, and more frequent and severe asthma attacks;
- Cigarette smoking is a major cause of heart disease and stroke and causes 1 in every 4 deaths from heart disease and stroke. Nonsmokers who breathe secondhand smoke at home or work have a 25% to 30% higher risk of heart disease and a 20% to 30% higher risk of stroke;
- Cigarette smoking can cause lung disease by damaging the airways and the small air sacs (alveoli) found in the lungs. It can cause chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis;

- The risk of developing type 2 diabetes is 30% to 40% higher for current smokers than nonsmokers;
- Cigarette smoking during pregnancy increases the risk of pregnancy complications, including premature birth, low birth weight, certain birth defects, and SIDS; and

WHEREAS, according to a study by the National Academies of Sciences, Engineering and Medicine titled Public Health Consequences of E-Cigarettes, The National Academies Press (2018), “[t]here is conclusive evidence that in addition to nicotine, most e-cigarette products contain and emit numerous potentially toxic substances”; and

WHEREAS, according to Some e-cigarette ingredients are surprisingly more toxic than others, UNC Health and UNC School of Medicine, March 27, 2018, the University of North Carolina School of Medicine “found that e-liquid ingredients are extremely diverse, and some of them are more toxic than nicotine alone and more toxic than just the standard base ingredients in e-cigarettes – propylene glycol and vegetable glycerin”; and

WHEREAS, according to the European Heart Journal, Volume 41, Issue 15, 14 April 2020, Page 1523, Published 25 March 2020, “[i]n a recent study, Kuntic et al. reported that inhaled acrolein may be the main culprit for their observations of acute adverse effects of e-cigarette use on vascular function, caused by oxidative stress in blood vessels.” (Citation footnote omitted); and

WHEREAS, according to the American Lung Association, “[b]oth the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes.”; and

WHEREAS, according to the Ocean Conservancy, during the 2019 International Coastal Cleanup, volunteers in 116 countries collected 4.2 million cigarette butts; and

WHEREAS, Section 386.209, Florida Statutes (2021), “expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject”; and

WHEREAS, notwithstanding the preemption provided in Section 386.209, Florida Statutes (2021), Senate Bill 224 (Senator Joe Gruters) would authorize counties and municipalities to “further restrict smoking within the boundaries of any public beaches or public parks that they own,” and authorize municipalities to “further restrict smoking within the boundaries of any public beaches or public parks that are within their jurisdiction but are owned by the county if doing so would not conflict with a county ordinance.”; and

WHEREAS, a similar bill to Senate Bill 224, specifically House Bill 105, has been filed in the Florida House of Representatives; and

WHEREAS, the City strives to provide healthy and clean environments for its residents and visitors; and

WHEREAS, providing smoke-free zones on public beaches and in public parks would be one way to keep the City beautiful by eliminating discarded cigarette butts and other smoking-related trash; and

WHEREAS, smoke-free zones would help protect residents and visitors from unhealthy and unwanted second-hand smoke, leading to more enjoyable visits to the City's parks and beaches; and

WHEREAS, the City of Dania Beach, and its residents and visitors, would benefit from legislation that would authorize the prohibition of smoking on public beaches and in public parks within its jurisdiction;

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

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

Section 2. That the City Commission of the City of Dania Beach, Florida, urges all members of the Florida Legislature and Governor Ron DeSantis to support Senate Bill 224 and House Bill 105 in the 2022 legislative session, and any other similar legislation that would authorize the prohibition of smoking on public beaches and in public parks.

Section 3. That the City Commission directs the City Clerk to transmit copies of this Resolution to the City's state lobbyists, Governor Ron DeSantis, Senate President Wilton Simpson, Speaker of the House Chris Sprowls, the Broward League of Cities, the Florida League of Cities, the Broward County Legislative Delegation, the Broward County Board of County Commissioners, the Palm Beach County League of Cities, the Miami-Dade County League of Cities, and any other interested parties.

Section 4. That the City Commission directs the City's state lobbyists to advocate in favor of Senate Bill 224 and House Bill 105 in the 2022 legislative session.

Section 5. That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH BROWARD COUNTY AND OTHER PARTICIPATING MUNICIPALITIES REGARDING A COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

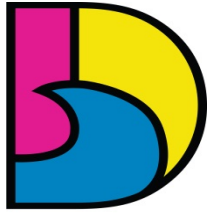
Purchasing Requests ONLY

Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-SWASTE-STUDY-MOU-1STAMNDMT-012522 (1), R-2022-015 BC Integrated Solid Waste MOU First Amendment for Waste Generation Study, First Amendment to MOU 1-12-22_v4_UpdatedScope+Population-CLEAN, SWG Study Municipal Cost as of 1-18-22



DANIA BEACH
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CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA- CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director

RE: AUTHORIZATION TO APPROVE THE FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) WITH BROWARD COUNTY AND OTHER MUNICIPALITIES REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM

Request

City administration is requesting authorization to approve the adoption of the first amendment to the above referenced MOU, thereby enabling the study to go forward and contributing the City's population-based funding portion of \$9,125.14.

Background

In 2019, Broward County and the Broward County Municipalities (municipalities) entered into the Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System. It also established a Solid Waste Working Group ("SWWG"), consisting of elected municipal officials chosen from among the municipalities in Broward County and a County Commissioner.

The MOU called for the County and the municipalities to: (1) agree to jointly undertake the continued study and analysis of critical solid waste issues and recycling programs; (2) directed the SWWG to develop a detailed and comprehensive scope of such continued study and analysis and authorized the SWWG to retain and interact with any appropriate consultants and/or attorneys to ensure that balance and independence are maintained throughout; and (3) agreed to make the respective financial contributions necessary for the continued study and analysis.

At this time, the SWWG has deemed it necessary to have a Waste Generation Study completed to further its efforts to reach a regional solution for the future of solid waste disposal and the processing of recyclable materials in the future. Accordingly, Broward County has agreed to engage such consultant to complete a scope of work as described in the First Amendment to the MOU (attached in the accompanying resolution). The County has agreed to contribute financially up to fifty percent (50%) of the total cost of a Waste Generation Study, with the remainder to be paid by municipalities that agree to the First Amendment to the MOU.

\continued...



AUTHORIZATION TO APPROVE THE FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) WITH BROWARD COUNTY AND OTHER MUNICIPALITIES REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM

Budgetary Impact

The City's portion of the funding for the study is \$9,125.14, based on population. It will be funded from by a transfer within the Solid Waste Fund from the Contingency account 116-34-01-534-99-10 to Professional Services account 116-34-01-534-31-10.

Recommendation

City Administration recommends that the City Commission authorize the execution of this amendment to the MOU enabling the study to go forward and contributing the City's funding portion.

RESOLUTION NO. 2022-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH BROWARD COUNTY AND OTHER PARTICIPATING MUNICIPALITIES REGARDING A COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2019, Broward County and the Broward County Municipalities, by entering into the Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System ("MOU"), established a Solid Waste Working Group ("SWWG"), a group of elected municipal officials chosen from among the elected officials of the municipalities in Broward County and a County Commissioner; and

WHEREAS, under the MOU, Broward County and the municipalities, including the City of Dania Beach: (1) agreed to jointly undertake the continued study and analysis of critical solid waste issues and recycling programs; (2) directed the SWWG to develop a detailed and comprehensive scope of such continued study and analysis and authorized the SWWG to retain and interact with any appropriate consultants and/or attorneys during the course of the continued study to ensure that balance and independence are maintained throughout; and (3) agreed to make the respective financial contributions necessary for the continued study and analysis; and

WHEREAS, the SWWG has deemed it necessary to have a Waste Generation Study completed in order to further its efforts to agree on a regional solution for the future of solid waste disposal and the processing of recyclable materials in the future, and Broward County has agreed to engage such consultant to complete a scope of work as described in the First Amendment to the MOU; and

WHEREAS, Broward County has agreed to contribute financially up to fifty percent (50%) of the total cost of a Waste Generation Study, with the remainder to be paid by municipalities that agree to the First Amendment to the MOU, referred to in the First Amendment to the MOU as "Study Participants"; and

WHEREAS, the City of Dania Beach deems it beneficial to enter into the First Amendment to MOU with Broward County and other Participating Municipalities and contribute to the cost of the Waste Generation Study consistent with the terms of the First Amendment to the MOU;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the City of Dania Beach Commission approves the terms and conditions of the First Amendment to Memorandum of Understanding, a copy of which is attached as Exhibit “A” and made a part of this Resolution.

Section 3. That the City of Dania Beach Commission approves the expenditure of up to Nine Thousand One Hundred Twenty Five Dollars and Fourteen Cents (\$9,125.14) based on the First Amendment to the MOU’s population-based portion to procure the Study.

Section 4. That the proper City Officials are authorized to execute the First Amendment to the Memorandum of Understanding and effectuate the expenditure of the funds authorized by this Resolution.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

**FIRST AMENDMENT
TO MEMORANDUM OF UNDERSTANDING
REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF
AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM**

This First Amendment ("First Amendment") to the Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System ("MOU") is made and entered into by and among Broward County, Florida ("County"), a political subdivision of the State of Florida, and those municipalities located within Broward County that approve and execute this First Amendment (individually, each executing municipality is a "Study Participant," and those municipalities are, collectively, the "Study Participants"), for the purpose of jointly funding a regional solid waste generation study ("Study") to inform the creation of a coordinated, cost-effective, environmentally sustainable system by which to dispose of solid waste and recyclable material.

RECITALS

A. In late 2019, County and the Participating Municipalities established a Solid Waste Working Group ("SWWG"), a group of elected municipal officials chosen from among the elected officials of the municipalities in Broward County and a County Commissioner, by entering into the MOU.

B. County and Study Participants each recognize that there are significant short-term and long-term benefits of regional management of solid waste disposal and recyclables processing, including environmental benefits and potential cost savings, and are committed to working toward establishing an integrated and comprehensive regional solid waste management system.

C. The goal of the SWWG is to work cooperatively, diligently, and in good faith to recommend strategies and solutions to establish a regional solid waste management system based on shared principles and commitments, including a mutually agreed governance structure and sufficient independence to achieve regional solid waste disposal and recycling goals.

D. The Study is intended to provide the SWWG with information concerning the amount and composition of solid waste and recyclables countywide. Future studies may be necessary to analyze environmental impacts or to develop plans for new facilities or capital improvements.

E. Under Section 8 of the MOU, County and the Participating Municipalities (1) agreed to jointly undertake the continued study and analysis of critical solid waste issues and recycling programs; (2) directed the SWWG to develop a detailed and comprehensive scope of such continued study and analysis and authorized the SWWG to retain and interact with any appropriate consultants and/or attorneys during the course of the continued study to ensure

that balance and independence are maintained throughout; and (3) agreed to make the respective financial contributions necessary for the continued study and analysis. If every Participating Municipality does not execute this First Amendment, then only County and the Study Participants shall be parties to it. In such event, the County and Study Participants have agreed that this First Amendment shall have the force of a separate agreement that incorporates the understandings of the MOU.

F. By action of the Broward County Board of County Commissioners on June 15, 2021, County has agreed to contribute financially up to fifty percent (50%) of the total cost of the Study, with the remainder to be paid by Study Participants.

G. County and Study Participants desire to enter into this First Amendment to the MOU to further the SWWG's goals by contributing funds to procure the Study, which will provide the SWWG with information critical to the process of establishing a regional solid waste management system. This First Amendment only affects the obligations of County and Study Participants to each other and shall not amend the MOU in any other respect.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Study Participants agree as follows:

ARTICLE 1. EXHIBITS

Exhibit A	Proposed Study Scope of Services
Exhibit B	Estimated Study Budget and Study Participant Contributions

ARTICLE 2. AMENDMENT EFFECTIVE DATE; AUTOMATIC TERMINATION

2.1 Amendment Effective Date. The effective date of this First Amendment ("Amendment Effective Date") shall be the date it is fully executed by County and by Study Participants representing at least a combined ninety percent (90%) of the total population of Broward County, Florida (the "Required Population"), based on the University of Florida Bureau of Economic and Business Research's most recent population estimates.

2.2 Automatic Termination. If by February 11, 2022, ("Automatic Termination Date"), County and Study Participants meeting or exceeding the Required Population as set forth in Section 2.1 have not executed this First Amendment and provided payment as set forth in Sections 3.2 and 3.3, this First Amendment shall be void and of no effect on County and any Study Participants that had executed the First Amendment prior to the Automatic Termination Date, and any payments made by Study Participants that had executed the First Amendment prior to the Automatic Termination Date shall be returned to the paying Study Participant.

**ARTICLE 3. FINANCIAL OBLIGATIONS OF THE PARTIES; TIME OF PERFORMANCE;
ADDITIONAL STUDY PARTICIPANTS**

3.1. Study Cost. The total final cost of the Study invoiced by Vendor (defined below) to County is hereinafter referred to as the "Study Cost." The Study Cost shall not exceed one million dollars (\$1,000,000). The Study shall be conducted in phases. At the completion of each phase of the Study, a portion of the Study Cost will be invoiced by Vendor to County.

3.2. Division of Study Cost. County shall pay an amount equal to fifty percent (50%) of the Study Cost. The Study Participants (both those who are parties to this First Amendment as of the Amendment Effective Date and those who may become Study Participants after such date) shall collectively pay an amount equal to fifty percent (50%) of the total Study Cost (the "Municipal Share"). The division of the Study Cost between County and Study Participants on a fifty-fifty (50/50) basis shall remain in place notwithstanding any discrepancy between the estimate shown on Exhibit B and the Study Cost. If the estimate shown on Exhibit B is different than the Study Cost, the County's share and each Study Participant's portion of the Municipal Share will be adjusted on a pro-rata basis using the method described in Section 3.3 of this First Amendment, with the County's share and the Municipal Share each remaining fifty percent (50%) of the total Study Cost.

3.3. Municipal Share Calculation. Each Study Participant's portion of the Municipal Share shall be calculated by dividing the Study Participant's population by the total population of the Study Participants no later than thirty (30) days after the Amendment Effective Date ("Municipal Reconciliation Date"). For example, if a Study Participant's population is equal to five percent (5%) of the total population of all Study Participants, such Study Participant would be responsible for contributing five percent (5%) of the Municipal Share. All percentages shall be rounded to the nearest hundredth of a decimal point (e.g., 4.944% shall be rounded to 4.95%) with any shortfall paid by the Study Participant with the largest population. The population of the unincorporated areas of Broward County shall not be included when calculating total population under this section and no contribution to the Municipal Share shall be required on behalf of the unincorporated areas. The parties acknowledge that Exhibit B is demonstrative of the application of the formula in this Section 3.3 and the actual payment responsibilities for the Study Participants shall be calculated based upon the formula in this Section 3.3.

3.4. Time of Performance. Each Study Participant shall issue payment to County for its portion of the Municipal Share contemporaneous with its delivery to County of the executed First Amendment, as set forth in Section 2.2. Study Participants shall issue payment in the amount that would be owed if Study Participants representing a combined ninety percent (90%) of the total population of Broward County, Florida, executed this First Amendment. If Study Participants representing more than a combined ninety percent (90%) of the total population of Broward County, Florida, execute this First Amendment, County shall issue a reimbursement of each Study Participant's respective overpayment of the Municipal Share, on a pro-rata basis, after the Municipal Reconciliation Date.

3.5. Additional Study Participants. Any Broward County municipality may become a Study Participant by signing this First Amendment, and the MOU, and issuing payment to County within thirty (30) calendar days after entering into this First Amendment for an amount as calculated pursuant to Section 3.3 herein, which shall be used to reimburse all other Study Participants, on a pro-rata basis, their respective overpayments of the Municipal Share.

3.6. Extension. The SWWG shall have the authority, by majority vote, to extend the Automatic Termination Date set forth in Section 2.2 beyond February 11, 2022. Study Participants hereby acknowledge that any such extension may significantly delay initiation of the Study, and delivery of the resulting report, by Vendor.

ARTICLE 4. OTHER OBLIGATIONS OF THE PARTIES

4.1. Vendor Selection Process. County shall conduct a search for a qualified vendor to perform the Study and select the vendor ("Vendor"). The County shall enter into a binding agreement with Vendor and act as the contract administrator in connection with the agreement for the Study ("Study Contract").

4.2. Cooperation of the Study Participants with Vendor. Each Study Participant shall provide Vendor with the following information: (1) point of contact within Study Participant's municipal government, (2) list of haulers contracting with Study Participant, and (3) contact information for Study Participant's haulers. Study Participants shall encourage their haulers to comply with Vendor's information requests on an expedited basis.

4.3. No Obligation to Advance or Reimburse Other Parties. County shall not be obligated to advance, reimburse, or otherwise pay any portion of the Municipal Share and Study Participants shall not be obligated to advance, reimburse, or otherwise pay any portion of the County Share.

ARTICLE 5. SCOPE OF THE STUDY

5.1. The Study shall conform to industry best practices for solid waste generation reporting and other such topics as County's contract administrator of the Study Contract deems appropriate. As of the Amendment Effective Date, the proposed scope of the Study ("Study Scope") is attached as Exhibit A to this First Amendment.

5.2. Exhibit A was created with input from the SWWG's Technical Advisory Committee ("TAC"). Each Study Participant executing this First Amendment acknowledges that it had ample opportunity to review and provide feedback on the Study Scope prior to the retention of Vendor through its representative on the TAC.

5.3. Study Participants acknowledge and understand that the final scope of the Study as contained in the Study Contract may be modified based on negotiations with Vendor, as conducted by a negotiation team consisting of representatives from County, SWWG, and TAC. Notwithstanding the foregoing, the Study Scope shall not be modified in a manner that will

increase the cost to an amount more than the Study Cost. Any changes to the Study Scope will be made with the input of the negotiation team's County, SWWG, and TAC representatives.

ARTICLE 6. MISCELLANEOUS

6.1. Recitals. The above Recitals are true and correct and are incorporated herein by reference. All capitalized terms not expressly defined within this First Amendment shall retain the meaning ascribed to such terms in the MOU.

6.2. Conflict. In the event of any conflict or ambiguity between this First Amendment and the MOU, County and Study Participants agree that this First Amendment shall control. The MOU, as amended herein by this First Amendment, incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and County and Study Participants agree that there are no commitments, agreements, or understandings concerning the subject matter hereof that are not contained in the MOU as amended in this First Amendment. Accordingly, County and Study Participants agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

6.3. Joint Preparation. Preparation of this First Amendment has been a joint effort of County and Study Participants and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties to this First Amendment than any other.

6.4. Counterparts and Multiple Originals. This First Amendment may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same instrument.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the Parties hereto have made and executed this First Amendment: BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its County Administrator authorized to execute same by Board action on the ____ day of _____ 202__, and Study Participants, signing by and through officers duly authorized to execute same.

BROWARD COUNTY

WITNESS:

BROWARD COUNTY, by and through
its County Administrator

(Signature)

By _____
County Administrator

(Print Name of Witness)

____ day of _____, 2022

(Signature)

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600

(Print Name of Witness)

By _____
Nathaniel A. Klitsberg (Date)
Senior Assistant County Attorney

By _____
Matthew Haber (Date)
Assistant County Attorney

**FIRST AMENDMENT
TO MEMORANDUM OF UNDERSTANDING
REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF
AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM**

STUDY PARTICIPANT

WITNESS:

STUDY PARTICIPANT

Print or type name

Mayor (Print or type name)

_____ day of _____, 20____

WITNESS:

Print or type name

City Manager (Print or type name)

ATTEST:

APPROVED AS TO FORM BY:

City Clerk (Print or type name)

City Attorney (Print or type name)

EXHIBIT A
Proposed Study Scope of Services

Vendor shall provide the following Services:

WASTE GENERATION STUDY

Task	Task Title	Illustrative Tasks	Cost	Deliverables ¹
1	Project Planning and Preparations	• Kick-off meeting • Establish project parameters • Coordinate with private haulers • Create applicable Environmental Health and Safety Plans • Develop overall plan of the Study include how the results of the study can be used	\$45,300	• Memorandum with project schedule, summary of available information, and clarification of scope • Memorandum that details and describes Land Use Code Groups (LUCGs), geographic areas, and associated sample targets • Non-Disclosure agreements with private haulers • Memorandum of Understanding with each cooperating private hauler • Presentation before stakeholders providing an overview of the Study and introducing the potential uses derived from the Study (i.e., calculation of assessment fee, financial projections for a solid waste entity, tipping fee surcharge, support of bond issuance, etc.)

¹ Each task and deliverable are subject to County approval and acceptance to be considered completed and subject to payment.

² Format for all databases shall be approved by the County.

Task	Task Title	Illustrative Tasks	Cost	Deliverables ¹
2	Develop Sampling Protocol and Training	Purchase and install truck scales	\$92,400	Certificate of installation for each on-board truck scale installed. (County will reimburse actual costs based on proper submittal of invoices up to a maximum of \$23,100 for each scale installed up to a maximum of 4)
		Match hauler customers with parcels	\$48,800	Database² that presents selected data for which waste will be measured as part of this study
		Develop field protocol / training	\$25,900	- Field Sampling Protocol - Training Presentation
3	Correlate Parcel Data with Hauler Customer Information, Verification Surveys, and Data Gathering	Conduct verification surveys	\$138,000	Database that includes verified information and summary of discrepancies
		Winter field data gathering	\$52,800	Database that includes weight of waste measured for each parcel in Winter 2022
		Summer field data gathering	\$52,800	Database that includes weight of waste measured for each parcel in Winter 2022 and Summer 2022

² Format for all databases shall be approved by the County.

Task	Task Title	Illustrative Tasks	Cost	Deliverables ¹
4	Statistical Analyses	Conduct analysis to develop statistically valid and defensible waste generation rate for the County and its 31 municipalities	\$28,200	- Memorandum that presents median and statistical confidence intervals for each LUCG and geographic area - Meeting with County to present data summary and evaluate countywide vs geographic waste generation estimates
5	Draft/Final Waste Generation Report, Presentation, and Miscellaneous Consulting Services	- Draft Report - Final Report & Presentation - Progress Meetings (up to 4) before relevant stakeholders (as determined by the County) - Identifying regulatory, legislative, and legal trends that affect solid waste management - Provide guidance on policies, contracts, regulations, and other actions related to solid waste management in Broward County for consideration	\$65,800	- Draft project report that presents field methods, project results, and waste generation rates - Final project report that incorporates County comments on field methods, project results, and waste generation rates. The Final Report shall also include the potential uses derived from the Study (ie. calculation of assessment fee, financial projections for Authority, tipping fee surcharge, support of bond issuance, etc.) and next steps and options on how rates may be applied. - Presentation that presents the Waste Generation Study to relevant stakeholders (as determined by the County)
TOTAL			\$550,000	

The Scope of Service shall also include all items and tasks contained in the Contractor's written proposal dated November 12, 2021, and optional funding tasks.

WASTE COMPOSITION STUDY

Task	Task Title	Illustrative Tasks	Cost	Deliverables ³
6	Project Planning and Preparations	- Kick-off meeting - Establish project parameters - Coordinate with waste management facilities and public/private haulers - Create applicable Environmental Health and Safety Plans - Develop sampling protocol that identifies locations, sampling targets, and field procedures	\$18,500	- Memorandum with data request - Memorandum with project schedule, summary of available information, and clarification of scope - Sampling Protocol
7	Seasonal Field Efforts to Acquire and Sort Waste Samples	Season 1 (5-day field activity)	\$43,800	Memorandum presenting summary of field results for Season 1
		Season 2 (5-day field activity)	\$43,800	Memorandum presenting summary of field results for Season 2
		Season 3 (5-day field activity)	\$43,800	Memorandum presenting summary of field results for Season 4
		Season 4 (5-day field activity)	\$43,800	Memorandum presenting summary of field results for Season 4

Task	Task Title	Illustrative Tasks	Cost	Deliverables ³
8	Statistical Analyses	Derivation of Annual Waste Composition (overall and by sector); Comparisons (to previous studies, to other jurisdictions, by sector), Assessment of Opportunities to increase Waste Diversion	\$24,000	- Memorandum that presents annual waste composition and statistical confidence intervals for each material type - Meeting with County to present data and discuss format for final report
9	Draft/Final Waste Composition Report & Presentation	- Draft Report - Final Report & Presentation	\$26,300	- Draft report presenting field methods, project results, and waste composition - Final report incorporating County comments on field methods, project results, and waste composition. The Final Report shall also include the potential uses derived from the Study (opportunities to expand waste diversion efforts) and next steps. - Presentation of Waste Composition Study results to relevant stakeholders (as determined by the County)
TOTAL			\$244,000	

³ Each task and deliverable are subject to County approval and acceptance to be considered completed and subject to payment.

The Scope of Service shall also include all items and tasks contained in the Contractor's written proposal dated November 12, 2021, and optional funding tasks.

OPTIONAL SERVICES

Task	Task Title	Illustrative Tasks	Cost	Deliverables ⁴
10	Revenue Requirement /Financial Projections	Determine the revenue requirements for the system consistent with proposed bond commitments	\$32,625	Financial model results projecting revenue requirements
11	Non-Ad Valorem Assessment and Rate Planning	- Identify the parcels that will receive a special benefit from the solid waste entity - Validate the methodology for apportioning the revenue requirement to the benefitting parcels - Calculate the necessary special assessment to meet the revenue requirements for the next 5 years - Determine the parcels that will receive a special benefit from the solid waste entity and consider whether the same benefit is conveyed upon all parcels (ex, education/outreach, HHW, etc.)	\$59,500	Report with a statistically-valid and legally-defensible special assessment rate structure

⁴ Each task and deliverable are subject to County approval and acceptance to be considered completed and subject to payment.

Task	Task Title	Illustrative Tasks	Cost	Deliverables ⁴
12	Tipping Fee Study	• Determine level of surcharges required to meet the financial needs of the system • Determine waste streams and tonnages subject to surcharge • Calculate surcharge per ton of billable waste	\$39,100	• Report on tipping fees/surcharges that include surcharge for each facility and waste stream (MSW, bulk, yard, C&D, etc),
13	Support to Bond Issuance	• Perform feasibility study that details annual revenue projections over the life of the anticipated financing term	\$30,975	• Feasibility reports for revenue bond financing of capital assets
14	Communication and Outreach	• Public Relations and communication planning/ implementation • Citizen input through stakeholder, and public meetings, online and phone surveys	\$38,100	• Includes two in-person meetings, and one virtual meeting. • Memorandum summarizing results of citizen input.
15	Additional Meetings (as required)	• In-person meeting with Project Director - \$3,850 • Virtual Meeting - \$1,350	Varies	• Project Director will attend in-person or virtually, Project Manager will attend virtually

EXHIBIT B
Estimated Study Budget and Study Participant Contributions

Based on discussions with potential vendors, the estimated Study Cost is \$1,000,000.

The table below is intended as a demonstrative and assumes ninety percent (90%) municipal participation. It contains the agreed-upon population of each municipality in Broward County for determining each Study Participant's portion of the fifty percent (50%) Municipal Share of the Study Cost.

Municipality	Population (2021 BEBR)	Population Percentage based on 100% Participation	\$1M Study with 100% Participation	Population Percentage based on 90% Participation	Payment from Municipalities by 2/11/22 \$1M Study with 90% Participation
Fort Lauderdale	186,076	9.600%	\$47,409.00	10.667%	\$53,334.00
Pembroke Pines	170,857	8.815%	\$44,404.00	9.794%	\$48,972.00
Hollywood	153,854	7.938%	\$39,706.00	8.820%	\$44,098.00
Miramar	136,007	7.017%	\$34,947.00	7.796%	\$38,983.00
Coral Springs	134,558	6.942%	\$34,863.00	7.713%	\$38,568.00
Pompano Beach	113,144	5.837%	\$29,065.00	6.486%	\$32,430.00
Davie	106,199	5.479%	\$27,417.00	6.088%	\$30,439.00
Sunrise	97,359	5.023%	\$25,249.00	5.581%	\$27,906.00
Plantation	92,628	4.779%	\$23,800.00	5.310%	\$26,550.00
Deerfield Beach	87,106	4.494%	\$22,532.00	4.993%	\$24,967.00
Lauderhill	74,538	3.846%	\$19,321.00	4.273%	\$21,365.00
Tamarac	72,509	3.741%	\$18,651.00	4.157%	\$20,783.00
Weston	68,305	3.524%	\$17,667.00	3.916%	\$19,578.00
Margate	58,714	3.029%	\$15,230.00	3.366%	\$16,829.00
Coconut Creek	57,871	2.986%	\$15,002.00	3.317%	\$16,588.00
North Lauderdale	44,855	2.314%	\$11,620.00	2.571%	\$12,857.00
Oakland Park	44,296	2.285%	\$11,473.00	2.539%	\$12,697.00
Hallandale Beach	41,157	2.123%	\$10,692.00	2.359%	\$11,797.00
Lauderdale Lakes	36,647	1.891%	\$9,327.00	2.101%	\$10,504.00
Parkland	35,440	1.828%	\$8,994.00	2.032%	\$10,158.00
Cooper City	34,397	1.775%	\$8,924.00	1.972%	\$9,859.00
Dania Beach	31,837	1.643%	\$8,229.00	1.825%	\$9,126.00
West Park	15,229	0.786%	\$3,925.00	0.873%	\$4,365.00

Wilton Manors	11,560	0.596%	\$2,964.00	0.663%	\$3,314.00
Lighthouse Point	10,499	0.542%	\$2,720.00	0.602%	\$3,010.00
Southwest Ranches	7,675	0.396%	\$1,973.00	0.440%	\$2,200.00
Pembroke Park	6,222	0.321%	\$1,624.00	0.357%	\$1,784.00
Lauderdale-by-the-Sea	6,203	0.320%	\$1,608.00	0.356%	\$1,778.00
Hillsboro Beach	1,986	0.102%	\$515.00	0.114%	\$570.00
Sea Ranch Lakes	535	0.028%	\$140.00	0.031%	\$154.00
Lazy Lake	33	0.002%	\$9.00	0.002%	\$10.00

Study Cost	\$1,000,000
County Cost Share at 50%	\$500,000
Remainder to be Paid by Municipalities	\$500,000
Total Broward Population (2021 BEBR)	1,938,296
90% of Population	1,744,466

EXHIBIT B
Estimated Study Budget and Study Participant Contributions

Study Cost	\$1,000,000
County Cost Share at 50%	\$500,000
Remainder to be Paid by Municipalities	\$500,000
Broward Population (2021 BEBR)	1,938,296
90% of Population	1,744,466

Municipality	Population (2021 BEBR)	Population Percentage based on 100% Participation	\$1M Study with 100% Participation	Population Percentage based on 90% Participation	Payment from Municipalities by 2/11/22 \$1M Study with 90% Participation
Fort Lauderdale	186,076	9.600%	\$47,999.89	10.667%	\$53,333.21
Pembroke Pines	170,857	8.815%	\$44,074.02	9.794%	\$48,971.14
Hollywood	153,854	7.938%	\$39,687.95	8.820%	\$44,097.73
Miramar	136,007	7.017%	\$35,084.17	7.796%	\$38,982.41
Coral Springs	134,558	6.942%	\$34,710.38	7.713%	\$38,567.09
Pompano Beach	113,144	5.837%	\$29,186.46	6.486%	\$32,429.40
Davie	106,199	5.479%	\$27,394.94	6.088%	\$30,438.82
Sunrise	97,359	5.023%	\$25,114.59	5.581%	\$27,905.09
Plantation	92,628	4.779%	\$23,894.18	5.310%	\$26,549.09
Deerfield Beach	87,106	4.494%	\$22,469.74	4.993%	\$24,966.37
Lauderhill	74,538	3.846%	\$19,227.71	4.273%	\$21,364.13
Tamarac	72,509	3.741%	\$18,704.32	4.157%	\$20,782.57
Weston	68,305	3.524%	\$17,619.86	3.916%	\$19,577.62
Margate	58,714	3.029%	\$15,145.78	3.366%	\$16,828.64
Coconut Creek	57,871	2.986%	\$14,928.32	3.317%	\$16,587.02
North Lauderdale	44,855	2.314%	\$11,570.73	2.571%	\$12,856.37
Oakland Park	44,296	2.285%	\$11,426.53	2.539%	\$12,696.15
Hallandale Beach	41,157	2.123%	\$10,616.80	2.359%	\$11,796.44
Lauderdale Lakes	36,647	1.891%	\$9,453.41	2.101%	\$10,503.78
Parkland	35,440	1.828%	\$9,142.05	2.032%	\$10,157.83
Cooper City	34,397	1.775%	\$8,873.00	1.972%	\$9,858.89
Dania Beach	31,837	1.643%	\$8,212.63	1.825%	\$9,125.14
West Park	15,229	0.786%	\$3,928.45	0.873%	\$4,364.95
Wilton Manors	11,560	0.596%	\$2,982.00	0.663%	\$3,313.33
Lighthouse Point	10,499	0.542%	\$2,708.31	0.602%	\$3,009.23
Southwest Ranches	7,675	0.396%	\$1,979.83	0.440%	\$2,199.81
Pembroke Park	6,222	0.321%	\$1,605.02	0.357%	\$1,783.35
Lauderdale-by-the-Sea	6,203	0.320%	\$1,600.12	0.356%	\$1,777.91
Hillsboro Beach	1,986	0.102%	\$512.31	0.114%	\$569.23
Sea Ranch Lakes	535	0.028%	\$138.01	0.031%	\$153.34
Lazy Lake*	33	0.002%	\$8.51	0.002%	\$9.46

Note: Revised on 1/17/2022

* Rounded

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Consent Agenda

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) FOR A 2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (“SAFER”) GRANT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE APPLICATION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Fire Rescue)*

Purchasing Requests ONLY

Dept:

Acct #:

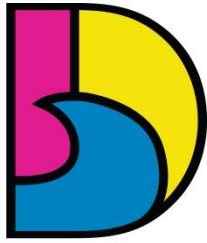
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

Memo R-2022 - SAFER Grant Application, R-2022- SAFER Grant Application



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH FINANCE DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Frank L. DiPaolo, Finance Director 
Digitally signed by Frank DiPaolo
DN: cn=Frank DiPaolo, o=City of Dania
Beach, ou=Finance,
email=fdipaolo@dania-beach.fl.gov, c=US
Date: 2022.01.19 21:39:45 -0500

RE: **Approval of a resolution authorizing the City Administration to apply for the FY21 Staffing for Adequate Fire and Emergency Response (SAFER) Grant**

Request

The Finance Department is requesting City Commission approval of a resolution authorizing the City Administration to apply for the FY21 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Background

The City's call volume for Fire Rescue services has continually increased over the years and to ensure the highest level of service and lowest response times, the City Manager recommends adding one rescue unit with a full complement of staffing.

In accordance with the National Fire Protection Association (NFPA) standards, a full complement of staffing is 4.3 personnel, comprised of nine (9) firefighters and five (5) lieutenants (supervisors).

The Federal Emergency Management Agency (FEMA) is accepting SAFER Grant applications of local fire departments for the purpose of providing funding to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide protection from fire and fire related hazards, and to fulfill traditional missions of fire departments.

The funding, if awarded, would be for thirty-six (36) months and provide one hundred percent (100%) of the base salary and benefit costs of each position funded with no cash or in-kind match required by the City, except for the cost differential between an entry level firefighter and lieutenant position.

Budgetary Impact

The grant will pay for 100% of entry level firefighter salaries and benefits. Any salary/benefits differential for a position with a higher pay grade will be the City's responsibility. Further, the City will be responsible for 100% of all salaries and benefits after the grant expires, at an estimated cost of

approximately \$2 million annually. These costs would be absorbed into the budget or offset by other funding, such as the American Rescue Plan Act (ARPA).

Recommendation

The Finance Department recommends City Commission approval of the resolution authorizing the City Administration to apply for the FY21 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

RESOLUTION NO. 2022-016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) FOR A 2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (“SAFER”) GRANT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE APPLICATION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City’s call volume for Fire Rescue services has continually increased over the years and to ensure the highest level of service and lowest response times, the City Manager recommends adding one rescue unit with a full complement of staffing; and

WHEREAS, the National Fire Protection Association (NFPA) standards provide that a full complement of staffing is comprised of nine (9) firefighters and five (5) lieutenants (supervisors); and

WHEREAS, FEMA is accepting Fiscal Year 2021, Staffing For Adequate Fire And Emergency Response (“SAFER”) Grant applications of local fire departments for the purpose of providing funding to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide protection from fire and fire related hazards, and to fulfill traditional missions of fire departments; and

WHEREAS, the funding, if awarded, would be for thirty-six (36) months and provide one hundred percent (100%) of the base salary and benefit costs of each position funded with no cash or in-kind match required by the City, except for the cost differential between an entry level firefighter and lieutenant position; and

WHEREAS, the City of Dania Beach therefore desires to apply for a Fiscal Year 2021 SAFER Grant;

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That a Fiscal Year 2021 SAFER Grant application to FEMA is approved and the proper City officials are authorized to execute and submit the application.

Section 3. That the City Manager and City Attorney are authorized to make minor revisions to the application as may be deemed necessary and proper for the best interests of the City.

Section 4. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. That this Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Bids and Proposals

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT RESOLUTION AUTHORIZING THE CITY COMMISSION TO RANK THE THREE FIRMS THAT RESPONDED TO THE CITY'S REQUEST FOR QUALIFICATIONS ("RFQ") NO. 21-033, ENTITLED "FRANK C. 'TOOTIE' ADLER PARK IMPROVEMENTS", FOR DESIGN SERVICES RELATED TO CONSTRUCTION AT FRANK C. 'TOOTIE' ADLER PARK, AND TO AUTHORIZE CONTRACT NEGOTIATIONS TO BEGIN WITH THE TOP-RANKED CONSULTANT

Purchasing Requests ONLY

Dept:

Acct #:

Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

Memo to Commission - Design Services RFQ 21-033, R-2022- Frank C. 'Tootie' Adler Park Design Services for Construction (RFQ 21-033) Ranking of Firms and Authorizing Contract Negotiations, Consolidated Score Sheet RFQ 21-031



CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: February 8, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA- CM, City Manager

FROM: Eric Brown, Director of Parks & Recreation
Cassi Waren, CPRP, Assistant Director of Parks & Recreation *CW*

RE: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY COMMISSION TO RANK THE THREE FIRMS THAT RESPONDED TO THE CITY'S REQUEST FOR QUALIFICATIONS ("RFQ") NO. 21-033, ENTITLED "FRANK C. 'TOOTIE' ADLER PARK IMPROVEMENTS", FOR DESIGN SERVICES RELATED TO CONSTRUCTION AT FRANK C. 'TOOTIE' ADLER PARK, AND TO AUTHORIZE CONTRACT NEGOTIATIONS TO BEGIN WITH THE TOP-RANKED CONSULTANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE

Request

The Parks and Recreation Department is requesting the adoption of a resolution authorizing the approval rank of the consultants for Design Services for RFQ-21-033 for design of the park improvements at Frank C. 'Tootie' Adler Park, 100 N Beach Road.

Background

The City of Dania Beach was awarded \$200,000 in grant funding through the Florida Recreation Development Assistance Program (FRDAP) with a \$200,000 match in September 2020 for Frank C. 'Tootie' Adler Park improvements.

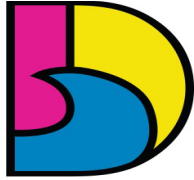
The first step towards the beginning of the construction improvements of the project is to hire an consult to assist with the design services. On November 9, 2021, the City issued Request for Qualifications (RFQ) 21-033 for Frank C. 'Tootie' Adler Park Improvements. The RFQ closed on December 7, 2021.

The Bid Committee, consisting of the Director of Parks and Recreation, the Assistant Director of Parks and Recreation, and the Public Services Superintendent met on January 7, 2022, to review and evaluate the three (3) proposals. The Bid Committee ranked the top three firms based upon their qualifications as follows:

1) Kimley-Horn & Associates

274 points

\continued...



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

**AUTHORIZATION TO RANK CONSTRUCTION MANAGER AT RISK SERVICES RFQ-21-024
FOR CONSTRUCTION MANAGEMENT OF CW THOMAS PARK, 100 NW 8TH AVE., NEW
CONSTRUCTION**

page 2 of 2

-
- | | |
|--|------------|
| 2) Calvin Giordano & Associates, Inc. | 268 points |
| 3) The Tamara Peacock Company Architects | 233 points |

Budgetary Impact

The City of Dania Beach was awarded \$200,000 in grant funding through the Florida Recreation Development Assistance Program (FRDAP) with a \$200,000 match in September 2020 for Frank C. 'Tootie' Adler Park improvements for a total budget of \$400,000.

Recommendation

It is recommended that the City Commission adopt the resolution for the authorization to rank the Frank C. 'Tootie' Adler Park Improvements RFQ-21-033 for park improvements of Frank C. 'Tootie' Adler Park, 100 N Beach Road.

RESOLUTION NO. 2022-017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY COMMISSION TO RANK THE THREE FIRMS THAT RESPONDED TO THE CITY'S REQUEST FOR QUALIFICATIONS ("RFQ") NO. 21-033, ENTITLED "FRANK C. 'TOOTIE' ADLER PARK IMPROVEMENTS", FOR DESIGN SERVICES RELATED TO CONSTRUCTION AT FRANK C. 'TOOTIE' ADLER PARK, AND TO AUTHORIZE CONTRACT NEGOTIATIONS TO BEGIN WITH THE TOP-RANKED CONSULTANT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City was awarded \$200,000 in grant funding through the Florida Recreation Development Assistance Program (FRDAP,) with a \$200,000 match in September 2020, for Frank C. 'Tootie' Adler Park improvements; and

WHEREAS, the City issued a Request for Qualifications under RFQ No. 21-033 on November 9, 2021, to contract with a design consultant for Design Services for park improvements at the Frank C. 'Tootie' Adler Park; and

WHEREAS, an Evaluation Committee consisting of the City's Director of Parks and Recreation, the Assistant Director of Parks and Recreation and the Public Services Superintendent met on January 7, 2022, to review and evaluate the submittals; and

WHEREAS, responses were opened on December 7, 2021, at 10:00 a.m. from three (3) respondents and the Evaluation Committee selected the three (3) highest ranked design firms based on their qualifications as follows:

- | | | |
|----|---------------------------------------|-----------------|
| 1. | Kimley-Horn & Associates | 274 points |
| 2. | Calvin Giordano & Associates, Inc. | 268 points |
| 3. | The Tamara Peacock Company Architects | 233 points; and |

WHEREAS, after an extensive evaluation process which included a review of each firm's experience, area of expertise, minority and women certification, and recent/current project workloads, the Evaluation Committee ranked the top three firms and recommends the highest ranked firm, Kimley-Horn & Associates, pursuant to RFQ No. 21-033, be selected for contract negotiations;

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a specific part of and incorporated into this Resolution by this reference.

Section 2. That the proper City officials are authorized to commence contract negotiations with Kimley-Horn & Associates, and the ranking of the respondent is approved for the Project.

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

Section 4. That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



RFQ 21-031 Frank C. 'Tootie' Adler Park Improvements

C. Waren

	Firm Qualifications	Staff Qualifications, Experience	Approach & Delivery of Services	Certified MBE	Total
Calvin Giordano & Associates, Inc.	36	28	22	5	91
Kimley-Horn & Associates	38	28	23	5	94
The Tamara Peacock Company Architects	30	20	15	5	70

E. Brown

	Firm Qualifications	Staff Qualifications, Experience	Approach & Delivery of Services	Certified MBE	Total
Calvin Giordano & Associates, Inc.	37	30	25	5	97
Kimley-Horn & Associates	35	30	25	5	95
The Tamara Peacock Company Architects	38	25	20	5	88

C. Taylor

	Firm Qualifications	Staff Qualifications, Experience	Approach & Delivery of Services	Certified MBE	Total
Calvin Giordano & Associates, Inc.	35	20	20	5	80
Kimley-Horn & Associates	35	25	20	5	85
The Tamara Peacock Company Architects	30	25	15	5	75

Firm	Final Score	Rank
Calvin Giordano & Associates, Inc.	268	2
Kimley-Horn & Associates	274	1
The Tamara Peacock Company Architects	233	3

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Public Hearing

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT ORDINANCE AMENDING CHAPTER 28, ENTITLED "LAND DEVELOPMENT CODE (LDC)," PART 7, ENTITLED "CODE ADMINISTRATION", ARTICLE 725 ENTITLED "DEFINITIONS," TO AMEND SECTION 725-30, ENTITLED "TERMS DEFINED," BY AMENDING THE DEFINITION OF FAMILY; AMENDING PART 1 OF THE LDC, ENTITLED "USE REGULATIONS," ARTICLE 105, ENTITLED "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS," TO CREATE A NEW SECTION 105-250 ENTITLED "REASONABLE ACCOMMODATION PROCEDURES AMENDING CHAPTER 28 ENTITLED "LAND DEVELOPMENT CODE", PART 6, ENTITLED "DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS," ARTICLE 610, ENTITLED "PUBLIC HEARING NOTICES," AT SECTION 610-20, ENTITLED "TABLE OF PUBLIC NOTICE REQUIREMENTS." TO INCLUDE THE NOTICE REQUIREMENTS FOR A REASONABLE ACCOMMODATION HEARING BEFORE THE SPECIAL MAGISTRATE; AND AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION;" ARTICLE IV, ENTITLED "CODE ENFORCEMENT;" SECTION 2-84, ENTITLED "POWERS OF SPECIAL MAGISTRATE," TO AMEND THE POWERS OF THE SPECIAL MAGISTRATE TO AUTHORIZE THE SPECIAL MAGISTRATE TO HEAR APPEALS RELATING TO A REASONABLE ACCOMMODATION

Purchasing Requests ONLY

Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

Exhibits Attached

Memo - Reasonable Accommodations (EAB 12-16-21 CC Meeting 1-25-22), O-2022-007 Text Amendment (TX-090-21) to Create a Reasonable Accommodation Procedure



CITY OF DANIA BEACH CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE: January 25, 2022

TO: Mayor and City Commissioners

FROM: Eve A. Boutsis, City Attorney Eve A. Boutsis
Digitally signed by Eve A. Boutsis
DN: cn=Eve A. Boutsis, o=City of
Dania Beach, ou=Legal Department,
email=eve.boutsis@daniasbch.fl.gov,
c=US
Date: 2022.01.25 12:40:05 -0500

SUBJECT: Creating a “Reasonable Accommodation” Procedure – **Second Reading**

The Request

A recommendation in support of creating a reasonable accommodation hearing process in the City’s Land Development Code, to be presented to the Special Magistrate.

Background

The attached draft ordinance relating to a “reasonable accommodation” ensures compliance with federal law. The purpose of a “reasonable accommodation” is to modify a specific City requirement to ensure that an individual with a disability has an equal opportunity to use and enjoy a dwelling. To date, the City has not received a request for a reasonable accommodation but could receive a request in the future. Without the procedures in place to authorize the accommodation, the City could face a legal challenge relating to disability discrimination, or a fair housing complaint. Further, if the process is not in place, the City would not be able to impose a process or a hearing on the applicant. Therefore, in order to safeguard the City and to protect rights of the disabled, the City proposes to adopt a “reasonable accommodation” process. Several progressive cities, including the City of Coral Springs, have adopted a similar reasonable accommodation ordinance. Their ordinance has been utilized a few times to request a reasonable accommodation.

The draft ordinance proposes to have the Special Magistrates hear any reasonable accommodation requests. The Special Magistrates are lawyers familiar with the Americans with Disabilities Act, the Fair Housing Act, and federal civil rights claims under 42 USC Section 1983. Notice of hearing would be provided to the surrounding community (all those within 1000 feet of the location for the accommodation request), the property would be posted, and the hearing advertised. By utilizing the Special Magistrate, it ensures that the legal technicalities that must be considered are considered and analyzed under the parameters of applicable case law. A hearing on a reasonable accommodation is not based upon neighborhood consensus or compatibility, but rather the strict requirements of federal law. We have conferred with the City’s Special Magistrates who have confirmed that they have the requisite knowledge and expertise to rule on such requests.

A reasonable accommodation may be requested for an exception to the number of persons allowed to live in a unit, or to accommodate some alternative living requirements that do not comply with state law requirements relating to accredited group homes.

An appeal a Special Magistrate decision would be to circuit court. The ordinance clearly provides that the City will **NOT** be liable for attorney fees or costs associated with either the Special Magistrate hearing or any appeal. There is no application fee for the hearing before the Special Magistrate, but advertising and mailing costs will be assessed.

Analysis of the law relating to a reasonable accommodation.

Federal law and federal courts interpreting federal law require cities to treat persons with a disability equitably, and to provide for a reasonable accommodation of disabled persons' needs pursuant to the Americans with Disabilities Act (ADA). The concept of a reasonable accommodation is one that attempts to balance a local government's right to control land uses through neutral regulations and its duty to make reasonable accommodations for the disabled under the Fair Housing Amendments Act ("FHAA") [*See Bryant Woods Inn, Inc. v. Howard Cnty.*, 124 F. 3d 597, 603 (4th Cir. 1997)]. The FHAA does not, however, provide a "blanket waiver of all facially neutral zoning policies and rules, regardless of the facts . . . which would give the disabled carte blanche to determine where and how they would live regardless of zoning ordinances to the contrary" [*Id.* (internal quotation marks omitted)].

Under the FHAA, a local government, like the City, is required to accommodate the disabled by making accommodations that: (a) are reasonable; (b) are necessary; and (c) afford disabled people equal opportunity to use and enjoy housing [*See id.* (citing 42 U.S.C. § 3604(f)(3)); *see also, Loren v. Sasser*, 309 F. 3d 1296, 1302 (11th Cir. 2002) (stating that an applicant has the burden of proving that a proposed accommodation is reasonable)]. The "necessary" element - *i.e.*, the FHAA provision mandating reasonable accommodations, which are necessary to afford an equal opportunity, requires the demonstration of a direct linkage between the proposed accommodation and the "equal opportunity" to be provided to the disabled person [*Bryant Woods Inn*, 124 F. 3d at 604]. This requirement has the attributes of a causation requirement and if the proposed accommodation provides no direct amelioration of a disability's effect, it cannot be necessary [*Id.*]. The "equal opportunity" requirement mandates not only the level of benefit that must be sought by a reasonable accommodation, but also provides a limitation on what is required. A strict interpretation of the "necessity" requirements of Section 3604(f)(3)(b) requires an applicant to demonstrate that the proposed accommodation is needed to provide the disabled person an equal opportunity to use and enjoy a dwelling [*See Schwarz v. City of Treasure Island*, 544 F. 3d 1201, 1225-1226 (11th Cir. 2008) (Eleventh Circuit stating that the FHAA "plainly requires the [applicants] to show that the accommodation they requested actually alleviates the effects of a disability"); *Lapid-Laurel, LLC v. Zoning Bd. of Adjustment of the Twp. of Scotch Plains*, 284 F. 3d 442, 461 (3rd Cir. 2002)]. The accommodations must address the needs created by the subject disability and if they exceed such needs, then the disabled person would receive a "better" opportunity to use and enjoy a dwelling, a preference that the language of the FHAA does not support [*Schwarz*, 544 F. 3d at 1226]. To ensure that the City is properly providing for a

reasonable accommodation to disabled persons under the ADA, the City desires to provide for a process to review an ADA request, and for an appeal process relating to any such request that is denied. The City desires to amend its Land Development Code to accommodate the procedures relating to a reasonable accommodation request.

Budgetary Impact

There is no budgetary impact from this item.

Recommendation

It is recommended that the City Commission adopt the Ordinance on Second Reading.

cc: Ana M. Garcia, ICMA-CM, City Manager
Candido Sosa Cruz, ICMA-Deputy City Manager
Eleanor Norena, Director of Community Development Department

ORDINANCE NO. 2022-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED “LAND DEVELOPMENT CODE (LDC),” PART 7, ENTITLED “CODE ADMINISTRATION”, ARTICLE 725 ENTITLED “DEFINITIONS,” TO AMEND SECTION 725-30, ENTITLED “TERMS DEFINED,” BY AMENDING THE DEFINITION OF FAMILY; AMENDING PART 1 OF THE LDC, ENTITLED “USE REGULATIONS,” ARTICLE 105, ENTITLED “USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS,” TO CREATE A NEW SECTION 105-250 ENTITLED “REASONABLE ACCOMMODATION PROCEDURES AMENDING CHAPTER 28 ENTITLED “LAND DEVELOPMENT CODE”, PART 6, ENTITLED “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS,” ARTICLE 610, ENTITLED “PUBLIC HEARING NOTICES,” AT SECTION 610-20, ENTITLED “TABLE OF PUBLIC NOTICE REQUIREMENTS.” TO INCLUDE THE NOTICE REQUIREMENTS FOR A REASONABLE ACCOMMODATION HEARING BEFORE THE SPECIAL MAGISTRATE; AND AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION;” ARTICLE IV, ENTITLED “CODE ENFORCEMENT;” SECTION 2-84, ENTITLED “POWERS OF SPECIAL MAGISTRATE,” TO AMEND THE POWERS OF THE SPECIAL MAGISTRATE TO AUTHORIZE THE SPECIAL MAGISTRATE TO HEAR APPEALS RELATING TO A REASONABLE ACCOMMODATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, federal law and federal courts interpreting federal law require cities to treat persons’ with a disability equitably, and to provide for a reasonable accommodation of disabled persons needs pursuant to the Americans with Disabilities Act (ADA); and

WHEREAS, the concept of a reasonable accommodation is one that attempts to balance a local government’s right to control land uses through neutral regulations and its duty to make reasonable accommodations for the disabled under the Fair Housing Amendments Act (“FHAA”) [*See Bryant Woods Inn, Inc. v. Howard Cnty.*, 124 F. 3d 597, 603 (4th Cir. 1997)]; and

WHEREAS, the FHAA does not, however, provide a “blanket waiver of all facially neutral zoning policies and rules, regardless of the facts . . . which would give the disabled carte blanche to determine where and how they would live regardless of zoning ordinances to the contrary” [*Id.* (internal quotation marks omitted)]; and

WHEREAS, under the FHAA, a local government, like the City, is required to accommodate the disabled by making accommodations that: (a) are reasonable; (b) are necessary; and (c) afford disabled people equal opportunity to use and enjoy housing [*See id.* (citing 42 U.S.C.

§ 3604(f)(3)); *see also, Loren v. Sasser*, 309 F. 3d 1296, 1302 (11th Cir. 2002) (stating that an applicant has the burden of proving that a proposed accommodation is reasonable)]; and

WHEREAS, the “necessary” element - *i.e.*, the FHAA provision mandating reasonable accommodations, which are necessary to afford an equal opportunity — requires the demonstration of a direct linkage between the proposed accommodation and the “equal opportunity” to be provided to the disabled person [*Bryant Woods Inn*, 124 F. 3d at 604]; and

WHEREAS, this requirement has the attributes of a causation requirement and if the proposed accommodation provides no direct amelioration of a disability’s effect, it cannot be necessary [*Id.*]; and

WHEREAS, the “equal opportunity” requirement mandates not only the level of benefit that must be sought by a reasonable accommodation, but also provides a limitation on what is required; and

WHEREAS, a strict interpretation of the “necessity” requirements of Section 3604(f)(3)(b) requires an applicant to demonstrate that the proposed accommodation is needed to provide the disabled an equal opportunity to use and enjoy a dwelling [*See Schwarz v. City of Treasure Island*, 544 F. 3d 1201, 1225-1226 (11th Cir. 2008) (Eleventh Circuit stating that the FHAA “plainly requires the [applicants] to show that the accommodation they requested actually alleviates the effects of a disability”); *Lapid-Laurel, LLC v. Zoning Bd. of Adjustment of the Twp. of Scotch Plains*, 284 F. 3d 442, 461 (3rd Cir. 2002)]; and

WHEREAS, the accommodations must address the needs created by the subject disability and if they exceed such needs, then the disabled person would receive a “better” opportunity to use and enjoy a dwelling, a preference that the language of the FHAA does not support [*Schwarz*, 544 F. 3d at 1226]; and

WHEREAS, to ensure that the City is properly providing for a reasonable accommodation to disabled persons under the ADA, City desires to provide for a process to review an ADA request, and for an appeal process relating to any such request that is denied; and

WHEREAS, the City Planning and Zoning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on November 17, 2021, and recommended approval of the ordinance (TX-090-21); and

WHEREAS, the City desires to amend its Land Development Code to accommodate the procedures relating to a reasonable accommodation request;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 28 of the City Code of Ordinances, which Chapter is entitled “Land Development Code,” Part 7, Entitled “Code Administration”, Article 725, entitled “Definitions,” at Section 725-30, entitled “Terms Defined,” is amended to read as follows:

CHAPTER 28

LAND DEVELOPMENT CODE

* * *

PART 7 – CODE ADMINISTRATION

* * *

ARTICLE 725 – DEFINITIONS

* * *

Sec. 725-30 -Terms Defined.

* * *

Family. Any of the following living together as a single housekeeping unit in a dwelling unit: an individual; two (2) or more persons related by legal adoption, blood or a licit marriage; or a group of not more than three (3) persons who need not be related by blood or marriage; ~~or a group of persons that are disabled as defined by federal law.~~

* * *

Section 3. That Chapter 28 of the City Code of Ordinances, which Chapter is entitled “Land Development Code,” Part 1, Entitled “Use Regulations,” Article 105, Entitled “Use Regulations For Residential And Open Space Zoning Districts,” is amended to create a new section 105-250 entitled “Reasonable Accommodation Procedures” to read as follows:

CHAPTER 28

LAND DEVELOPMENT CODE

* * *

PART 1 – USE REGULATIONS

* * *

**ARTICLE ---105 – USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE
ZONING DISTRICTS**

* * *

Sec. 105-250 - Reasonable accommodation procedures.

(A) This section implements the policy of the City for the processing of requests for reasonable accommodation related to its ordinances, rules, policies, and procedures for persons with disabilities, or a provider of services to the disabled, as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this section, a "disabled" individual or person is an individual who qualifies as disabled under the FHA, ADA or both. Any person who is disabled or a provider of services to the disabled qualifying for a reasonable accommodation may request a reasonable accommodation with respect to the City's land use and zoning laws, rules, policies, practices and procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section. The purpose of a reasonable accommodation is to modify a specific City requirement to ensure an individual with a disability has an equal opportunity to use and enjoy a dwelling.

(B) A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of an application and submittal of a written statement relating to the reasonable accommodation request, which application (and shall be submitted to) the Community Development Department (the "Department"). The reasonable accommodation statement shall contain such information and as is necessary for processing the application and submittal of a written statement related to a reasonable accommodation request. If an eligible individual needs assistance to make a request for an accommodation, the Department will provide assistance, including, but not limited to, transcribing a verbal request into a written request. The application shall be available at the Department and online on the City's website.

(C) Should the information provided by the applicant to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual or his/her clientele, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual or his/her clientele. The City shall thereafter endeavor to provide written notice to the disabled individual or the disabled clientele of the

applicant, representative or both, of any request received by the City for disclosure of the medical information or documentation which the disabled individual has previously requested to be treated as confidential. The City will cooperate with the applicant/ or disabled individual to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the applicant or disabled individual.

(D) When a complete reasonable accommodation application has been submitted to the Department, it will be referred to a City special magistrate who shall have the authority to consider and act on requests for reasonable accommodation, after notice and hearing in accordance with Article 610 of the Land Development Code of the City. The Department may evaluate the application and prepare a staff report to address the factors listed in subsection (E) and is authorized to recommend such conditions as may be determined to be necessary to grant a reasonable accommodation given the context of the application. The special magistrate shall consider the request form, the staff report, if applicable, and any other relevant testimony or evidence concerning the request for a reasonable accommodation.

The request for a reasonable accommodation shall be placed on the docket to be heard by the special magistrate within forty-five (45) days of receipt of the complete reasonable accommodation request form. A written determination conforming to the decision of the special magistrate shall be issued within fifteen (15) days of the completed hearing and may, in accordance with federal law:

- (1) Grant the accommodation request;
- (2) Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request or both; or
- (3) Deny the request, in accordance with federal law.

Any such denial shall be in writing and shall state the grounds for the denial. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e., the disabled individual or his/her representative) by certified mail, return receipt requested.

If reasonably necessary to reach a determination on the request for reasonable accommodation, the special magistrate may, prior to the end of the meeting at which the request is considered, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have fifteen (15) days after the date of the request for additional information to provide the requested information to the Department. In the event a request for additional information is made, the Department shall have an additional (45) forty-five-day period after the receipt of the additional information to set a second hearing before the special magistrate and a written determination shall be issued within fifteen (15) days after the second hearing. If the requesting party fails to provide the requested additional information within the fifteen (15) day period, a written notice will be issued advising that the requesting party had failed to timely submit the additional information, and therefore the request for reasonable accommodation shall be deemed abandoned or withdrawn and no further action by the City with regard to the reasonable accommodation request shall be required.

(E) The written decision on a request for a reasonable accommodation made by the special magistrate shall be consistent with the FHA and ADA and based on the following factors:

(1) Whether the requesting party has established that he/she, or the individual on whose behalf the application was submitted, is protected under the FHA, ADA or both by demonstrating that the person is disabled, as defined in the FHA, ADA or both. Although the definition of disability is subject to judicial interpretation, for purposes of this section the disabled individual must show:

- a. A physical or mental impairment which substantially limits one (1) or more major life activities;
- b. A record of having such impairment; or
- c. That the person is regarded as having such impairment.

(2) Whether the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the dwelling.

(3) Whether the requested accommodation would impose an undue financial or administrative burden on the City.

(4) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the City.

If the special magistrate finds that the requested accommodation will impose an undue financial or administrative burden on the City or will require a fundamental alteration in the nature of the land use and zoning regulations of the City, the special magistrate may determine whether an alternative reasonable accommodation exists which would effectively meet the disability-related need. An alternative reasonable accommodation may be the requested accommodation with conditions.

(F) The City or the applicant may appeal a decision of the special magistrate to the circuit court in and for Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

(G) There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section and the City shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorney fees and costs in connection with the request, or an appeal. The cost of the advertisement, mailer and labels will be assessed against the applicant.

(H) While an application for reasonable accommodation, or appeal of a determination of same, is pending, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.

(I) The following general provisions shall be applicable:

(1) The City shall display a notice in the City's public notice bulletin board (and shall maintain copies available for review in the Department and the City Clerk's office), advising the public that disabled individuals or providers of services to the disabled qualifying for a reasonable accommodation may request reasonable accommodation as provided in this Section.

(2) A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by the disabled individual pursuant to a power of attorney.

(3) The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

(4) In the event that a reasonable accommodation is granted, the applicant shall comply with any and all applicable building and engineering permitting processes required by the Code of Ordinances and the Land Development Code of the City.

(5) A reasonable accommodation is specific to the individual with a disability and does not run with the land.

(6) A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, county or City requirements, rules, regulations, or laws.

Section 4. That Chapter 28 of the City Code of Ordinances, which Chapter is entitled “Land Development Code,” Entitled “Code Enforcement;” at Part 6, entitled “Development Review Procedures and Requirements,” at Article 610 entitled “Public Hearing Notices” at Section 610-2, entitled “Table of Public Notice Requirements is amended to read as follows:

CHAPTER 28

LAND DEVELOPMENT CODE

PART 6- DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS

ARTICLE 610.-PUBLIC HEARING NOTICES

Sec. 610-20. Table of public notice requirements.

APPLICATION TYPE	REQUIRED PUBLIC HEARINGS	TIMING OF NOTICE (minimum number of days prior to public hearing that notice must be given, unless otherwise specifically provided herein)	NEWSPAPER NOTICE FORMAT (see section 610-30 for requirements)	MAIL NOTICE RADIUS	SIGN POSTING REQUIRED?	Posting at City Hall and on City Website
Administrative Appeal	City Commission	14 days	Standard Ad	Within 1,000 feet	No	5 days

Administrative variance	None	14 days prior to administrative action	Not Required	Within 1,000 feet	No	5 days
			* * *			
Variance	Planning & Zoning Board ⁽¹⁾	14 days ⁽²⁾	Standard Ad ⁽²⁾	Within 1,000 feet ⁽²⁾	Yes ⁽²⁾	5 days ⁽²⁾
Waiver of distance separation for establishments serving liquor pursuant to sec. 110-50(E)	Planning and Zoning Board	14 days	Standard Ad	Within 1,000 feet	Yes	5 days
	City Commission	10 days	Standard Ad	Within 1,000 feet	Yes	5 days
<u>Reasonable Accommodation Request</u>	<u>Special Magistrate</u>	<u>14 days</u>	<u>Standard Ad</u>	<u>Within 1,000 feet</u>	<u>Yes</u>	<u>5 days</u>

* * *

Section 5. That Chapter 2 of the City Code of Ordinances, which Chapter is entitled “Administration;” Article IV, Entitled “Code Enforcement;” at Section 2-84, entitled “Powers Of Special Magistrate,” is amended to read as follows:

CHAPTER 2 ADMINISTRATION

* * *

ARTICLE IV – CODE ENFORCEMENT

* * *

Sec. 2-84. - Powers of special magistrate.

The special magistrate shall have the power to:

- (1) Adopt rules for the conduct of hearings;
- (2) Subpoena alleged violators and witnesses to hearings. Subpoenas may be served by the police department of the municipality;
- (3) Subpoena evidence;

- (4) Take testimony under oath; ~~and~~
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance;
- (6) Hear requests for abatement or mitigation of fines associated with code compliance liens and may grant, reduce, abate or mitigate accrued fines subject to a lien; and
- (7) Conduct a reasonable accommodation appeal hearing pursuant to Section 105-250, of the Land Development Code.

* * *

Section 6. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 8. That this Ordinance shall be effective immediately upon its passage and adoption on second reading.

PASSED on first reading on January 11, 2022.

PASSED AND ADOPTED on second reading on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Public Hearing

Continued from:

Requested Action (Identify appropriate Action or Motion)

AN ORDINANCE AMENDING CHAPTER 28, ENTITLED THE “LAND DEVELOPMENT CODE”, PART 8 ENTITLED “TECHNICAL APPENDIX, ARTICLE 835, ENTITLED “TELECOMMUNICATION TOWERS AND ANTENNAS”, OF THE CITY’S CODE OF ORDINANCES, TO UPDATE THE CITY’S TELECOMMUNICATIONS ORDINANCES TO BE CONSISTENT WITH STATE AND FEDERAL LAW; CREATING STANDARDS FOR COMMUNICATIONS FACILITIES’ DESIGN, LOCATION AND COLLOCATION; ADDING CRITERIA FOR REVIEW OF TELECOMMUNICATIONS EQUIPMENT AND FACILITIES

Purchasing Requests ONLY

Dept:

Acct #:

Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

Memo - Telecommunications Ordinance (January 25, 2022), O-2022-008 Text Amendment (TX-091-21) Pertaining to Telecommunications



CITY OF DANIA BEACH CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE: January 25, 2022

TO: Mayor and City Commissioners

FROM: Eve A. Boutsis, City Attorney **Eve A. Boutsis** Digitally signed by Eve A. Boutsis
DN: cn=Eve A. Boutsis, o=City of Dania Beach, ou=Legal
Department, email=eboutsis@daniebeachfl.gov, c=US
Date: 2022.01.12 12:47:06 -0500

SUBJECT: Revisions to the City's Telecommunications Ordinance

The Request

To amend and update, consistent with changes in Federal and State law, the City's telecommunications ordinance.

Background:

Between 2014 and 2021, the state has continuously revised the requirements relating to telecommunications providers, further limiting the powers of local governments to regulate this industry. Below is a list of the major federal and state laws regulating telecommunications.

In 2019, the Florida State Legislature modified Florida Statutes Section 337.401, entitled "Use of right-of-way for utilities subject to regulation; permit; fees." The state legislature has preempted municipal authority, to a great extent, as it relates to the telecommunication industry's use of municipal rights-of-way, by, amongst other things: allowing communications services providers, pass through providers and wireless infrastructure providers to be permitted in municipal rights-of-way; limiting municipal review time for most wireless facility proposals to a fourteen (14) day application completeness review; a 60 day application compliance review; authorizing antennas located on utility poles to extend ten (10) feet higher than utility pole height authorized by a municipality. The FCC's interpretation of the Federal Communications Act may authorize further modification up to an additional 10 feet. The state law also limits the permitting requirements and fees a municipality may charge (\$100.00).

Additionally, has precluded the City from negotiating and entering into franchise agreements, soliciting or requiring in-kind contributions, or obtaining certain other consideration as a condition of communications services providers' use of the public rights-of-way, all as more fully set out in Florida Statutes Section 202.24. Moreover, state law has limited the City's zoning authority relating to distance requirements, height, and other design elements with respect to

small wireless facilities occupying the rights-of-way but has not precluded all zoning authority of the City. Although the state legislature has limited the City's authority as to the placement of telecommunications equipment and poles (street furniture) in the public rights-of-way, the City needs to modify its code in order to comply with state law, ensure the demand for telecommunications services is satisfied, but, to also protect the health, safety and welfare of all who drive over, or walk over the City's public rights-of-way, to prevent possible tampering or other interference with City police and transportation equipment located on utility poles, and to avoid sidewalk obstructions, ADA compliance issues, and visibility issues, etc., due to obstruction of the public rights-of-way by street furniture (boxes, poles, etc.).

Applicable Laws Guiding Drafting of Ordinance:

(1) Federal laws relating to telecommunications:

47 USC Section 332(c)(7) – 1996 Federal Telecommunications Act (FTA): creates the Federal Shot clocks and FCC regulation of New Towers/Antennas/DAS nodes.

The FTA provides that local zoning principles are generally not affected and allows a City to regulate aesthetics. It allows a City to control the number of, height, safety issues, and concerns relating to historic areas. The FTA precludes unreasonable discrimination and precludes a city ordinance from prohibiting service (from creating a gap in service) by providers. Please note the FTA also provides for additional height for poles. For example, if the City's height limit on poles is 40 feet, federal law authorizes, by right, up to an additional 10 feet.

Health Risks cannot be considered: The 1996 FTA provides that local governments are precluded from regulation radio frequency (RF) emissions of a telecommunications facility – provided the facility complies with FCC regulations. The FCC exempts telecommunications facilities from having to demonstrate compliance with the standards if located 10 meters above ground level. The FCC does not conduct measurements of RF radiation from conventional cellular antennas sites. The FCC could reverse a zoning decision if there is any evidence showing concern over radiation as the basis, in part, for the decisions.

Shot Clocks: The FCC provides a City with (1) 90 days to review a completed application for collocation; and (2) 180 days for other completed applications. Failure to meet these "shot clock" deadlines create a legal presumption that the zoning agency "failed to act" under federal law and will give an applicant the ability to bring legal action, in an expedited process, within 30 days of the deadline having passed.

State law, as indicated above, has further limited the City's review time, which may limit the applicability of the federal shot clocks.

47 USC Section 1455(a) – a/k/a Section 6409(a) of the Middle Class Tax Relief Act: Regulates existing facilities and specifically provides: “Notwithstanding [the FTA], a local government (1) may not deny, and shall approve, any (2) eligible facilities request for a modification of an (3) existing wireless tower or base station that does not (4) substantially change the physical dimensions of such tower or base station.”

FCC Oder 14-183 (10-17-2014): This FCC order provides “clarification” on the application of the FRA and the Middle Class Tax Relief Act. The order streamlines rules on collocation and provides “categorical exclusion” from review for collocations. The order specifies that the same shot clocks for DAS ecrrinology as for towers. It provides more flexibility for DAS in Historic Districts. Further, collocation is defined broadly to allow collocation on poles and in utility/communications rights-of-way.

Florida Statues applicable to Telecommunications;

Section 337.401, Florida Statutes provides: “Local governmental entities that have jurisdiction and control of public roads are authorized to prescribe and enforce reasonable rules or regulations as to the placement and maintenance (in, under, across or over) utility or communications services lines.”

Section 337.401(3)(a), Florida Statutes provides: “In order to foster competition federal and state law require municipalities to treat providers in a nondiscriminatory and competitively neutral manner in imposing rules or regulations governing placement or maintenance of utilities in the right-of-way.” (emphasis added).

Section 337.401(3)(b), Florida Statutes provides: “Cities still retain their police power to regulate and manage municipal rights-of-way. However, the rules as to communication services “must be related to the placement and maintenance of facilities in the right-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the right-of-way.”

Section 202.20, Florida Statutes: Communications Services Tax. The City cannot charge a franchise fee and the state regulates the amount of fees for review of an application. The City can collect very nominal fees. However, the City does share in the state’s communications service tax, and obtains its proportionate share of the State tax.

Draft Ordinance:

Below is a synopsis of the material modifications proposed to the telecommunications ordinance. The intent of the ordinance specifies that anyone seeking to place or maintain communications facilities in the right-of-way must comply with the ordinance.

The definitions section of the Code is updated. Definitions are added for various roadways, communication facility providers, pass-through providers, repurposed structures, stealth design and wireless service. The draft ordinance contemplates a one-to-one swap out of light poles so that the City does not experience any additional street furniture being placed in the right-of-

way. In 2018, the State began requiring, if a city has allowed a communications box in the right-of-way, (usually a 6' by 6' by 5' box) that often holds the electrical connections, a generator, and the brain of a telecommunications facility will be required to allow up to an additional four boxes, without a public hearing or any ability to object to the boxes installation. To avoid all these additional boxes and clutter on the street, the one-to one swap should alleviate the problem. The draft ordinance includes all the fee limits, and timetables required under Florida Law (Section 337.401, Florida Statutes).

All providers are required to register to place or maintain communications facilities in the public right-of-way and they are to annually update the City on all equipment in the City's right-of-way. All providers are to provide notice to the City of any transfer, sale or assignment of assets that are located in the City's rights-of-way.

The City requires specific information to be provided as part of the application process, including the proposed location of the equipment, the size of the equipment to be installed, proof that collocation cannot occur (although state law no longer requires collocation, so, it is more difficult to require collocation), and safeguards for the city as to aesthetics, safety, and efficient management of the City's rights-of-way. In 2018, the state changed the law to preclude the ability for a City to require a distance separation between communication facilities. All providers must comply with the Americans with Disabilities Act and the Florida Building Code. Additionally, the state precluded a City from requiring a public for small cell communications facilities. Small cells are the smaller equipment installed on poles that support cellular services.

The ordinance also includes provisions relating to the suspension of permits, appeal processes, involuntary termination of registration, existing communication facilities in the rights-of-way, insurance, indemnification, construction bonds, and enforcement of remedies, abandonment of a communications facility, force majeure, reservation of rights and remedies, removal of obsolete equipment, establishment of the rate of the communications services tax.

The ordinance establishes a maximum of 25 feet of height for street furniture (poles), so that a telecommunications provers does not attempt to put in a 60 foot or higher pole, in the City's right -of-way.

The City's regulations within the Land Development Code relating to the installation of large towers or antennas remains predominantly intact. The modifications relate to – changing the section numbers due to all the new provisions in the code; removing lattice construction as it is not aesthetically pleasing; requiring annual review of the structure to make sure they are safe and not a danger; and enhanced landscaping requirements.

Budgetary Impact

There is no budgetary impact to this item.

Recommendation

It is recommended that the City Commission adopt this Ordinance on second reading

EAB/la

cc: Ana M. Garcia, ICMA-CM, City Manager
Candido Sosa-Cruz, Deputy City Manager
Thomas Schneider, City Clerk

ORDINANCE NO. 2022-008

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED THE “LAND DEVELOPMENT CODE”, PART 8 ENTITLED “TECHNICAL APPENDIX, ARTICLE 835, ENTITLED “TELECOMMUNICATION TOWERS AND ANTENNAS”, OF THE CITY’S CODE OF ORDINANCES, TO UPDATE THE CITY’S TELECOMMUNICATIONS ORDINANCES TO BE CONSISTENT WITH STATE AND FEDERAL LAW; CREATING STANDARDS FOR COMMUNICATIONS FACILITIES’ DESIGN, LOCATION AND COLLOCATION; ADDING CRITERIA FOR REVIEW OF TELECOMMUNICATIONS EQUIPMENT AND FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to update its ordinance relating to telecommunications to ensure compliance with state and federal law; and

WHEREAS, the City Commission wishes to amend the existing sections of the Code of Ordinances to ensure compliance; and

WHEREAS, the provision of telecommunications services to residents of and visitors to the City of Dania Beach (“City”) is both an important amenity and often a necessity of public and private life in the City; and

WHEREAS, the demand for telecommunications services has grown exponentially in recent years, requiring the continual upgrading of telecommunications equipment and services to satisfy such demand; and

WHEREAS, in 2019, the Florida State Legislature modified Florida Statutes Section 337.401, entitled “Use of right-of-way for utilities subject to regulation; permit; fees;” and

WHEREAS, the state legislature has preempted municipal authority, to a great extent, as it relates to the telecommunication industry’s use of municipal rights-of-way, by, amongst other things: allowing communications services providers, pass through providers and wireless infrastructure providers to be permitted in municipal rights-of-way; limiting municipal review time for most wireless facility proposals to a fourteen (14) day application completeness review; a 60 day application compliance review; authorizing antennas located on utility poles to extend ten (10) feet higher than utility pole height authorized by a municipality (Note, however, that the FCC’s interpretation of the Federal Communications Act may authorize further modification up to an

additional 10 feet); and limiting the permitting requirements and fees a municipality may charge (\$100.00);ⁱ and

WHEREAS, the state has precluded the City from negotiating and entering into franchise agreements, soliciting or requiring in-kind contributions, or obtaining certain other consideration as a condition of communications services providers' use of the public rights-of-way, all as more fully set out in Florida Statutes Section 202.24;ⁱⁱ and

WHEREAS, state law has limited the City's zoning authority relating to distance requirements,ⁱⁱⁱ height,^{iv} and other design elements with respect to small wireless facilities occupying the rights-of-way, but has not precluded all zoning authority of the City; and

WHEREAS, the City categorizes utility poles, the equipment enclosures, and other structures placed in the rights-of-way for telecommunications and other utility uses as "street furniture;"

WHEREAS, although the state legislature has limited the City's authority as to the placement of telecommunications equipment and poles (street furniture) in the public rights-of-way, the City needs to modify its code in order to comply with state law, ensure the demand for telecommunications services is satisfied, but, to also protect the health, safety and welfare of all who drive over, or walk over the City's public rights-of-way, to prevent possible tampering or other interference with City police and transportation equipment located on utility poles, and to avoid sidewalk obstructions, ADA compliance issues, and visibility issues, etc., due to obstruction of the public rights-of-way by street furniture; and

WHEREAS, the City desires to continue to regulate towers placed on private property, consistent with the requirements of the City's Land Development Regulations; and

WHEREAS, the City has reviewed its ordinances and has concluded that the Code of Ordinances must be updated to be consistent with state law; and

WHEREAS, the City Planning and Zoning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on November 17, 2021, and recommended approval of the ordinance (TX-091-21); and

WHEREAS, adoption of the following amendments to Article 835 of the LDC are necessary to satisfy the above objectives;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 28, entitled “Land Development Code” (“LDC”), Part 8 entitled “Technical Appendix, at Article 835, entitled “Telecommunication Towers and Antennas”, of the City’s Code of Ordinances regulates telecommunication towers and antennas is amended to read as follows:

CHAPTER 28

LAND DEVELOPMENT CODE

* * *

PART 8 – TECHNICAL APPENDIX

ARTICLE 835. – TELECOMMUNICATIONS TOWERS, WIRELESS SUPPORT STRUCTURES, AND ANTENNAS

Sec. 835-10. - Intent.

It is the intent of the City to promote the public health, safety and general welfare by: providing for the placement and maintenance of communications facilities in the public rights-of-way within the City; adopting and administering reasonable regulations not inconsistent with state and federal law, including, but not limited to, Florida Statutes § 337.401, 47 USC § 1455(a) and Orders issued by the FCC, as they may be amended from time to time, the City's home-rule authority, and in accordance with the provisions of the Communications Act of 1934, as amended, and other federal and state law; establishing reasonable rules and regulations necessary to manage the placement or maintenance of communications facilities in the public rights-of-way by communications services providers; and minimizing disruption to the public rights-of-way. In regulating its public rights-of-way, the City shall be governed by and shall comply with all applicable federal and state laws.

Persons seeking to place or maintain communications facilities on private property or property owned, leased, or controlled by the City, including rights-of-way shall comply with the provisions of the LDC. Persons seeking to place or maintain communications facilities in the public rights-of-way also shall comply with the provisions of this Article.

The regulation of towers and antennas in this Article is intended to:

- (a) Promote the health, safety and general welfare of the citizens and residents, the traveling public, and other persons by regulating the siting of ~~telecommunication~~ towers;
- (b) Provide for the appropriate location and use of ~~telecommunication~~-towers and antennas within the City;
- (c) Minimize adverse visual effects of ~~telecommunication~~-towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

- (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- (e) Protect residential areas and land uses from potential adverse impacts of ~~telecommunication~~ towers and antennas by maximizing use of any new or existing ~~telecommunication~~ towers through shared use (i.e., collocation) to reduce the number of towers needed;
- (f) ~~Recognize that telecommunication services are a nonessential public service and telecommunication towers and antennas will only be permitted where there is a demonstrated need;~~
- (g)G) Use of public property shall be given the highest priority in siting ~~telecommunication~~ towers and antennas; and
- (h) Authorize collocation, when authorized under state and federal law.
- (H) ~~Co-location shall be fully considered and treated as an important factor included in the consideration of applications to locate new telecommunication towers or antennas.~~

Sec. 835-20. - Definitions.

For purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Abandonment shall mean the permanent cessation of the use of a communications facility, provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be "abandonment" of a facility in public rights-of-way. It may also mean the discontinued use of obsolete technology in favor of new technology, which would require the removal of the discontinued, abandoned technology.

Antenna. A transmitting or receiving device used for wireless communication services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas and satellite earth stations. An antenna shall include communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.^v

Applicable codes have its ordinary meaning; provided however that the definition of applicable codes set out in this Article shall apply to applications for small wireless facilities made pursuant to Section 835-60.^{vi}

Applicant shall mean any person filing an application; provided however that the definition of applicant set out in Section 835-60(a)(2) of this Article shall apply to applications for small wireless facilities made pursuant to Section 835-60.

Application shall mean any request by a person for issuance of a registration, permit or other authorization from the City; provided however that the definition of application set out in Section 835-60(a)(3) of this Article shall apply to requests for authorizations for small wireless facilities made pursuant to Section 835-60.

Arterial roadway shall mean any street or roadway that constitutes the highest degree of mobility at the highest speed, for long, uninterrupted travel, and constitutes the largest proportion of total travel as per the Federal Functional Classification Map maintained by the State of Florida Department of Transportation District Four Office, as amended.

Authority shall mean the county or City having jurisdiction and control of the rights-of way of any public road, in this case, the City of Dania Beach, Florida. The term does not include the Florida Department of Transportation, which is excluded from the requirements of Florida Statutes Section 337.401(7).^{vii}

Authority utility pole shall mean a utility pole owned by the City in the right-of-way. The term does not include a utility pole owned by a City electric utility, or a utility pole used to support municipally owned or operated electric distribution facilities.^{viii}

City shall mean the City of Dania Beach, Florida.

Collector roadway shall mean any street or roadway that provides a mix of mobility and land access functions, linking major land uses to each other or to the arterial highway system as per the Federal Functional Classification Map maintained by the State of Florida Department of Transportation District Four Office, as amended.

Collocation or collocate shall mean to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.^{ix}

Communications facility shall mean a facility that may be used to provide communications services, as per Florida Statutes Section 337.401, as amended. Multiple cables, conduits, strands, or fibers located within the same conduit shall be considered one communications facility.^x For avoidance of doubt, the utility poles, wireless support structures, wireline backhaul facilities, cables and other structures and equipment explicitly excluded from the definition of “wireless facility” are communications facilities which require either a permit or a specific exemption from permitting before they may be placed or maintained in the public rights-of-way.

Communications services shall mean the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, as per Florida Statutes § 202.11, as amended. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing

without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

- (1) Information services.
- (2) Installation or maintenance of wiring or equipment on a customer's premises.
- (3) The sale or rental of tangible personal property.
- (4) The sale of advertising, including, but not limited to, directory advertising.
- (5) Bad check charges.
- (6) Late payment charges.
- (7) Billing and collection services.
- (8) Internet access service, electronic mail service, electronic bulletin board service, or similar on-line computer services.

Communications services provider shall mean a person (other than a communications facility provider or a pass-through provider) as that term is used in Florida Statutes § 337.401, as amended.

Communications services tax shall mean the local communications services tax authorized to be levied and collected by counties and municipalities, upon charges for communications services, pursuant to Florida Statutes § 202.20, as amended.

Existing structure shall mean a structure that exists at the time an application for permission to place antennas on the structure is filed with the City. The term includes any structure that can structurally support the attachment of antennas in compliance with the applicable codes.

FCC shall mean the Federal Communications Commission.

Guyed tower. A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

In public rights-of-way or in the public rights-of-way shall mean in, on, over, under or across the public rights-of-way.

Make-ready work means a process by which existing attachments on a utility pole must be rearranged so that the utility pole can be made ready to accommodate new attachments, which may include replacing a pole with a repurposed structure.^{xi}

Micro wireless facility shall mean a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.^{xii}

Microwave. A dish-like antenna used to link wireless communication services sites together by wireless transmission of voice or data.

Monopole tower. A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation and constructed without guy wires and ground anchors.

Panel antenna. An array of antennas designed to concentrate a radio signal in a particular area.

Pass-through provider shall mean any person who places or maintains a communications facility in the roads or rights-of-way of a municipality or county that levies a tax pursuant to Florida Statutes Chapter 202 and who does not remit taxes imposed by that municipality or county pursuant to Florida Statutes Chapter 202 and Section 337.401.^{xiii}

Permit shall include, but not be limited to, Dania Beach public right-of-way permits whether issued by the City Commission, the Planning & Zoning Board or staff issued.

Person shall include any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, organization or legal entity of any kind, successor, assignee, transferee, personal representative, and all other groups or combinations, and shall include the City to the extent the City acts as a communications services provider.

Place or maintain or placement or maintenance or placing or maintaining shall mean to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate an item. A person that owns or exercises physical control over a communications facility in public rights-of-way, such as the physical control to install, remove, maintain or repair, is "placing or maintaining" that communications facility. Additionally, when a communications facility in the public rights-of-way uses FCC licensed spectrum to provide communications services, the FCC licensee [or, in the case of licenses subject to long term de facto spectrum leases, the lessee of the licensed spectrum] of the communications facility is "placing or maintaining" that communications facility.^{xiv}

Public rights-of-way shall mean a public right-of-way, highway, street, bridge, tunnel or alley for which the City is the authority that has jurisdiction and control and may lawfully grant access to pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface. "Public rights-of-way" shall not include private property or easements over private property. "Public rights-of-way" shall not include any real or personal City property except as described above and shall not include City buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public rights-of-way.

Registrant shall mean a communications services provider that has registered with the City in accordance with the provisions of Section 835-40 of this Article and holds an effective registration.

Registration or register shall mean the process described in this Article by which a communication services provider, communications facility provider or pass-through provider provides certain information to the City.

Repurposed Structure shall mean an Existing Structure owned by the City that has been renovated, reconfigured, or replaced with a similar structure so as to continue serving its existing

purpose while also supporting the attachment of communication facilities or antennas through Stealth Design that is approximately in the same location as the Existing Structure and in such a manner that does not result in a net increase in the number of structures located within the public right-of-way, which be installed as directed by the City Public Services Department Director and does not interfere with pedestrian or vehicular access, is compliant with the Americans with Disabilities Act, Florida Building Code, and Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, as same may be amended from time to time. By way of illustration only, where a light pole existing within the public right of way is removed and is replaced with a new light pole that is substantially similar to the old light pole but now supports the attachment or integration of communication facilities, the new light pole shall be considered a "repurposed structure."

Unless stated otherwise, all references to "communications facilities" or "wireless facilities" shall also apply to repurposed structures. To "repurpose an existing structure" shall mean the act of renovating, reconfiguring, or replacing an Existing Structure as described above. The provider that later removes a repurposed structure shall reinstall a new light pole, utility pole or other applicable structure in the rights-of-way, at the direction of the City. During the life of the use of the repurposed structure (a) the City shall hold title to the repurposed structure, (b) the City shall pay all costs associated with the maintenance and operation of City facilities located on the repurposed structure, and (c) the communications services provider or wireless infrastructure provider proposing the repurposed structure shall pay all costs associated with the maintenance and operation of its facilities located on the repurposed structure, including without limitation the cost of electric power for its facilities. A communications services provider or wireless infrastructure provider proposing to repurpose an Existing Structure owned by the City may propose to own and operate the repurposed structure and to pay all costs associated with the ownership and operation of the repurposed structure, including the costs associated with the City's equipment located on the repurposed structure and, if such a proposal is accepted by the City, title to the repurposed structure shall be conveyed to the communications services provider or wireless infrastructure provider; provided however no such conveyance shall convey any right, title, or interest in any portion of the public rights-of-way.

Small wireless facility shall mean a wireless facility that meets the following qualifications:

- (a) Each antenna associated with the facility is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six (6) cubic feet in volume; and
- (b) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.^{xv}

Smart City technology shall mean the use of various types of electronic data collection sensors to supply information to manage City assets and resources efficiently. This includes data from citizens, devices and assets that is processed and analyzed to monitor and manage traffic and transportation systems, power plants, water supply networks, waste management, law enforcement, information systems, schools, libraries, hospitals, and other community services. “Smart City” technology integrates information and communication technology and various physical devices into a network to optimize the efficiency of City operations and services and to connect to citizens.

Smart City initiative means the present and future plans of the City of Dania Beach to implement smart City technology through equipment installed in the rights-of-way.

Stealth design shall mean a method of camouflaging any tower, antenna or other communications facility, including, but not limited to, supporting electrical or mechanical equipment, which is designed to enhance compatibility with adjacent land uses and be as visually unobtrusive as possible. Stealth design may include a repurposed structure, or portion of a repurposed structure (i.e.: repurposed light pole, or repurposed light on a pole).

~~Self-support/lattice tower. A communication telecommunication tower that is constructed without guy wires and ground anchors.~~

Tower shall mean any structure designed solely or primarily to support a communications facility’s antennas.^{xvi}

Utility pole shall mean a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure fifteen (15) feet in height or less unless the City grants a waiver for such pole. The term does not include a “wireless support structure,” such as a tower or monopole.^{xvii}

Wireless facility shall mean a type of communications facility comprised of equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- (a) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (b) Wireline backhaul facilities; or
- (c) Coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.^{xviii}

Wireless infrastructure provider shall mean a person who has been certified to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.^{xix}

Wireless provider shall mean a wireless infrastructure provider or a wireless services provider.^{xx}

Wireless services shall mean any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.^{xxi}

Wireless services provider shall mean a person who provides wireless services.^{xxii} A wireless services provider is a type of communications services provider.

Wireless support structure shall mean a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.^{xxiii}

~~Antenna. A transmitting or receiving device used for wireless communication services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas and satellite earth stations.~~

~~FAA. The Federal Aviation Administration.~~

~~FCC. The Federal Communications Commission.~~

~~Guyed tower. A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.~~

~~Microwave. A dish-like antenna used to link wireless communication services sites together by wireless transmission of voice or data.~~

~~Monopole tower. A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, and constructed without guy wires and ground anchors.~~

~~Panel antenna. An array of antennas designed to concentrate a radio signal in a particular area.~~

~~Self-support/lattice tower. A telecommunication tower that is constructed without guy wires and ground anchors.~~

~~Stealth facility. Any telecommunication facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunication towers designed to look like light poles, power poles or trees.~~

~~Telecommunication tower. A guyed, monopole or self-support/lattice tower, constructed as a freestanding structure, containing one or more antennas intended to be used for personal wireless services, telephone, radio or a similar communication service. The term includes, but is not limited~~

~~to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and stealth towers. The term does not include a tower that provides only open video services.~~

Sec. 835-30. – Registration for placing or maintaining communications facilities in public rights-of-way.

Proof of a current valid registration under this Section shall be included in any administratively reviewed application.^{xxiv}

(a) A communications services provider, wireless infrastructure provider, or pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the City shall first register with the City in accordance with this Article. This Article provides no right of access to the public rights-of-way for persons other than communications services providers or wireless infrastructure providers. Subject to the terms, conditions and limitations prescribed in this Article, a registrant may place or maintain a communications facility in public rights-of-way after registration, review and permitting, and as may be subject to the exemptions as set forth in Florida Statutes Section 337.401(7)(e).^{xxv}

(b) A registration shall not convey any title, equitable or legal, to the registrant in the public rights-of-way.^{xxvi} Tangible personal property placed in the public rights-of-way pursuant to this Article shall retain its character as tangible personal property and shall not be regarded as real property, fixtures or mixed property. Registration under this Article governs only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes or regulations may apply to the placement or maintenance in the public rights-of-way of facilities that are not communications facilities. A registrant seeking to place or maintain facilities in the public rights-of-way for the purpose of providing services other than communications service must obtain all additional and separate authorizations from the City as may be required by applicable law. Registration does not excuse a registrant from obtaining appropriate access or pole attachment agreements before locating its facilities on the City's or another person's facilities. Registration does not excuse a registrant from complying with all applicable City ordinances, codes or regulations, including this Article.

(c) Each communications services provider, wireless infrastructure provider, or pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the City shall file a single application for registration with the City which shall include the following information:^{xxvii}

- (1) Name of the registrant;
- (2) Name, address and telephone number of the registrant's primary contact person in connection with the registration, and the person to contact in case of an emergency;
- (3) The type of communications services that the registrant provides or intends to provide within the City (if more than one, state all that apply), or, if none, indicate that the registrant is a wireless infrastructure provider or a pass-through provider, as the case may be, and whether the registrant currently remits or intends to remit the communications service tax authorized in Florida Statutes Chapter 202.

(4) Evidence of the insurance coverage required under this Article; or proof of self-insured status adequate to defend and cover claims;

(5) An acknowledgment that registrant has received and reviewed a copy of this Article, which acknowledgment shall not be deemed an agreement;

(6) Proof of authority to do business in the State of Florida, including the corporate certification identification number; and

(7) The number of the registrant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission, or the FCC. A registrant proposing to place or maintain a wireless facility operating on spectrum licensed by the FCC shall supply the file number of the FCC license authorizing such wireless service within ten (10) days of a request from the City Manager or the City Manager's designee.

(d) Registration application fees: no registration application fees shall be imposed for registration under this Article.

(e) The City shall review the information submitted by the registrant. Such review shall be by the City Manager, or his or her designee. If the application provides all information in accordance with subsection (c) above and is otherwise in compliance with the requirements of this Article, the registration shall be effective and the City shall notify the registrant of the effectiveness of registration in writing. If the City determines that the application omits information required by subsection (c) above or that the application otherwise fails to comply with the requirements of this Article, the City shall notify the registrant of the non-effectiveness of registration, and reasons for the non-effectiveness, in writing. The City shall so reply to a registrant within 30 days after receipt of the registration application from the registrant. Non-effectiveness of registration shall not preclude a registrant from filing subsequent applications for registration under the provisions of this Section. A registrant has thirty (30) days after receipt of a notice of non-effectiveness of registration to appeal the decision as provided in Section 835-80 of this Article.

(f) A registrant may cancel a registration upon written notice to the City stating that it will no longer place or maintain any communications facilities in public rights-of-way within the City and will no longer need to obtain permits to perform work in public rights-of-way. A registrant is precluded from cancelling a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.

(g) Registration does not in and of itself establish a right to place or maintain or priority for the placement or maintenance of a communications facility in public rights-of-way within the City but shall establish for the registrant a right to apply for a permit.^{xxviii} To the extent that any person or registrant (a "third -party beneficiary") leases or otherwise uses communications facilities which a different person or registrant (a "third party") places or maintains in the public rights-of-way, such third-party beneficiary shall make no claim nor assert any right which will impede the lawful exercise of the City's rights vis-à-vis the third-party or the third-party's facilities, including the City's right to require removal of such third-party's facilities from the public rights-of-way. This limitation on the rights of third-party beneficiaries shall apply regardless of the effect on the third-party beneficiary's ability to place or maintain its own communications facilities in the public rights-of-way. Registrations are expressly subject to any future amendment to or replacement of

this Article and further subject to any additional City ordinances, as well as any state or federal laws that may be enacted from time to time.

(h) Registrant shall apply to renew its registration with the City each year, on or before October 1st. Any such registration renewal application shall be governed by the requirements of Subsections (c) and (e), above. Within thirty (30) days of any change in the information required to be submitted pursuant to subsection (c) above, registrant shall provide updated information to the City. Failure to renew a registration may result in the City restricting the issuance of additional permits until the lapsed registrant has complied with the registration requirements of this Article.

(i) In accordance with applicable City ordinances, codes or regulations, and subject to applicable statutory limitations, a permit is required of a registrant that desires to place, maintain or modify a communications facility in public rights-of-way.^{xxix} An effective registration shall be a condition precedent obtaining approval of a permit. Notwithstanding an effective registration, all permitting requirements of the City shall apply. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.

(j) All applications filed pursuant to this Article, including without limitation applications for registration and applications for permits, shall be filed in the name of the real party in interest. Applications, amendments to applications, and responses to written inquiries from the City pertaining to applications shall all be in writing and shall be signed by the applicant. The signature of a person on an application, amendment or response to a City inquiry constitutes a certification to the effect that the person has read the document and that it is true, correct and complete to the best of the signatory's knowledge after reasonable inquiry. If the City adopts a written or electronic form for an application, the application shall be submitted on that form and shall include all applicable information and exhibits required by that form. Failure to prosecute an application shall be cause for dismissal of that application, without further consideration. Batch-filed requests for permitting multiple communications facilities which are bundled into a single application are subject to dismissal if a registrant fails to prosecute any individual request for a communications facility included in the application. For avoidance of doubt, failure of an applicant to respond in a timely fashion to official correspondence or to any official request for additional information, will be cause for dismissal of its application for failure to prosecute.^{xxx}

(k) In any matter pertaining to an application, neither the applicant, nor any person acting on behalf of the applicant, shall:

- (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and
- (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.^{xxxi}

Sec. 835-40 Transfer, sale, or assignment or hypothecation of assets in public rights-of-way.

(a) A registrant shall not transfer, sell or assign all or any portion of its assets located in public rights-of-way except to a person holding a valid registration issued pursuant to Section 835-30. A registrant placing or maintaining in the public rights-of-way a facility operating on spectrum licensed by the FCC shall deliver a copy of any filing with respect to the FCC license pursuant to 47 U.S.C. §310(d) to the City Manager, with a copy to the City Attorney, within ten (10) days of tendering the filing with the FCC. Written notice of the consummation of any such transfer, sale or assignment of assets, along with assignee/transferee's signed and sworn certification of its compliance with the requirements of this Article, shall be provided by such registrant to the City within 30 days after the effective closing date of the transfer, sale or assignment. If permit applications are pending in the name of the transferor/assignor, the transferee/assignee shall notify the City Manager that the transferee/assignee is the new registrant.

(b) Subject to this Article and applicable law, pledges in trust or mortgages of the registrant may be made to any person with notice to the City. No security interests, liens, pledges, hypothecations or encumbrances of any kind shall apply to public rights-of-way or City property as a result of the placement or maintenance of a registrant's facilities in the public rights-of-way or upon an authorized utility pole. Any mortgage, pledge, hypothecation, lease, lien or other encumbrance on a registrant's facilities placed or maintained in the public rights-of-way shall be subject and subordinate to the rights of the City under this Article and applicable law. In the event any security interests, liens, pledges, hypothecations or other encumbrances are created which violate the requirements of this subsection, the registrant shall discharge all such interests, liens and encumbrances at its expense within ten (10) days of receiving notice, or the City may discharge such interests, liens and encumbrances, and charge the costs, plus reasonable attorney's fees to the registrant.

(c) Violation of the requirements of this Section 835-40 will subject the registrant to a fine of up to \$500.00. Each day the registrant fails to comply shall constitute a separate violation. The City does not claim the right to approve or deny registrants' asset transfers or assignments to communications services providers or wireless infrastructure providers authorized to place or maintain at least one communications facility within the public rights-of-way, and the failure to comply with this Section does not void any such asset transfer or assignment. The City reserves the right to exclude persons other than communications services providers and wireless infrastructure providers from its rights of way. Transfers or assignments of a communications facility to persons other than a communications services provider or a wireless infrastructure provider who will place or maintain at least one communications facility within the public rights-of-way require compliance with this Section to ensure continued use of the public rights-of-way.

Sec. 835-50. Placement or maintenance of a communications facility in public rights-of-way.

Unless included in Section 835-60(a)(1), the provisions of this Section do not apply to small wireless facilities.

(a) A registrant shall at all times comply with and abide by all applicable provisions of the state and federal law and City ordinances, codes and regulations in placing, maintaining or modifying a communications facility in public rights-of-way.

(b) A registrant shall not commence to place, maintain or modify a communications facility, including without limitation a wireless facility, in public rights-of-way until all applicable permits, if any, have been issued by the City or other appropriate authority; provided, however, in the case of an emergency, a registrant may restore its damaged facilities in the right-of-way to their pre-emergency condition or replace its destroyed facilities in the rights-of-way with facilities of the same size, character and quality, all without first applying for or receiving a permit. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a pre-existing service. The registrant shall provide prompt notice to the City of the repair or replacement of a communications facility in public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency. Registrant acknowledges that as a condition of granting permits, the City may impose reasonable rules or regulations governing the placement or maintenance of a communications facility, including without limitation, a wireless facility, in public rights-of-way. Permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The City may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits. The City may not require approval or require fees or other charges for (1) routine maintenance; (2) replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or (3) installation, placement maintenance or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes under Florida Statutes Chapter 202; provided however that prior to engaging in any such activity, a registrant shall provide the City written notification (via email to the Director of the Pubic Services Department) of its intention to engage in specific permit-exempt activities including: (x) a description of any equipment to be installed in or removed from the public rights-of-way and (y) the equipment's location in a format required for inclusion in the City's GIS database and (z) a demonstration that each proposed activity is exempt from the requirement of obtaining a permit; and provided further that the City shall require a right-of-way permit for any otherwise-permit-exempt activity that involves excavation, closure of a sidewalk or closure of a vehicle lane.^{xxxii}

Occupation of the right-of-way by registrants is subject to City policies strongly favoring the strengthening of utility infrastructure, in particular as it relates to flooding and hurricane related events. Subject to any applicable regulatory approval and to the extent allowable under applicable law, registrants shall be required to periodically propose and implement an infrastructure hardening plan for registrant's communications facilities within the City's rights of way.

(c) As part of any permit application to place a new, or to modify or replace an existing, communications facility in public rights-of-way, the registrant shall provide the following:

(1) The location of the proposed facilities, including a description of the facilities to be installed, where the facilities are to be located, and the approximate size of the facilities that will be located in public rights-of-way in compliance with the dimension requirements set out in this Article.^{xxxiii} The location specified in the application must be the actual location where registrant intends to construct the proposed communications facility and shall not include contingent or alternative locations. Applications containing contingent or alternative locations will be denied or dismissed and returned to registrant without further consideration.

(2) With respect to proposals to locate a new utility pole or wireless support structure or to replace an existing utility pole or wireless support structure in the right-of-way, engineering documentation demonstrating: (i) how the proposed utility pole or wireless support structure can accommodate multiple jointly-located wireless facilities;^{xxxiv} (ii) why the City's interest in safe, aesthetic, efficient and effective management of the public rights-of-way is better served by the proposed utility pole or wireless support structure than by a communications facility that could accommodate multiple jointly-located wireless facilities; (iii) why a repurposed structure is not better suited to or feasible for the site or (iv) why the proposed construction is exempt from the requirements of subsections (i)-(iii), above.

(3) A description of the manner in which the facility will be installed (i.e., anticipated construction methods or techniques). The City shall require a construction bond to cover the cost of the proper repair of the right-of-way due to any digging, dredging, paving, laying of cable or fiber-optics in the rights-of-way. All registrants shall comply with Broward County's Manual standards for repair of the sidewalks, or streets, and shall refrain from any activity causing a risk to pedestrians and vehicles due to improper repair. The City shall determine the amount of the bond and the City shall be named the beneficiary of the bond should the scope of the work covered by the bond not be properly completed. All work shall require either a construction bond or escrow agreement (for work after the fact) to cover the scope of work relating to restoration or replacement of the City's sidewalks, electrical connections, and paving. The specifics for the construction bond are located in Section 835.130, of this Article.^{xxxv}

(4) A maintenance of traffic plan for any disruption of the public rights-of-way.

(5) For purposes of assessing impact on right of way resources, the following will be evaluated: what are the effects on historic contributing structures or residential structures; what is the potential for the applicant to include multiple wireless facilities or repurposed structures; what information is provided by the applicant on the ability of the public rights-of-way to accommodate the proposed

facility, including both information that identifies all above-ground ground structures (including light poles, power poles, equipment boxes and antennas), currently existing in the public rights-of-way in the City within a fifty (50) foot radius of the proposed facility and information that identifies all below-ground structures currently existing in the public rights-of-way in the City within a fifty foot (50') radius of the proposed facility, if available (such information may be provided without certification as to correctness, to the extent obtained from other registrants with facilities in the public rights-of-way). However, if the City administrative staff determines that it (1) better serves the City's interests in safe, aesthetic, efficient and effective management of the public rights-of-way; (2) is necessary to address a documented lack of capacity for one or more carriers; or (3) will help minimize the total number of communication facilities necessary to serve a particular area, then either, or both of the fifty (50) foot distance requirements, may be modified. The registrant shall provide competent substantial evidence to reflect that the above conditions are met, in order to waive either of these distance requirements, and ensure compliance with all the other requirements of this Article.

Note that applications for collocation of small wireless facilities under Section 835-60 are not subject to a mandatory distance separation, but, are subject to the site relocation procedures set out in Florida Statutes Section 337.401(7)(d)4.

(6) If appropriate given the communications facility proposed, an estimate of the cost of restoration to the public rights-of-way (also see: subsection (3), above).

(7) The timetable for construction of the facility project or each phase of a project, and the areas of the City which will be affected.

(8) Whether all or any portion of the proposed communications facility will be rented, hired, leased, sublet or licensed from or to any other person.

(9) Prior to installation of any new or additional equipment in the rights-of-way at a specific site, the registrant shall be required to remove any and all unutilized or abandoned equipment. Any application to install new or additional equipment shall identify the abandoned, or unutilized equipment that shall be removed prior to the installation of any new or additional technology or equipment in the rights-of-way.

(10) If there exists a communications facility by the same registrant within the right-of-way that is adjacent to or within fifteen (15) feet of the proposed new communications facility location, the registrant shall be required to remove and consolidate the equipment into one facility, so as to not create a second location for street furniture within such a minimal distance.

(11) A certification that the communications facility complies with all OSHA requirements for radio frequency exposure of workers accessing the areas adjacent to the communications facility or, if power levels prevent registrant from making this certification, a plan, acceptable to the City, for turning off or reducing power to the communications facility when workers are present in the vicinity of the communications facility.

(12) Such additional information as the City finds reasonably necessary with respect to the placement or maintenance of the communications facility that is the subject of the permit application to review such permit application.

(d) To the extent not otherwise prohibited by state or federal law, the City shall have the power to prohibit or limit the placement of new or additional communications facilities within a particular area of public rights-of-way and may consider, among other things and without limitation, the sufficiency of space to accommodate all of the present communications facilities and pending applications to place and maintain communications facilities in that area of the public rights-of-way, the sufficiency of space to accommodate City announced plans for public improvements or projects that the City determines are in the public interest (including without limitation any smart City initiatives), the impact on traffic and traffic safety, and the impact upon existing facilities in the rights-of-way. The City Manager or designee may impose additional reasonable regulations and conditions on permits to ensure the public health, safety and welfare of City residents and businesses is protected.

(e) All communications facilities shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the City and the public, and with the rights and safety of property owners who adjoin any of the public rights-of-way. The use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way as well as joint trenching or the joint-location of facilities in existing conduit is strongly encouraged and should be employed wherever feasible. To the extent not prohibited by federal and state law, the City shall require any registrant that does not have communications facilities in the City as of the date of adoption of this Article to place any new cables, wires, fiber optics, splice boxes and similar communications facilities underground, unless such communications facilities can be collocated on existing poles. The City Manager may promulgate reasonable rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way consistent with this Article and other applicable law.

(f) All safety practices required by applicable law and all accepted industry practices and standards shall be used during the placement or maintenance of communications facilities.

(g) After the completion of any placement or maintenance of a communications facility in public rights-of-way or each phase of a project, a registrant shall, at its own expense, restore the public rights-of-way to its original condition before such work. If the registrant fails to make such restoration within thirty (30) days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance, the City may perform restoration and charge the costs of the restoration against the registrant in accordance

with Florida Statutes Section 337.402, as it may be amended. For twelve (12) months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct any restoration work that does not satisfy the requirements of this Article at its own expense. This Section shall be adhered to in conjunction with subsection (c)(3), above.

(h) Removal or relocation at the direction of the City of a registrant's communications facility in public rights-of-way shall be governed by the provisions of Florida Statutes Section 337.403 and 337.404, as they may be amended from time to time. Subject to the aforementioned Florida Statutes Section 337.403 and 337.404 and other provisions of law, whenever existing overhead utility distribution facilities are converted to underground facilities pursuant to Chapters 12, 27 and Article 405 of the City's Code of Ordinances, any registrant having communications facilities on poles that are to be removed shall arrange for the conversion to underground facilities on the same terms and conditions as the other utilities that are being converted to underground facilities; provided however this underground conversion requirement shall be waived pursuant to Florida Statutes Section 337.401(7)(i) to allow service from small wireless facilities, all of which are designed to operate with antennas above ground.^{xxxvi}

(i) A permit from the City constitutes authorization to undertake only certain activities in public rights-of-way in accordance with this Article and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.

(j) A registrant shall maintain its communications facilities in public rights-of-way in a manner consistent with accepted industry practice and applicable law.

(k) In connection with excavation in the public rights-of-way, a registrant shall, where applicable, comply with the underground facility damage prevention and safety act set forth in Florida Statutes, Chapter 556, as it may be amended from time to time.

(l) Registrant shall use and exercise due caution, care and skill in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work site areas. Registrant shall be liable to the City for the acts of registrant's employees, agents, invitees and independent contractors in the public rights-of-way, including but not limited to any losses, damages, injuries or costs incurred by the City arising out of or related to their negligence, misfeasance, malfeasance or non-performance of any obligation of the registrant.

(m) Upon request of the City, and as notified by the City of the other work, construction, installation or repairs referenced below, a registrant may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public rights-of-way, and registrant may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in the public rights-of-way.

(n) A registrant shall not place or maintain its communications facilities so as to interfere with, impede, obstruct, displace, degrade, damage or destroy any facilities of the City or of any person lawfully occupying the public rights-of-way, including without limitation sewers, gas mains, water

mains, fire hydrants, storm drains, pipes, cables or conduits, emergency communications equipment, public safety equipment and smart City technology within the public rights-of-way. By way of illustration and not limitation, a registrant's facilities shall neither obstruct line-of-sight of law enforcement monitoring or surveillance facilities in the public rights-of-way nor obstruct line of sight of emergency radio communications facilities in the public rights-or-way.

(o) The City makes no warranties or representations regarding the fitness, suitability, or availability of the City's public rights-of-way, or of any authority utility pole, for the registrant's communications facilities and any performance of work, costs incurred or services provided by registrant shall be at registrant's sole risk. Nothing in this Article shall affect the City's authority to add, vacate, modify, abandon or otherwise dispose of public rights-of-way, and the City makes no warranties or representations regarding the availability of any added, vacated, modified or abandoned public rights-of-way for communications facilities.

(p) The City shall have the right to make such inspections of communications facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Article. Whenever practicable inspections shall be conducted by non-intrusive means.

(q) A permit application to place a new or to modify an existing communications facility in public rights-of-way shall include plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised plans. The plans shall be in a hard copy format or an electronic format specified by the City, provided such electronic format is maintained by the registrant. Such plans in a format maintained by the registrant shall be provided at no cost to the City. Upon completion of any new or modified communications facilities, the registrant shall furnish to the City, at no cost to the City, one complete set of sealed "as built" plans, or in the case of any underground communications facilities, a sealed survey showing the exact location of such communications facilities, including their depth; or in either case, such other documentation describing the location (including height or depth, as the case may be), of communications facilities as the City Manager, or designee, may approve. This requirement shall be in addition to, and not in lieu of, any filings the registrant is required to make under the Underground Facility Damage Prevention and Safety Act set forth in Florida Statutes Chapter 556, as amended from time to time. The fact that such plans or survey is on file with the City shall in no way abrogate the duty of any person to comply with the aforesaid Underground Facility Damage Prevention and Safety Act when performing work in the public rights-of-way. Any proprietary confidential business information obtained from a registrant in connection with a permit application or a permit shall be held confidential by the City to the extent provided in Florida Statutes Section 202.195, as amended from time to time.

(r) Registrants are required to locate communications facilities within rights-of-way in a manner that minimizes their impact in the City on or adjacent to historic properties. In this connection, Historic Preservation review fees are fees of general applicability unrelated to placement of facilities in the public rights-of-way and may be charged pursuant to Florida Statutes Section 202.24(2)(c)6. The City reserves the right to condition the grant of any permit to locate a communications facility within the right-of-way upon the registrant taking such reasonable measures, consistent with the City's jurisdiction, as the City may determine are necessary to

mitigate the impact of the communications facility on a historic property. Installation of a communications facility under this Article shall not interfere with a clear pedestrian path, at a minimum the width required by the Americans with Disabilities Act and Florida Building Code.

(s) Whenever communications facilities must be placed in a right-of-way with residential uses on one or both sides, neither wireless support structures, utility poles, equipment, antennas nor other structures shall be placed directly in front of a residential structure. If a right- of-way has residential structures on only one side, the communications facilities shall be located on the opposite side of the right-of-way, whenever possible. All communications facilities shall be located such that views from residential structures are not unreasonably impaired. Newly installed utility poles and wireless support structures for communications facilities should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the utility pole or wireless support structure. The requirements of this subparagraph shall not apply to repurposed structures when there is a one-to-one repurposing of an existing structure (e.g.: an existing light pole).

(t) The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, smart City technology and other types of facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in public rights-of-way occupied by the registrant, and the City also reserves the right to reserve any portion of the public rights-of-way for its own present or future use pursuant to its capital improvement plans. The City further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation, or width of the public rights-of-way within the limits of the City and within the limits as they may from time to time be altered.

(u) A registrant shall promptly, at the request of any person holding a permit issued by the City, temporarily raise or lower its communications facilities to permit the work authorized by the permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than thirty (30) days advance written notice to arrange for such temporary relocation.

(v) Subject to any applicable limitations set out in Section 835-60, the following additional requirements apply when a registrant seeks authority to locate a wireless facility in the public rights-of-way:

(1) Registrants seeking to locate wireless facilities within the City are encouraged to locate on private property or government-owned property outside of the rights-of-way. An application for a permit to locate wireless communications facilities within the rights-of-way shall explain either why the registrant is unable to locate the proposed facilities on private property or government owned property or why the registrant is exempt from this requirement. The City may not deny an application based solely on the fact that the registrant is proposing to place a wireless telecommunications facility in the rights-of-way.

(2) Registrants seeking to place, construct or modify a wireless facility in the right-of-way shall:

- a. Jointly locate proposed wireless facilities with the wireless facilities of other wireless providers, as set out in Florida Statutes Section 365.172, as amended, or
- b. Install their wireless facilities on existing structures within the right-of-way, including without limitation existing utility poles, in a stealth design-or
- c. repurposes an existing structure.

(3) Registrants seeking to construct wireless facilities within the rights-of-way shall locate their wireless facilities in the rights-of-way of arterial or collector roadways, whenever possible. An application for a permit to place wireless facilities in rights-of-way other than those of arterial or collector roadways shall either explain why the registrant is unable to locate the wireless facilities in the rights-of-way of an arterial or collector roadway (in which case the application shall include an engineering analysis from the registrant demonstrating to the satisfaction of the City engineer the need to locate the wireless facilities in the areas proposed in the application) or explain why the proposed wireless facilities are exempt from the requirements of this subsection.

(4) Stealth design shall be utilized wherever possible in order to minimize the visual impact of wireless facilities and associated utility poles and wireless support structures. Each application for a permit to place a utility pole, wireless support structure or a wireless facility in the right-of-way shall include:

- a. photographs clearly showing the nature and location of the site where each communications facility is proposed to be located,
- b. photographs showing the location and condition of properties adjacent to the site of each proposed communications facility, and
- c. a description of the stealth design techniques proposed to minimize the visual impact of the communications facility and shall include graphic depictions accurately representing the visual impact of the communications facility when viewed from the street and from adjacent properties.

(5) (a) Stealth design of communications facilities to be located on new utility poles or on wireless support structures in the rights-of-way shall eliminate the need to locate any ground or elevated equipment (other than antennas) on the exterior of a utility pole or wireless support structure. Stealth design of

communications facilities to be located on existing structures other than wireless support structures shall minimize the need to locate any ground equipment or elevated equipment (other than antennas) on the exterior of the structure. The use of foliage and vegetation around any approved ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located and in accordance with the City's LDC 307-10. The landscaping must be maintained by the registrant. The City may require replacement of the landscaping to ensure that the area is properly maintained.

(b) Each application to locate equipment at ground level on or adjacent to the exterior of a utility pole or wireless support structure and each proposal to locate elevated equipment (other than antennas) on or adjacent to the exterior of a wireless support structure or utility pole shall include engineering documentation demonstrating to the satisfaction of the City engineer that the facility cannot employ stealth design. In order to avoid the clustering of multiple items of approved ground equipment or elevated equipment in a single area, only one equipment box may be located in any single location.

(c) Where a registrant demonstrates that stealth design cannot be employed, the approved exterior equipment boxes shall not exceed 28 cubic feet in aggregate volume.

(6) Stealth design of communications facilities to be located on structures in the rights-of-way shall (a) top mount antennas within enclosures that do not extend the diameter of the supporting structure at the level of antenna attachment and (b) shall side mount antennas within enclosures that do not extend more than two (2) feet beyond the exterior dimensions of the supporting structure at the level of antenna attachment. Under no circumstances shall antennas be mounted less than fifteen (15) feet above ground level.

(7) Wireless facilities in the rights-of-way must be spaced a minimum of 500 linear feet of right-of-way apart from each other except that no distance requirement shall apply to repurposed structures. This subsection may be waived upon a factual showing, supported by sworn testimony or matters subject to official notice, demonstrating to the satisfaction of the City, as determined by staff for all historic properties so designated prior to April 1, 2017, depending upon which has jurisdiction, that locating a specific wireless facility less than 500 feet from other wireless facilities: (1) better serves the City's interests in safe, aesthetic, efficient and effective management of the public rights-of-way than application of the 500 feet limitation; (2) is necessary to address a documented lack of coverage or capacity for one or more carriers;^{xxxvii} or (3) will help minimize the total number of wireless facilities necessary to serve a particular area.

(8) All construction of wireless facilities in the public rights-of-way, including associated towers, utility poles, repurposed structures and any other wireless support structures, shall meet the wind velocity standards for risk category III and IV buildings and structures set out in Section 1620 of the 2017 Florida Building Code, as amended. If construction of wireless facilities requires the replacement of City lighting located in the public rights-of-way, any replacement lighting shall employ City-approved light emitting diode lights. The size and height of new wireless support structures and utility poles in the rights-of-way shall be no greater than the maximum size and height of any other utility or light poles located in the same portion of the right-of-way within the City; provided however that registrants proposing wireless facilities with antennas to be located on existing poles or repurposed structures may increase the overall height of the antenna(s) plus the existing pole or the repurposed structure up to ten (10) feet, if necessary, to avoid adversely affecting existing pole attachments. All utility poles in the City are twenty - five (25) feet in height.

(9) Wireless facilities installed on utility poles or wireless support structures that are not light poles, and repurposed structures that were not originally light poles, shall not be lit unless lighting is required to comply with FAA requirements.

(10) Registrants shall not place advertising on utility poles, wireless support structures or wireless facilities installed in the rights-of-way, provided, however, that repurposed structures that lawfully supported advertising before being repurposed may continue to support advertising as otherwise permitted by law.

(11) The City's action on proposals to place, construct or modify wireless communications facilities shall be subject to the standards and time frames^{xxxviii} set out in this ordinance, as modified to comply with Florida Statutes Section 337.401;^{xxxix} Florida Statutes Section 365.172;^{xl} 47 USC Section 1455(a);^{xli} and the applicable rules and policies^{xlii} issued by the FCC, as they may be amended or otherwise modified.

835-60. Collocation of a small wireless facility in public rights-of-way.

In addition to the applicable provisions of this Article, the following requirements shall apply to proposals to collocate a small wireless facility in the public rights-of-way:

(a) As used in this Section 835-60, the following additional defined terms have the meanings stated:

(1) “Applicable codes,” when used with respect to a small wireless facility, shall mean uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement the requirements of Florida Statutes Section 337.401(7) relating to the “Advanced Wireless Infrastructure Deployment Act.” The term includes objective design standards

adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be substantially similar in design, material and color, or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by the City that may require a small wireless facility to meet reasonable location context, color, stealth and concealment requirements; however, such design standards may be waived by the City upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied with 45 days after the date of the request.^{xliv} For avoidance of doubt, all existing local codes and ordinances applicable to a communications facility located in the public rights-of-way are re-adopted and confirmed as applying to any small wireless facility, to the full extent application of the existing local codes and ordinances to a small wireless facility is consistent with the provisions of the local codes and ordinances and is not prohibited by Florida Statutes Section 337.401(7). In this connection, applicable codes include, without limitation, the following provisions of this Article: Sections 835-20 through 104-5; Section 835-50 Subsections (a), (b), (c)(1) through (c)(4), (c)(5) [but only with respect to identifying all above-ground and below ground structures currently existing in the public rights of way], (c)(6) through (c)(12), (d) through (u), (v)(4) through (v)(6), and (v)(8) through (v)(11); and Sections 835-60 through 835-200.

(2) “Applicant” means a person who submits an application and is a wireless provider.^{xliv}

(3) “Application” means a request submitted by an applicant to the City for a permit to collocate small wireless facilities.^{xliv}

(4) “Mutually-exclusive,” when used with respect to two (2) or more applications, means that the grant of one application will require dismissal or denial of the other application(s), when reviewed under the applicable codes.

(b) An applicant is not required to provide more information to obtain a permit than is necessary to demonstrate compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application.^{xlvi}

(c) The City may not limit the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.^{xlvi}

(d) The City may not limit the placement of small wireless facilities by minimum separation distances,^{xlvi} but may request that the proposed location of a small wireless facility be moved to another location pursuant to the procedures set out in Florida Statutes Section 337.401(7)(d)4.

(e) The City shall limit the height of a small wireless facility to ten (10) feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by the City, the height for a new utility pole is limited to the tallest existing utility pole (25 feet) as of the

date of enactment of this ordinance located in the same right of way measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the City shall limit the height of the utility pole to thirty-five (35) feet (including all small cell technology).^{xlix}

(f) Except as provided in subparagraphs (d) and (e), above, the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to City rules or regulations governing the placement of utility poles in the public rights of way and shall be subject to the application review timeframes of Florida Statutes Section 337.401(7)^l.

(g) A wireless infrastructure provider may apply to the City to place utility poles in the public rights-of-way to support the collocation of small wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within nine (9) months after the date the application is approved.^{li}

(h) Registrants may be authorized to collocate small wireless facilities on City utility poles in the public rights-of-way pursuant to this Article upon terms and conditions consistent with the requirements of Florida Statutes Section 337.401(7). Make-ready work performed with respect to any such collocation shall conform to the following requirements:

(1) For a City utility pole that supports an aerial facility used to provide communications services or electric service, registrant shall comply with the process for make-ready work under 47 U.S.C. Section 224 and implementing regulations. The City shall not be responsible for any make-ready work costs. The good-faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include a repurposed structure, if necessary.^{lii}

(2) For a City utility pole that does not support an aerial facility used to provide communications services or electric service, the City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including any necessary repurposed structure, within sixty (60) days after receipt of a complete application. Make-ready work, including construction of any repurposed structure, must be completed by applicant within sixty (60) days after written acceptance of the good faith estimate by the applicant. Alternatively, the City may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including a repurposed structure, and perform the make-ready work.^{liii}

(3) The City may not require more make-ready work than is required to meet applicable codes and industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including the cost of any repurposed structure, may not exceed actual costs or the amount charged to communications services providers other

than wireless services providers for similar work and may not include any consultant fee or expense.^{liv}

(i) The City reserves up to one-third of the usable space on the City's utility poles for future public safety uses, including without limitation for future smart City initiatives^{lv}; provided however, this reservation of space shall be implemented so as not preclude collocation of a small wireless facility. If replacement of a City utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.^{lvi}

(j) Registrants collocating small wireless facilities on City utility poles shall be responsible for all costs of placing, maintaining and operating those small wireless facilities, including without limitation, costs of electrical power for those facilities. In this connection registrants are cautioned that unauthorized use of City facilities and resources, including without limitation electric power, is theft, a crime punishable under Florida Statutes Section 812.014 and that any such criminal activity will disqualify a registrant from placing or maintaining facilities in the public rights-of-way.

(k) Registrants are further cautioned that tampering with emergency or public safety communications equipment, or interfering with emergency or public safety communications, is a serious criminal offense that would disqualify a registrant from placing or maintaining facilities in the public rights of way.^{lvii} Prior to a registrant or its employees, agents or independent contractors, performing any work on a City utility pole supporting a governmental authority's emergency or public safety communications equipment, the registrant shall apply for and obtain a security clearance from the City's police department for each person performing the work on that City utility pole. Registrants shall keep accurate records identifying the date, time, location and identity of personnel accessing facilities collocated on any City utility pole. Registrants shall maintain the records to be kept pursuant to this subsection for a period of at least four (4) years and shall make the records available to the City for inspection and copying promptly upon request.

(l) A structure for which a permit is issued and installed pursuant to this Section 835-60 shall comply with Florida Statutes Chapter 333 and federal regulations pertaining to airport airspace protections.^{lviii}

(m) The City shall act on each application in a manner consistent with the procedures and standards set out in Florida Statutes Section 337.401(7).

(n) A permit issued to an applicant shall expire in one year unless extended by the City.

(o) At no time shall a registrant hold unconstructed permits or incomplete work for more than thirty (30) small wireless facilities or for more than thirty (30) utility poles for the collocation of small wireless facilities at any one time. An application will not be accepted (or if inadvertently accepted will be dismissed) if grant of the proffered application, together with grant of all other pending applications of the applicant, would cause the applicant to exceed this limit on unconstructed permits or incomplete work.

(p) Applications shall be processed and granted (or dismissed or denied) on a first-come, first served basis. If mutually exclusive applications are filed with the City, the first-filed grantable application shall be granted and the remaining mutually exclusive application(s) shall be dismissed.

Sec. 835-70. Stop Work Order and Suspension of permits.

(a) The City Manager may cause an immediate stop work order to be issued where any permitted or unpermitted construction or other work in the public rights-of- way poses a serious threat to the health, safety, or welfare of the public or City property until such serious threat has been abated. Failure to comply with such order may subject a registrant, and its agents, employees, and contractors as applicable to appropriate enforcement remedies and prosecution as set forth in this Ordinance and applicable law. Any person who actively continues any work after having been served with a stop work order, except such work as that person is directed by the City to perform to remove a violation or unsafe condition, shall be subject to penalties, as provided under the City Code.

(b) The City may suspend a permit for work in the public rights-of-way for one or more of the following reasons:

(1) Violation of any permit conditions, including conditions set forth in the permit, this Article or other applicable City ordinances, codes or regulations governing placement or maintenance of communications facilities in public rights-of-way;

(2) Misrepresentation or fraud by registrant in a registration or permit application to the City;

(3) Failure to properly renew or ineffectiveness of registration; or

(4) Failure to relocate or remove facilities as may be lawfully required by the City.

The City Manager shall provide notice and an opportunity to cure any violation of (b)(1) through (b)(4) above, each of which shall be reasonable under the circumstances.

Sec. 835-80. Appeals.

Any person aggrieved by any action or decision of the City Manager, or designee, with regard to any aspect of registration under this Article may appeal to the special magistrate appointed pursuant to Section 2-71 of the City's Code of Ordinances by filing with the special magistrate, within 30 days after receipt a written decision of the City Manager, or designee, a notice of appeal, which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. No requests for extension of time for filing an appeal will be permitted. The only appeals that shall be considered are those appeals that allege that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Article. The special magistrate shall set such appeal for hearing on the very next available date

following such notice of appeal and cause notice to be given to the appellant and the City Manager, or designee shall present the case on behalf of the City. The special magistrate shall hear and consider all facts material to the appeal and render a decision within twenty (20) calendar days of the date of the hearing. The special magistrate may affirm, reverse or modify the action or decision appealed from; provided, however, that the special magistrate shall not take any action which conflicts with or nullifies any of the provisions of this Article. Any person aggrieved by any decision of the special magistrate on an appeal shall be entitled to apply to the state court for a review thereof by Petition for Writ of Certiorari in accordance with the applicable court rules.

Sec. 835-90. Involuntary termination of registration.

(a) The City may terminate a registration if:

(1) A federal or state authority suspends, denies, revokes or otherwise fails to grant a registrant any certification or license required to provide communications services;

(2) The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the general public or other users of the public rights-of-way and the registrant fails to remedy the danger promptly after receipt of written notice;

(3) The registrant violates Florida Statutes Section 843.025, as amended;

(4) The registrant violates Florida Statutes Section 843.165, as amended;

(5) The registrant violates Title 18 United States Code Section 1362, as amended;

(6) The registrant violates Florida Statutes Section 812.014, as amended;

(7) The abandonment by the registrant of all of its communications facilities in public rights-of-way and noncompliance with Section 104-16 hereof; or

(8) The registrant commits substantial and material violations of any provision of applicable codes, including without limitation any provisions of this Article;

(9) Failure to supply information required by this Article, and more specifically, failure to disclose providers as required under Section 104-4(c)(8) hereof.

(b) Prior to termination, the registrant shall be notified by the City Manager, or designee, with a written notice setting forth all matters pertinent to the proposed termination action, including the applicable reason, and describing the proposed action of the City with respect to it. Except in the

case of failure to remedy an extraordinary danger within the time required by the City pursuant to this Article, the registrant shall have thirty (30) days after receipt of such notice within which to address or eliminate the reason or within which to present a plan, satisfactory to the City Manager to accomplish the same. If the plan is rejected, the City Manager shall provide written notice of such rejection to the registrant and shall make a recommendation to the Mayor and City Commission regarding a decision as to termination of registration. The City Manager, or designee, shall provide notice to registrant of any resolution or other action to be taken up at any meeting of the Mayor and City Commission and registrant shall be granted the opportunity to be heard at such meeting. A decision by the City to terminate a registration may only be accomplished by an action of the Mayor and City Commission. A registrant shall be notified by written notice of any decision by the Mayor and City Commission to terminate its registration. Such written notice shall be sent to the registrant within seven (7) days of the decision.

(c) In the event of termination, the former registrant shall: (1) notify the City of the assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in public rights-of-way; or (2) provide the City with an acceptable plan for disposition of its communications facilities in public rights-of-way and restoration of the rights-of-way to their original condition, ordinary wear and tear excepted. If a registrant fails to comply with this subsection (c), which determination of noncompliance is subject to appeal as provided in Section 835-80 above, the registrant's communications facilities are deemed to be abandoned and the City may exercise any remedies or rights it has at law or in equity as well as the City's remedies under this Article, including but not limited to, utilizing or allowing other persons to utilize the registrant's facilities. The obligations of the registrant shall survive the termination of a registration. A registrant that has its registration terminated by the City under this Article may reapply for registration one (1) year after the termination date of the prior registration, unless otherwise stated in the order terminating its registration. In this connection the City's order terminating registration may ban a former registrant from reapplying for registration if its registration was terminated for dishonesty, criminality, gross incompetence or any similar reason which, in the context of an FCC licensing proceeding, would result in denial of an application on character grounds.

(d) In any event, a terminated registrant shall take such steps as are necessary to render safe every portion of the communications facilities remaining in the public rights-of-way of the City.

(e) In the event of termination of a registration, this Section does not authorize the City to cause the removal of communications facilities used to provide another service for which the registrant or another person who owns or exercises physical control over the facilities holds a valid certification or license with the governing federal or state agency, if required for provision of such service, and is registered with the City, if required.

Sec. 835-100. Existing communications facilities in public rights-of-way.

A person with an existing communications facility in the public rights-of-way of the City has sixty (60) days from the effective date of this Article to comply with the terms of this Article, including, but not limited to, registration, or be in violation of it; provided, however, that no new permits shall be issued to unregistered persons with communications facilities within the public rights-of-way; and provided further that a communications services provider, wireless infrastructure provider or pass-through provider that is otherwise lawfully occupying the public rights-of-way of the City shall not be required to obtain consent to continue its existing, lawful occupation of those public rights-of-way. Nothing in this Section shall be interpreted to limit the power of the City to adopt or enforce reasonable rules and regulations pursuant to Florida Statutes Section 337.401.^{lix}

Sec .835-110. Insurance.^{lx}

(a) A registrant shall provide, pay for and maintain satisfactory to the City the types of insurance described in this Article. All insurance shall be issued by responsible companies duly authorized to do business in the State of Florida and having a rating reasonably acceptable to the City. All liability policies shall provide that the City is named as an additional insured as to the activities under this Article. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the City annually. Thirty (30) days' advance written notice by registered, certified or regular mail or facsimile as determined by the City must be given to the City of any cancellation, intent not to renew or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the City, as provided in subsection (d), below.

(b) The limits of coverage of insurance required shall be not less than the following:

(1) Workers' Compensation and employer's liability insurance.

Workers' Compensation—Florida statutory requirements.

(2) Comprehensive general liability. Bodily injury and property damage: \$3,000,000.00 combined single limit each occurrence.

(3) Automobile liability. Bodily injury and property damage: \$3,000,000.00 combined single limit each accident.

(c) Umbrella or excess liability. Registrant may satisfy the minimum limits required above for either commercial general liability, business auto liability, and employer's liability coverage under umbrella or excess liability. The umbrella or excess liability shall have an aggregate limit not less than the highest "each occurrence" limit for commercial general liability, business auto liability, or employer's liability. The City shall be specifically named or endorsed as an "additional insured" on the umbrella or excess liability, unless the certificate of insurance states the umbrella or excess liability provides coverage on a "follow-form" basis.

(d) Self-insurance. A registrant may satisfy the insurance requirements and conditions of this section, utilizing a self-insurance plan, if acceptable to the City, in its sole discretion based on the City's evaluation of the registrant's financial condition and its ability to comply with the CityCode.

Registrant agrees to notify the City and indicate on the certificate(s) of insurance when self-insurance is relied upon or when a self-insured retention meets or exceeds \$100,000.00. The City reserves the right, but not the obligation, to request and review a copy of the registrant's most recent annual report or audited financial statement, which the registrant agrees to furnish for the purpose of determining the registrant's financial capacity to self-insure.

Sec. 835-120. Indemnification and Cooperation.^{lxi}

(a) A registrant shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, members, agents, and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the City arising out of the placement or maintenance of registrant's communications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Article, provided, however, that a registrant's obligation shall not extend to any claims caused by the negligence, gross negligence or wanton or willful acts of the City. This provision includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. The City agrees to notify the registrant, in writing, within a reasonable time of the City receiving notice, of any issue it determines may require indemnification. Nothing in this Section shall prohibit the City from participating in the defense of any litigation by its own counsel and at its own cost. If in the City's reasonable belief there exists or may exist a conflict, potential conflict or appearance of a conflict, the registrant shall afford the City choice of counsel or, alternatively, pay for the City to engage counsel for defense, to the extent not inconsistent with applicable law. Nothing contained in this Section shall be construed or interpreted: (1) as denying to either party any remedy or defense available to such party under the laws of the State of Florida; or (2) as consent by the City to be sued; or (3) as a waiver of sovereign immunity beyond the waiver provided in Florida Statutes Section 768.28, as it may be amended from time to time.

(b) Upon request of the City Manager or designee, a registrant shall cooperate with the City in any investigation of a claim or potential claim against the City or the registrant arising out of or related to registrant's activities in the public rights of way, including without limitation, registrant's placement or maintenance of a communications facility. A registrant shall supply information requested by the City in a prompt manner, within 48 hours if possible. Registrant's duty to cooperate with such a City investigation includes, if requested, providing the identity of any third-party beneficiary of registrant's communications facilities located in the public rights-of-way and providing information on insurance coverage potentially available from each such third-party beneficiary.

(c) The indemnification and cooperation requirements of this section shall survive and be in effect after the termination or cancellation of a registration.

Sec. 835-130. Construction Bonds.^{lxii}

(a) Construction Bond. Prior to issuing a permit where the work under the permit will require restoration of public rights-of-way. The City shall require a construction bond to secure proper

performance under the requirements of any permits and the restoration of the public rights-of-way. Twelve months after the completion of the restoration in public rights-of-way in accordance with the bond, the registrant may eliminate the bond. However, the City may subsequently require a new bond for any subsequent work in the public rights-of-way. The construction bond shall be issued by a surety having a rating reasonably acceptable to the City, shall be subject to the approval of the City's risk manager; and shall provide that: "For twelve (12) months after issuance of this bond, this bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

(b) The rights reserved by the City with respect to any construction bond established pursuant to this Section are in addition to all other rights and remedies the City may have under this Article, or at law or equity.

(c) The rights reserved to the City under this Section are in addition to all other rights of the City, whether reserved in this Article, or authorized by other law, and no action, proceeding or exercise of a right with respect to the construction bond will affect any other right the City may have.

(d) Either a surety bond or standby letter of credit, acceptable to the City attorney as to form and financial condition of the issuer, securing the obligations of the applicant to remove the wireless support structure, tower, accessory buildings and equipment [Cross-reference with subsection 835-220(u), for towers, and section 835-50(c)(9) and (10), 835-70, and 835-160 relating to utility poles]. The bond or letter of credit shall be payable to the City and shall provide to the City funds equal to the lesser of fifty-thousand dollars (\$50,000.00) or one hundred fifty (150) percent of the estimated cost of dismantling and disposing of the facilities, as evidenced by a certificate of a professional engineer licensed in the State of Florida, or other evidence reasonably satisfactory to the City Manager. Each such bond or letter of credit shall be maintained in force for the term of any lease with the City, or for a minimum of fifteen (15) years and thereafter for additional periods designated by the City Manager if the wireless support structure remains in place at the end of the original fifteen-year term. The security shall be payable to the City if the applicant is in default of its obligation to dismantle the wireless support structure and funds shall be used to pay the cost of dismantling and disposing of the facilities.

Sec. 835-140. Enforcement remedies.

(a) A registrant's failure to comply with provisions of this Article shall constitute a violation of this Article and shall subject the registrant to the code enforcement provisions and procedures as provided in Chapter 2 of the City's Code of Ordinances, including the provisions of Chapter 2 that allow the City to seek relief as otherwise provided by law.^{lxiii}

(b) Failure of the City to enforce any requirements of this Article shall not constitute a waiver of the City's right to enforce that requirement for a violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

Sec. 835-150. Abandonment of a communications facility.^{lxiv}

(a) Registrants shall comply with the provisions of Subsections 835-50(c)(9) and (10), relating to abandoned equipment and the addition of equipment. Further, upon abandonment of a communications facility owned by a registrant in public rights-of-way, the registrant shall notify the City, in writing, within ninety (90) days. This written notification shall (1) identify each item of abandoned equipment, (2) identify the location (or in the case of removed equipment, the former location) of each item of abandoned equipment in a format required for inclusion in the City's GIS database and (3) state with respect to each item of abandoned equipment, whether it has been removed from the public rights-of-way. The level of detail in the written notification shall be sufficient to enable the City to maintain an accurate GIS database with respect to the identity and location or former location of each item of equipment abandoned in or removed from the public rights-of-way. Note, a utility pole placed in the public rights-of-way by a wireless infrastructure provider will not be considered abandoned pursuant to this Section (i) during the nine-month period following the approval of the request for a permit to locate the utility pole in the public rights-of-way or (ii) during any period a wireless services provider is using a small wireless facility collocated on the pole to provide wireless service.^{lxv}

(b) The City shall direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the City determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility: (1) compromises safety at any time for any public rights-of-way user or during construction or maintenance in public rights-of-way; (2) prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or (3) creates a maintenance condition that is disruptive to the public rights-of-way's use. In the event the provisions of subsection (b)(2), above being applicable, the City may require the other person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.

(c) In the event that the City does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the City, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the City or another person at such other person's cost.

(d) If the registrant fails to remove all or any portion of an abandoned facility as directed by the City within a reasonable time period, not to exceed sixty (60) days, as may be required by the City under the circumstances, the City may perform such removal and charge the cost of the removal against the registrant and utilize any bond required pursuant to Section 835-130.

Sec. 835-160. Force majeure.^{lxvi}

In the event a registrant's performance of or compliance with any of the provisions of this Article is prevented by a cause or event not within the registrant's control, such inability to perform or

comply shall be deemed excused and no penalties or sanctions shall be imposed as a result, provided, however, that such registrant uses all practicable means to expeditiously cure or correct any such inability to perform or comply. For purposes of this Article, causes or events not within a registrant's control shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, fires, pandemics, and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes and restraints imposed by order of a governmental agency or court. Causes or events within registrant's control, and thus not falling within this Section, shall include, without limitation, registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of registrant's directors, officers, employees, contractors or agents.

Sec. 835-170. Reservation of rights and remedies.

(a) The City reserves the right to amend this Article as it shall find necessary in the lawful exercise of its police powers.

(b) This Article shall be applicable to all communications facilities placed in the public rights-of-way on or after the effective date of this Article.

(c) The adoption of this Article is not intended to affect any rights or defenses of the City or a communications service provider under any existing franchise, license or other agreements with a communications services provider.

(d) Nothing in this Article shall affect the remedies the City or the registrant has available under applicable law.

(e) Any person who uses the communications facilities of a registrant, other than the registrant that owns the facilities, shall not be entitled to any rights to place or maintain such facilities in excess of the rights of the registrant that places or maintains the facilities.

Sec. 835-180. Establishment of the rate of the communications services tax.

(a) For the fiscal year of the City commencing on October 1, 2022, and ending on September 30, 2023, the City establishes the rate of the communications services tax as the base rate of 5.10 percent established by Florida Statutes Sections 202.19 and 202.20, plus 0.40 percent, as permitted by Section 13 of Chapter 2001-140 of the Laws of Florida, plus 0.12 percent, as permitted by Florida Statutes Section 337.401, for a total of 5.62 percent.

(b) On and after October 1, 2022, the City establishes the rate of the communications services tax as the base rate of 5.10 percent established by Florida Statutes Section 202.20, plus 0.12 percent, as permitted by Florida Statutes Section 337.401, for a total of 5.22 percent.

(c) The City instructs the Florida Department of Revenue to collect the communications services tax at the rates set forth in Subsections (a) and (b) of this Section.

Sec. 835-190. Compensation for Use of Rights-of-way.^{lxvii}

(a) A registrant that places or maintains communications facilities, utility poles, or wireless support structures in the public rights-of-way that provides communications services, as defined in Florida Statutes Section 202.11, within the City shall comply with communications services tax regulations as required by state and other applicable law. If a registrant does not remit communications services taxes in accordance with Florida Statutes Section 202.11, then a registrant must remit fees to the City in accordance with subsections (b) and (c) below.

(b) A registrant who places or maintains in the public rights-of-way any communications facility (other than a small wireless facility on an authority utility pole), utility pole, wireless support structure, cable fiber optic or other pathway shall pay to the City annually no less than \$500.00 per linear mile, or portion of a mile, up to the maximum amount allowed under Florida Statutes Section 337.401, whichever is greater, to the extent that Section 337.401 is applicable, as follows:

(1) Annual payments shall be due and payable on April 1st of each year. Fees not paid within ten (10) days after the due date shall bear interest at the rate of one (1) percent, per month, from the date due until paid. The acceptance of any payment required by the City shall not be construed as an acknowledgement that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the City may have for additional sums due and payable. All fee payments shall be subject to audit by the City, and assessment or refund if any payment is found to be in error. If such audit results in an assessment by and an additional payment to the City, such additional payment shall be subject to interest at the rate of one (1) percent, per month until the date payment is made; and

(2) If the payments required by this Section are not made within ninety (90) days after the due date, the City may withhold the issuance of any permits to the registrant until the amount past due is paid in full.

(c) Except to the extent prohibited by applicable law: (1) any fee payments made pursuant to this Section shall not be deemed to be a tax; (2) any fee payments shall be in addition to any and all taxes of a general applicability; and (3) a registrant shall not have or make any claim for any deduction or other credit of all or any part of the amount of the fee payments from or against any of the City taxes or other fees or charges of general applicability which registrant is required to pay to the City, except as required by law.

(d) The fee specified in this section is the minimum consideration for use of the public rights-of-way, including all public easements, for the purpose of installing and maintaining a communications facility, utility pole or wireless support structure.

Sec. 835-200. Reports and records.

Upon reasonable request, a registrant shall provide at its cost the following documents to the City, as received or filed:

(a) Any pleadings, petitions, notices, and documents, which may directly impact the obligations of registrant or City under this Article and which are reasonably necessary for the City to protect its interests under this Article;

(b) Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy; and

(c) A copy of updated maps depicting the locations and descriptions of all of the registrant's facilities in the public rights-of-way by longitude and latitude. Such maps shall be provided in a digitized format in compliance with the City's GIS standards, at the registrant's expense.

Sec. 835-30—Applicability.

~~All new towers or antennas, and modifications to existing towers and antennas, in the City shall be subject to these regulations, except as provided for in paragraphs (1) through (3) [(A) through (C)], below:~~

- ~~(A) These regulations shall not apply to any tower, or installation of any antenna, that is for the use of an open video broadcast-only facility, or is owned and operated by a federally-licensed amateur radio station operator, or is used exclusively for receive-only antennas.~~
- ~~(B) Preexisting towers and preexisting antennas shall not be required to meet the requirements of these regulations, except to comply with the requirements of the nonconforming provisions of the zoning ordinance.~~
- ~~(C) An AM array consisting of one (1) or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.~~

Sec. 835-40.—General requirements.

~~Every new telecommunication tower and antenna, and modifications to existing towers and antennas, shall be subject to the following minimum standards:~~

- ~~(A) Towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a tower or antenna on the same lot.~~
- ~~(B) The City may require, as a condition of entering into a lease agreement with a telecommunication provider, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to execution of the lease.~~

- (C) ~~For purposes of determining whether the installation of a tower or antenna complies with district development regulations, the dimensions of the entire lot shall control, even though the towers or antennas are proposed to be located on leased parcels within such lot.~~
- (D) ~~Each application for a tower or antenna shall include a review of the City's inventory of existing towers, antennas and approved sites. All requests for locations other than a site on the inventory shall include specific information about the alternative location, height and design of the proposed tower or antenna, and an explanation regarding why the inventory sites are not appropriate. The information is a public record. The City may share the information with other applicants. The City does not warrant or represent that the information is accurate, or that sites on the inventory are available or suitable.~~
- (E) ~~All applicants for new towers and antennas, or for towers and antennas which are to be modified or reconstructed to accommodate additional antennas, or for which a variance is required, must present a certified report by a professional engineer licensed to practice in the State of Florida, which shall include the following:~~
- ~~(1) A site development plan which includes, without limitation, a photo-digitization of the tower with all attachments.~~
 - ~~(2) An analysis of the impacts on adjacent property sites.~~
 - ~~(3) Specifics of design.~~
 - ~~(4) A narrative discussing the type of tower or antenna, current wind loading capacity and a projection of wind loading capacity using different types of antennas as models.~~
 - ~~(5) A statement of noninterference, which states that the construction and operation of the tower, including reception and transmission functions, will not interfere with public safety communication, or with the visual and customary transmission or reception of radio, television, or similar services, as well as other wireless services enjoyed by adjacent properties.~~
 - ~~(6) If the applicant proposes to not use a facility or site on the City's inventory, an explanation of the technological reasons why the use of the facility or site is unfeasible.~~
- (F) ~~Towers and antennas shall meet the following appearance requirements:~~
- ~~(1) Towers shall either maintain a galvanized steel finish or, if allowed by FAA standards, shall be painted a neutral color to reduce visual obtrusiveness.~~
 - ~~(2) The design of accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize visual impact.~~
 - ~~(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is neutral, identical to, or compatible with the color of the supporting structure, as determined by the City, to make the antenna and related equipment as visually unobtrusive as possible.~~

- (G) ~~No signals, artificial lights or illumination shall be permitted on any tower or antenna unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. To the maximum extent possible, lighting shall be oriented away from residential districts.~~
- (H) ~~The construction, operation, maintenance and repair of towers and antennas are subject to the regulatory supervision of the City, and shall be performed in compliance with all laws and practices affecting the subject, including, but not limited to, this Land Development Code, the building code and safety codes. The construction, operation and repair shall be performed in a manner consistent with high applicable industry standards. All towers and antennas must meet or exceed current standards and regulations of the FAA and the FCC, including emission standards. They must meet the requirements of all federal, state and local government agencies with the authority to regulate towers and antennas prior to issuance of a building permit by the City. If the standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring the facilities into compliance with the revised standards and regulations within six (6) months of their effective date, unless the facilities are grandfathered under the applicable regulation. The compliance date may be waived by the City manager if a different compliance schedule is mandated by the controlling federal, state and local agency. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.~~
- (I) ~~The owner shall additionally maintain a tower in compliance with the applicable standards for towers that are published by the Electronics Industries Association.~~
- (J) ~~The tower must comply with all applicable requirements in the building code and industry construction standards. If, upon inspection, the City concludes that a tower fails to comply with the building code and industry construction standards, and constitutes a danger to persons or property, then upon notice, the owner of the tower shall have thirty (30) days to bring the tower into compliance. Failure to bring the tower into compliance within thirty (30) days from receipt of notice shall constitute grounds for removal of the tower or antenna at the owner's expense.~~
- (K) ~~To ensure the structural integrity of towers, a statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, which, through engineering analysis, certifies the tower complies with all applicable building requirements in applicable building codes and with applicable industry construction standards. The statement shall describe the tower's capacity, including the number and types of antennas it can accommodate. For all towers and antennas attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower or antenna. All new towers shall have the capacity to accept multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.~~
- (L) ~~Telecommunication towers shall comply with current radio frequency emissions standards of the FCC.~~

- (M) ~~Accessory buildings or structures shall meet all building design standards as listed in the Code and shall be constructed in accordance with the provisions of the building code. All accessory buildings or structures shall require a building permit issued by the Building Division.~~
- (N) ~~Mobile or immobile equipment not used in direct support of a tower or an antenna facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.~~
- (O) ~~For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal boundary lines.~~
- (P) ~~Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities or private utilities.~~
- (Q) ~~Owners or operators of towers or antennas shall certify that all franchises required by law for the construction or operation of a wireless telecommunication system in the City have been obtained and shall file a copy of all such franchises with the City.~~
- (R) ~~No signs, including commercial advertising or logo and political signs, flyers, flags or banners shall be allowed on any part of a tower or antenna.~~
- (S) ~~All towers shall meet the following buffering requirements:~~
- ~~(1) An eight foot fence or wall constructed in accordance with Article 235, "Walls, fences and hedges", as measured from the finished grade of the site, shall be required around the base of any tower and may be required around any accessory building or structures.~~
 - ~~(2) Landscaping, consistent with the requirements of Article 275, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of the City code in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.~~
 - ~~(3) Landscaping consistent with perimeter and on-site requirements in Article 275 shall be installed around any accessory buildings or structures.~~
- (T) ~~"High voltage" and "No Trespassing" warning signs shall be provided as follows:~~
- ~~(1) If high voltage is necessary for the operation of the telecommunication tower or any accessory structures, "HIGH VOLTAGE DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.~~
 - ~~(2) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.~~
 - ~~(3) The letters for the "HIGH VOLTAGE DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs~~

may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

(4) ~~The warning signs may be attached to freestanding poles if the content of the signs is not obstructed by landscaping.~~

(U) ~~All abandoned or unused telecommunication tower facilities shall be removed by the tower owner or operator within ninety (90) days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days. The City may require reasonable security to secure compliance with the requirements of this paragraph. Telecommunication towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.~~

~~Sec. 835-50. -- Zoning districts, height and setback requirements, etc.~~

(A) ~~[Towers and antennas on City property.] Telecommunication towers and antennas shall be permitted on property owned, leased or otherwise controlled by the City (referred to as City property), provided a license or lease authorizing the antenna or tower has been approved by the City. Height and setback requirements shall be those that are provided in any lease agreed to by the City. The City shall have no obligation to execute a lease even if the applicant can meet all criteria contained in this Article.~~

(B) ~~[Monopole or self-support/lattice equipment.] Monopole towers and antennas and guyed or self-support/lattice towers shall be permitted as a special exception, in the following zoning districts:~~

(1) ~~(IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District~~

(2) ~~(IROC) Industrial Research, Office and Commercial District.~~

(C) ~~[Stealth equipment as special exceptions.] Stealth towers or stealth rooftop and building mounted antennas shall be allowed as special exceptions in the following zoning districts:~~

(1) ~~(C-4) General Commercial District.~~

(2) ~~(C-3) General Business District.~~

(3) ~~(C-2) Commercial Business District.~~

(4) ~~(CC) City Center District.~~

(5) ~~(SFED-MU) South Federal Highway Mixed-Use District.~~

(6) ~~(EDBB-MU) East Dania Beach Boulevard Mixed-Use District.~~

(7) ~~(IRO) Industrial Research Office District.~~

(8) ~~(IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District~~

(9) ~~(IROC) Industrial Research, Office and Commercial District.~~

(10) ~~(IR) Restricted Industrial District.~~

- (11) — ~~(IG) Industrial General District.~~
- (12) — ~~Up to eight (8) stealth rooftop or building-mounted antennas from one (1) provider shall be allowed as special exceptions in the RM, RM-1 and RM-2 multifamily zoning districts, subject to the following additional conditions:~~
- ~~(a) — Such antennas shall be located at least five hundred (500) feet from E-1, RS, RD, and NBHD-RES zoning districts.~~
 - ~~(b) — Such antennas shall not be located closer than one thousand (1,000) feet to any other such antennas in an RM, RM-1, and RM-2 multifamily zoning district.~~
 - ~~(c) — The supporting equipment for such antennas must be located on the rooftop, must be enclosed in an equipment shelter painted to blend in with the rooftop, and must not extend more than nine (9) feet above the roofline.~~
 - ~~(d) — Such antennas may only be placed on those structures at least sixty (60) feet or six (6) stories in height and with rooftops measuring at least five thousand (5,000) square feet in area.~~
 - ~~(e) — Such antennas and the related equipment shall meet all applicable building and safety codes.~~
- (D) — ~~[Stealth guyed towers, antennas.] Stealth guyed towers and antennas shall be permitted as a special exception only in the following zoning districts:~~
- ~~(1) — (C-4) Community Business.~~
 - ~~(2) — (C-3) General Business.~~
 - ~~(3) — (IRO) Industrial Research Office.~~
 - ~~(4) — (IR) Restricted Industrial.~~
 - ~~(5) — (IG) Industrial General.~~
 - ~~(6) — (IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District~~
- (E) — ~~[Setbacks, height.] Towers and antennas must meet the following setback and height requirements:~~
- ~~(1) — Tower height shall be measured from the crown of the road of the nearest street.~~
 - ~~(2) — Telecommunication towers shall conform with the setbacks established for the district except when more restrictive requirements are contained within this Section.~~
 - ~~(3) — Towers shall not be permitted within two hundred fifty (250) feet of any residential district.~~
 - ~~(4) — All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the zoning district.~~
 - ~~(5) — Unless provided for elsewhere in this Article, the City commission may allow a maximum height of ninety (90) feet for a single user, up to one hundred twenty (120) feet for two (2) users and up to one hundred fifty (150) feet for three (3) or more users.~~
- (F) — ~~Inspections.~~

- (1) ~~Telecommunication tower owners shall submit a report to the Building Division certifying structural and electrical integrity on the following schedule:~~
 - (a) ~~Monopole towers once every five (5) years.~~
 - (b) ~~Self-support/lattice towers once every two (2) years.~~
 - (c) ~~Freestanding and guyed towers once every two (2) years.~~
 - (2) ~~Inspections shall be conducted by an engineer licensed to practice in the State of Florida. The results of inspections shall be provided to the Building Division. The building official may require repair or removal of a telecommunication tower based upon the results of an inspection.~~
 - (3) ~~The Building Division may conduct periodic inspections of towers to ensure structural and electrical integrity. The owner of the tower may be required by the City to have more frequent inspections should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.~~
- (G) ~~Existing towers:~~
- (1) ~~Antennas may be placed on existing towers with sufficient loading capacity after approval by the Building Division. The capacity shall be certified by an engineer licensed to practice in the State of Florida.~~
 - (2) ~~Towers in existence as of October 1, 1996, may be replaced with a tower of equal or less visual impact after approval by the City manager. However, if the proposed new tower would not be consistent with the minimum standards under this Section, replacement must be approved by the City commission.~~

Sec. 835-60. -- Shared use of communication towers; collocation of antennas.

- (A) ~~Co-location of telecommunication antennas by more than one (1) provider on existing, new, or modified towers shall take precedence over the construction of new single-use towers. Accordingly, each application for a telecommunication tower shall include a certified written evaluation, prepared by a professional engineer licensed to practice in the State of Florida, of the feasibility of sharing a telecommunication tower, if a telecommunication tower is located within five (5) miles of the proposed site, which examines the following:~~
- (1) ~~Structural capacity of the tower or towers.~~
 - (2) ~~Radio frequency interference.~~
 - (3) ~~Geographical service area requirements.~~
 - (4) ~~Mechanical or electrical compatibility.~~
 - (5) ~~Ability to locate equipment on the tower or towers.~~
 - (6) ~~Availability of towers for relocation.~~
 - (7) ~~Any restrictions or limitations of the FCC that would preclude the shared use of the tower.~~
 - (8) ~~Additional information requested in writing by the City.~~

- (B) ~~Each application for an antenna shall include a certified written evaluation, prepared by a professional engineer licensed to practice in the State of Florida, of the feasibility of co-locating its antenna on an existing tower. Evidence submitted to demonstrate that no existing tower can accommodate the proposed antenna may consist of any of the following:~~
- ~~(1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.~~
 - ~~(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~
 - ~~(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~
 - ~~(4) The applicant's proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicant's proposed antenna.~~
 - ~~(5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.~~
 - ~~(6) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.~~
 - ~~(7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
- (C) ~~All applicants shall demonstrate reasonable efforts in developing a collocation alternative for a proposed new telecommunication tower or antenna. An applicant for a permit to construct a tower or antenna shall cooperate with other telecommunication service providers in co-locating additional antennas on existing authorized towers. An applicant and an owner, or operator, of an existing authorized tower shall exercise good faith in co-locating the facilities. Good faith shall include sharing nonpropriety [nonproprietary] technical information to evaluate the feasibility of collocation. In the event a dispute arises whether an applicant, or an owner or operator of an existing facility has exercised good faith in accommodating other facilities, the City may require a technical study by a third party at the expense of either or both of the parties to the proposed collocation.~~
- (D) ~~Applications submitted by tenants seeking to co-locate on a preexisting tower, or to rent space on a proposed tower, shall receive an expedited review process by the City. Such review shall be completed thirty (30) days following the filing of a completed application.~~
- (E) ~~The owner of any telecommunication tower approved for shared use shall provide a written notice of collocation, by certified mail, return receipt requested, of the location of the tower and the load capacity of the tower to all other providers of telecommunication services in Broward County, Florida.~~
- (F) ~~Failure to comply with the collocation requirements of this Section may result in the denial of a permit request or revocation of an existing permit for the specific tower.~~

- (G) ~~Applicants seeking to co-locate antennas shall not pay rent to the owner or operator of the tower in excess of the fair market value for the space, as determined at the time of execution of an agreement.~~

Sec. 835-70. ~~Applications.~~

- (A) ~~Prior to the issuance of a building permit, a site development plan shall be presented for approval to the community development department. Each application for a proposed telecommunication tower shall include all requirements for site development plan approval, as required in Article 635. The director of community development may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site. Where a request is made to use a pre-existing structure, including light and power poles, as a stealth facility, the facility and all modifications, shall comply with all requirements as provided in this Article unless waived by the City.~~
- (B) ~~A statement shall be submitted with the application, prepared by a professional registered engineer licensed to practice in the State of Florida, which, through engineering analysis, certifies compliance of the tower with applicable building requirements of the building code, and any applicable industry standards, including, but not limited to, Electronic Industry Association/Telecommunications Industry Association standard for wind load; and describes the tower capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers and antennas attached to existing structures, the statement shall include certification that the structure can support the superimposed load. All towers shall have the capacity to accept multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users, and self-support/lattice, or guyed, towers shall be able to accommodate at least three (3) users.~~
- (C) ~~The following supplemental information shall be included with all applications for special exceptions and variances:~~
- ~~(1) A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures.~~
 - ~~(2) A current zoning or aerial photograph showing the location of the proposed tower.~~
 - ~~(3) A legal description of the parent tract and tower site (if applicable).~~
 - ~~(4) If the proposed tower site meets the required minimum distance from residentially zoned lands, the approximate distance between the proposed tower and the nearest residential dwelling and residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then exact distances, locations and identifications of the residential properties shall be shown on an updated zoning map.~~
 - ~~(5) A landscape plan showing specific landscape materials.~~
 - ~~(6) The method of fencing, finished color if applicable, the method of aesthetic mitigation and illumination.~~
- (D) ~~The City shall act promptly on any application submitted in accordance with the provisions of sections 835-10 to 835-40. The reasons for rejecting any application filed under this Section~~

do not prevent a person from filing an application for a special exception in accordance with applicable law.

(E) — Fees for tower placement and use, including antenna installation, will be determined by a separate resolution.

(F) — Public land and right-of-way lease agreements will be established by separate instruments.

Sec. 835-80. — Reserved.

Sec. 835-90. — Security, access easements, removal of facilities.

The approval by the City of a building permit for a telecommunication tower shall be conditioned upon receipt by the City manager of the following:

- (A) — Either a surety bond or standby letter of credit, acceptable to the City attorney as to form and financial condition of the issuer, securing the obligations of the applicant to remove the communication tower, accessory buildings and equipment, as required by subsection 835-40(U). The bond or letter of credit shall be payable to the City and shall provide to the City funds equal to the lesser of twenty-five thousand dollars (\$25,000.00) or one hundred fifty (150) percent of the estimated cost of dismantling and disposing of the facilities, as evidenced by a certificate of a professional engineer licensed in the State of Florida, or other evidence reasonably satisfactory to the City manager. Each such bond or letter of credit shall be maintained in force [for] the term of any lease with the City, or for a minimum of fifteen (15) years and thereafter for additional periods designated by the City manager if the tower remains in place at the end of the original fifteen-year term. The security shall be payable to the City if the applicant is in default of its obligation to dismantle the tower and funds shall be used to pay the cost of dismantling and disposing of the facilities.
- (B) — An easement granted by the fee owner of the land under the tower, and between the tower and the nearest public right-of-way, in favor of the City, to provide access to the tower site.
- (C) — Written permission from all record owners, beneficial owners, and leaseholders of the tower in a form acceptable to the City attorney to enter upon the site and to remove and dispose of the tower.

Sec. 835-210 Wireless support structure; applicability.

All new towers or antennas, and modifications to existing towers and antennas, in the City shall be subject to these regulations, except as provided for in paragraphs (A) through (C), below:

- (a) These regulations shall not apply to any tower, or installation of any antenna associated with a tower, that is for the use of an open video broadcast-only facility or is owned and operated by a federally-licensed amateur radio station operator, or is used exclusively for receive-only antennas.
- (b) Preexisting towers and preexisting associated antennas shall not be required to meet the requirements of these regulations, except to comply with the requirements of the nonconforming provisions of the City's LDC.

- (c) An AM array consisting of one (1) or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

Sec. 835-220. - General requirements for towers on private property.

Every new tower and associated antenna, and modifications to existing towers and antennas, shall be subject to the following minimum standards:

- (a) Towers and antennas may be considered either a principal or an accessory use. A different existing use of an existing structure on the same lot shall not preclude the installation of a tower or antenna on the same lot.
- (b) The City may require, as a condition of entering into a lease agreement with a telecommunication provider, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to execution of the lease.
- (c) For purposes of determining whether the installation of a tower or antenna complies with zoning district development regulations, as contained in the LDC, the dimensions of the entire lot shall control, even though the towers or antennas are proposed to be located on leased portions of parcels within such lot.
- (d) Each application for a tower or antenna shall include a review of the City's inventory of existing towers, antennas and approved sites. All requests for locations other than a site on the inventory shall include specific information about the alternative location, height and design of the proposed tower or antenna, and an explanation regarding why the inventory sites are not appropriate. The information is a public record. The City may share the information with other applicants. The City does not warrant or represent that the information is accurate, or that sites on the inventory are available or suitable.
- (e) All applicants for new towers and antennas, or for towers and antennas which are to be modified or reconstructed to accommodate additional antennas, or for which a variance is required, must present a certified report by a professional engineer licensed to practice in the State of Florida, which shall include the following:
- (1) A site development plan which includes, without limitation, a photo digitization of the tower with all attachments.
 - (2) An analysis of the impacts on adjacent property sites.
 - (3) Specifics of design.
 - (4) A narrative discussing the type of tower-~~or~~ and antenna, current wind loading capacity and a projection of wind loading capacity using different types of towers and antennas as models.
 - (5) A statement of noninterference, which states that the construction and operation of the tower, including reception and transmission functions, will not interfere with public safety communication, or with the visual and customary transmission or

reception of radio, television, or similar services, as well as other wireless services enjoyed by adjacent properties.

- (6) If the applicant proposes to not use a facility or site on the City's inventory, an explanation of the technological reasons why the use of the facility or site is unfeasible.

- (f) Towers and antennas shall meet the following appearance requirements:

- (1) Towers shall either maintain a galvanized steel finish or, if allowed by FAA standards, shall be painted a neutral color to reduce visual obtrusiveness.
- (2) The design of accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize visual impact.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is neutral, identical to, or compatible with the color of the supporting structure, as determined by the City, to make the antenna and related equipment as visually unobtrusive as possible.
- (4) The antenna or tower must be of a stealth design. Rather than a lattice type tower, the City recommends and encourages the use of pole technology to disguise the tower as a flag pole.

- (g) No signals, artificial lights or illumination shall be permitted on any tower or antenna unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. To the maximum extent possible, lighting shall be oriented away from residential districts.

- (h) The construction, operation, maintenance and repair of towers and antennas are subject to the regulatory supervision of the City and shall be performed in compliance with all laws and practices affecting the subject, including, but not limited to, the City's LDC, the Florida Building Code and all safety codes. The construction, operation and repair shall be performed in a manner consistent with high applicable industry standards. All towers and antennas must meet or exceed current standards and regulations of the FAA and the FCC, including emission standards. They must meet the requirements of all federal, state and local government agencies with the authority to regulate towers and antennas prior to issuance of a building permit by the City. If the standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring the facilities into compliance with the revised standards and regulations within six (6) months of their effective date, unless the facilities are grandfathered under the applicable regulation. The compliance date may be waived by the City Manager if a different compliance schedule is mandated by the controlling federal, state and local agency. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for removal of the tower, antenna, or both at the owner's expense.

- (i) The owner shall additionally maintain a tower in compliance with the applicable standards for towers that are published by the Electronics Industries Association.
- (j) The tower must comply with all applicable requirements in the Florida Building Code and industry construction standards. If, upon inspection, the City concludes that a tower fails to comply with the Florida Building Code, industry construction standards, and constitutes a danger to persons or property, then upon notice, the owner of the tower shall have thirty (30) days to bring the tower into compliance. Failure to bring the tower into compliance within thirty (30) days from receipt of notice shall constitute grounds for removal of the tower or antenna at the owner's expense.
- (k) To ensure the structural integrity of towers, a statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, which, through engineering analysis, certifies that tower complies with all applicable building requirements in applicable building codes and with applicable industry construction standards. The statement shall describe the tower's capacity, including the number and types of antennas it can accommodate. For all towers and antennas attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower or antenna. All new towers shall have the capacity to accept multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users.
- (l) Telecommunication towers shall comply with current radio frequency emissions standards of the FCC.
- (m) Accessory buildings or structures shall meet all building design standards as listed in the Florida Building Code and shall be constructed in accordance with the provisions of the Florida Building Code. All accessory buildings or structures shall require a building permit issued by the City's Building Division.
- (n) Mobile or immobile equipment not used in direct support of a tower, or an antenna facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
- (o) For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal boundary lines.
- (p) Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (q) No signs, including commercial advertising or logo and political signs, flyers, flags or banners shall be allowed on any part of a tower or antenna.
- (r) All towers shall meet the following buffering requirements:

 - (1) An eight-foot fence or wall constructed in accordance with Article 235, "Walls, fences and hedges", as measured from the finished grade of the site, shall be required around the base of any tower and may be required around any accessory building or structures.
 - (2) Landscaping, consistent with the requirements of Article 275 and 307-10, shall be installed around the entire perimeter of any fence or wall. Additional landscaping

may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of the City Code in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall. The landscaping must be maintained. The City may require replacement of the landscaping to ensure that the area is properly maintained.

(3) Landscaping consistent with perimeter and on-site requirements in Article 275 and Section 307-10, shall be installed around any accessory buildings or structures.

(s) "High voltage" and "No Trespassing" warning signs shall be provided as follows:

(1) If high voltage is necessary for the operation of the tower or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(2) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(3) The letters for the "HIGH VOLTAGE—DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

(4) The warning signs may be attached to freestanding poles if the content of the signs is not obstructed by landscaping.

(t) All abandoned or unused tower facilities shall be removed by the tower owner or operator within ninety (90) days of the cessation of use. A tower shall be considered abandoned if its use has been discontinued for one hundred eighty (180) consecutive days. The City may require reasonable security to secure compliance with the requirements of this paragraph.

Sec. 835-230. - Zoning districts, height and setback requirements for towers, etc.

(a) *Towers and antennas on City property.*-Towers and antennas shall be permitted on property owned, leased or otherwise controlled by the City (referred to as City property), provided a license or lease authorizing the antenna or tower has been approved by the City. Height and setback requirements shall be those that are provided in any lease agreed to by the City. The City shall have no obligation to execute a lease even if the applicant can meet all criteria contained in this Article. Towers on City property do not require a public hearing.

(b) *Monopole or self-support/lattice equipment.* Monopole towers and antennas [monopole towers are preferred by the City] and guyed or self-support/lattice towers shall be permitted as a special exception, in the following zoning districts:

(1) (IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District

(2) (IROC) Industrial Research, Office and Commercial District.

(c) *Stealth equipment as special exceptions.* Stealth towers or stealth rooftop and building mounted antennas shall be allowed as special exceptions in the following zoning districts:

- (1) (C-4) General Commercial District.
- (2) (C-3) General Business District.
- (3) (C-2) Commercial Business District.
- (4) (CC) City Center District.
- (5) (SFED-MU) South Federal Highway Mixed-Use District.
- (6) (EDBB-MU) East Dania Beach Boulevard Mixed-Use District.
- (7) (IRO) Industrial Research Office District.
- (8) (IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District
- (9) (IROC) Industrial Research, Office and Commercial District.
- (10) (IR) Restricted Industrial District.
- (11) (IG) Industrial General District.
- (12) Up to eight (8) stealth rooftop or building-mounted antennas from one (1) provider shall be allowed as special exceptions in the RM, RM-1 and RM-2 multifamily zoning districts, subject to the following additional conditions:
 - (a) Such antennas shall be located at least five hundred (500) feet from E-1, RS, RD, and NBHD-RES zoning districts.
 - (b) Such antennas shall not be located closer than one thousand (1,000) feet to any other such antennas in an RM, RM-1, and RM-2 multifamily zoning district.
 - (c) The supporting equipment for such antennas must be located on the rooftop, must be enclosed in an equipment shelter painted to blend in with the rooftop, and must not extend more than nine (9) feet above the roofline.
 - (d) Such antennas may only be placed on those structures at least sixty (60) feet or six (6) stories in height and with rooftops measuring at least five thousand (5,000) square feet in area.
 - (e) Such antennas and the related equipment shall meet all applicable building and safety codes.

(d) *Stealth guyed towers, antennas.* Stealth guyed towers and antennas shall be permitted as a special exception only in the following zoning districts:

- (1) (C-4) Community Business.
- (2) (C-3) General Business.
- (3) (IRO) Industrial Research Office.
- (4) (IR) Restricted Industrial.
- (5) (IG) Industrial General.

- (6) (IROM), (IROM-AA) Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District
- (e) Setbacks, height. Towers and antennas must meet the following setback and height requirements:
- (1) Tower height shall be measured from the crown of the road of the nearest street.
 - (2) Telecommunication towers shall conform with the setbacks established for the district except when more restrictive requirements are contained within this Section.
 - (3) Towers shall not be permitted within two hundred fifty (250) feet of any residential district.
 - (4) All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the zoning district.
 - (5) Unless provided for elsewhere in this Article, the City Commission may allow a maximum height of ninety (90) feet for a single user, up to one hundred twenty (120) feet for two (2) users and up to one hundred fifty (150) feet for three (3) or more users.
- (f) Tower Inspections.
- (1) Tower owners shall submit a report to the City Building Division certifying structural and electrical integrity on the following schedule:
 - (a) Monopole towers once a year.
 - (b) Self-support/lattice towers every year.
 - (c) Freestanding and guyed towers once every two (2) years.
 - (2) Inspections shall be conducted by an engineer licensed to practice in the State of Florida. The results of inspections shall be provided to the City Building Division. The City's Building Official may require repair or removal of a tower based upon the results of an inspection. The cost of utilizing the City's contract engineer (\$265.00, per hour, as may change from time to time) shall be passed on to the tower owner or registrant.
 - (3) The City Building Division may conduct periodic inspections of towers to ensure structural and electrical integrity. The owner of the tower may be required by the City to have more frequent inspections should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.
- (g) Existing towers.
- (1) Antennas may be placed on existing towers with sufficient loading capacity after approval by the City Building Division. The capacity shall be certified by an engineer licensed to practice in the State of Florida.
 - (2) Towers in existence as of October 1, 1996, may be replaced with a tower of equal or less visual impact after approval by the City Manager. However, if the proposed new tower would not be consistent with the minimum standards under this Section, replacement must be approved by the City Commission.

Sec. 835-240. - Shared use of communication towers; collocation of antennas

- (a) Co-location of telecommunication antennas by more than one (1) provider on existing, new, or modified towers shall take precedence over the construction of new single-use towers. Accordingly, each application for a tower shall include a certified written evaluation, prepared by a professional engineer licensed to practice in the State of Florida, of the feasibility of sharing a tower, if a tower is located within five (5) miles of the proposed site, which examines the following:
- (1) Structural capacity of the tower or towers.
 - (2) Radio frequency interference.
 - (3) Geographical service area requirements.
 - (4) Mechanical or electrical compatibility.
 - (5) Ability to locate equipment on the tower or towers.
 - (6) Availability of towers for relocation.
 - (7) Any restrictions or limitations of the FCC that would preclude the shared use of the tower.
 - (8) Additional information requested in writing by the City.
- (b) Each application for antennas shall include a certified written evaluation, prepared by a professional engineer licensed to practice in the State of Florida, of the feasibility of co-locating its antenna on an existing tower. Evidence submitted to demonstrate that no existing tower can accommodate the proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicant's proposed antenna.
 - (5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
 - (6) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.
 - (7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- (c) All applicants shall demonstrate reasonable efforts in developing a collocation alternative for a proposed new tower or antenna. An applicant for a permit to construct a tower or antenna shall cooperate with other service providers in collocating additional antennas on existing authorized towers. An applicant and an owner, or operator, of an existing authorized tower shall exercise good faith in co-locating the facilities. Good faith shall include sharing nonproprietary technical information to evaluate the feasibility of collocation. In the event a dispute arises whether an applicant, or an owner or operator of an existing tower facility has exercised good faith in accommodating other facilities, the City may require a technical study by a third-party at the expense of either or both of the parties to the proposed collocation.
- (d) Applications submitted by tenants seeking to co-locate on a preexisting tower, or to rent space on a proposed tower, shall receive an expedited review process by the City. Such review shall be completed thirty (30) days following the filing of a completed application.
- (e) The owner of any tower approved for shared use shall provide a written notice of collocation, by certified mail, return receipt requested, of the location of the tower and the load capacity of the tower to all other providers of telecommunication services in Broward County, Florida.
- (f) Failure to comply with the collocation requirements of this Section may result in the denial of a permit request or revocation of an existing permit for the specific tower.
- (g) Applicants seeking to co-locate antennas shall not pay rent to the owner or operator of the tower in excess of the fair market value for the space, as determined at the time of execution of an agreement.

Sec. 835-250. – Applications for towers.

- (a) Prior to the issuance of a building permit, a site development plan shall be presented for approval to the Community Development Department. Each application for a proposed tower shall include all requirements for site development plan approval, as required in Article 635. The director Of Community Development may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site. Where a request is made to use a pre-existing structure, including light and power poles, as a stealth facility, the facility and all modifications, shall comply with all requirements as provided in this Article unless waived by the City.
- (b) A statement shall be submitted with the application, prepared by a professional registered engineer licensed to practice in the State of Florida, which, through engineering analysis, certifies compliance of the tower with applicable building requirements of the building code, and any applicable industry standards, including, but not limited to, Electronic Industry Association/Telecommunications Industry Association standard for wind load; and describes the tower capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all wireless towers and antennas attached to existing structures, the statement shall include certification that the structure can support the superimposed load. All towers shall have the capacity to accept multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users.
- (c) The following supplemental information shall be included with all applications for special exceptions and variances:

- (1) A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures.
 - (2) A current zoning or aerial photograph showing the location of the tower.
 - (3) A legal description of the parent tract and tower site (if applicable).
 - (4) If the proposed tower site meets the required minimum distance from residentially zoned lands, the approximate distance between the proposed tower and the nearest residential dwelling and residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then exact distances, locations and identifications of the residential properties shall be shown on an updated zoning map.
 - (5) A landscape plan showing specific landscape materials.
 - (6) The method of fencing, finished color if applicable, the method of aesthetic mitigation and illumination.
 - (7) The use of foliage and vegetation around any approved ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located and in accordance with the City's Landscaping Regulations, found at Article 275, and Section 307-10.
- (d) The City shall act promptly on any application submitted in accordance with the provisions of sections 835-10 to 835-40. The reasons for rejecting any application filed under this Section do not prevent a person from filing an application for a special exception in accordance with applicable law.
- (e) Fees for tower placement and use, including antenna installation, will be determined by a separate resolution.
- (f) Public land and right-of-way lease agreements will be established by separate instruments.
- (g) Towers and antennas shall comply with the following provisions of the Code; Sections 835-110 through 835-130; 835-150 through 835-180, and 835-210.

Sec. 835-260. - Security, access easements, removal of towers.

The approval by the City of a building permit for a tower shall be conditioned upon receipt by the City Manager of the following:

- An easement granted by the fee owner of the land under the tower, and between the tower and the nearest public right-of-way, in favor of the City, to provide access to the tower site.
- (b) Written permission from all record owners, beneficial owners, and leaseholders of the tower in a form acceptable to the City attorney to enter upon the site and to remove and dispose of the tower.

Sec. 835-270. - Reserved.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

* * *

Section 3. Pursuant to the requirements of Florida Statutes Section 337.401, the City has provided the Secretary of State: (a) at least 15 days prior to consideration on first reading, notice of this ordinance governing a telecommunications company placing or maintaining telecommunications facilities or communications services providers in its roads or rights-of-way. Failure to do so does not invalidate the City's Ordinance.

Section 4. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 6. That this Ordinance shall be effective immediately upon its passage and adoption on second reading.

PASSED on first reading on January 11, 2022.

PASSED AND ADOPTED on second reading on January 25, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

ⁱ The City's challenge in adopting an ordinance governing telecommunications use of its rights-of-way is reconciling its general legislative power under both Article VIII, Section 2 of the

Constitution of the State of Florida and Florida Statutes Section 166.021 with numerous, sometimes conflicting, statutes, administrative rules and regulatory pronouncements addressing the process of approving the location and construction of telecommunication facilities. The City's task is further complicated by (a) the inconsistent meanings used in definitions of terms used in common by the various statutes, rules and pronouncements and (b) the inconsistent deadlines for administrative action created by the various statutes and rules, which are further complicated by inconsistent methods of counting days in the calculation of deadlines. To a large extent these problems are addressed in this ordinance by reliance, wherever possible, on the provisions of Florida Statutes Section 337.401, "Use of right-of-way for utilities subject to regulation; permit; fees."

ii Florida Statutes Section 202.24 largely prevents municipalities from receiving the compensation for use of public rights-of-way granted under Florida Statutes Section 337.401, by prohibiting municipalities from "levying on or collecting from dealers or purchasers of communications services any tax, charge, fee, or other imposition on or with respect to the provision or purchase of communications services." This prohibition encompasses "any amount or in-kind payment of property or services which is required by ordinance or agreement to be paid or furnished to a public body by or through a dealer of communications services in its capacity as a dealer of communications services." Prohibited charges include any sales tax, subscriber charge, franchise fee, user fee, privilege fee, occupancy fee, rental fee, license fee, pole fee, tower fee, base-station fee, security fund or other tax or fee measured by amounts charged or received for services or intended as compensation for the use of public roads or rights-of-way, for the right to conduct business or for other purposes.

Notable exceptions to the restrictions of Florida Statutes Section 202.24 include (a) local communications services taxes levied under Chapter 202 of the Florida Statutes, (b) ad valorem taxes levied under Chapter 200 of the Florida Statutes, (c) business taxes levied under Chapter 205 of the Florida Statutes, (d) 911 service charges levied under Chapter 365 of the Florida Statutes, (e) rental fees for use of property which is not located in the public rights-of-way, (f) permit fees of general applicability which are not related to placing or maintaining facilities in or on public roads or rights-of-way and (g) utility service fees or other similar user fees for utility services.

iii *See* Florida Statutes Section 337.401(7)(d)4.

iv *See* Florida Statutes Section 337.401(7)(d)5.

v *See* Florida Statutes Section 337.401(7)(b)1.

vi *See* Florida Statutes Section 337.401(7)(b)2.

vii *See* Florida Statutes Section 337.401(7)(b)5.

viii *See* Florida Statutes Section 337.401(7)(b)6.

^{ix} This definition is taken from Florida Statutes Section 337.401(7)(b)7. It contrasts with the definition of collocation used in Florida Statutes Section 365.172(3)(f), which was the basis of the previous definition in the ordinance.

^x See Florida Statutes Section 337.401(6)(a)2.

^{xi} Cf. *Implementation of Section 224 of the Act*, 25 FCC Rcd. 11864, 11943, n.37 (2010) (“Make-ready” is any rearrangement of equipment and attachments in order to make room on either an existing pole or a new, different pole for a new attacher.)

^{xii} See Florida Statutes Section 337.401(7)(b)9.

^{xiii} See Florida Statutes Section 337.401((6)(a)1.

^{xiv} Each FCC licensee is obligated to maintain control over its stations. See 47 U.S.C. Section 310(d), which provides, in pertinent part, that “No construction permit or station license, or any rights thereunder, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby.”

^{xv} See Florida Statutes Section 337.401(7)(b)10.

^{xvi} See Florida Statutes Section 365.172(bb); and 47 C.F.R. Section 1.4001(b)(9).

^{xvii} See Florida Statutes Sections 337.401(7)(b)11 and 337.401(7)(b)17.

^{xviii} See Florida Statutes Section 337.401(7)(b)12.

^{xix} See Florida Statutes Section 337.401(7)(b)13.

^{xx} See Florida Statutes Section 337.401(7)(b)14.

^{xxi} See Florida Statutes Section 337.401(7)(b)15.

^{xxii} See Florida Statutes Section 337.401(7)(b)16.

^{xxiii} See Florida Statutes Section 337.401(7)(b)17.

^{xxiv} The City has legislative authority to require each provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the City. See Florida Statutes Section 337.401(3)(a).

^{xxv} The limitations of Section 337.401(7)(e) are incorporated into Section 104-6(b) of this Ordinance.

^{xxvi} Registration does not establish a right to place or maintain, or priority for the placement or maintenance of, a communications facility in the public roads or rights-of-way. *See* Florida Statutes Section 337.401(3)(b).

^{xxvii} Florida Statutes Section 337.401(3)(a) states, in pertinent part, “In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of communications facilities in its roads or rights-of-way under this subsection, a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county and to provide the name of the registrant; the name, address, and telephone number of a contact person for the registrant; the number of the registrant’s current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; and proof of insurance or self-insuring status adequate to defend and cover claims.”[emphasis added.]

^{xxviii} *See* Florida Statutes Section 337.401(3)(b).

^{xxix} In this connection there are limited exemptions from right-of-way permitting for routine maintenance, replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size, and certain micro wireless facilities; provided however that permits are required when work requires excavation, closure of a sidewalk, or closure of a vehicle lane. *See* Florida Statutes Section 337.401(7)(e).

^{xxx} *Compare* 47 C.F.R. Sections 1.934 and 73.3568.

^{xxxi} *Compare* 47 C.F.R. Section 1.17 and 18 U.S.C. Section 1001.

^{xxxii} *See* Florida Statutes Section 337.401(7)(e).

^{xxxiii} Proper description of location and proposed facilities allows the City to determine whether the registrant’s proposal can be accommodated in the right-of-way in a manner consistent with the requirements of this Article. Where two pending permit requests propose facilities that cannot be simultaneously accommodated in the right-of-way, in a manner consistent with the criteria set out in this Article, they are said to be “mutually-exclusive.” *See* Article 104-6A(a)(4).

^{xxxiv} Public policy generally favors common siting of wireless facilities. *See* Florida Statutes Section 365.172(13)(a). Despite this policy, the City is statutorily prohibited from requiring common siting of small wireless facilities. *See* Florida Statutes Section 337.401(7)(d)3.

^{xxxv} The City’s power to adopt reasonable, nondiscriminatory ordinances governing performance bonds for work in the public rights-of-way is confirmed at Florida Statutes Section 337.401(7)(d)12.

^{xxxvi} This waiver provision is important to insuring the City’s ability to comply with 47 U.S.C. Section 253(a) [“No State or local statute or regulation , or other State or local legal requirement,

shall have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”] and 47 U.S.C. Section 332(c)(7)(B)(i) [“The regulation of the placement, construction and modification of personal wireless service facilities by any State or local government...(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”]

xxxvii *See* 47 U.S.C Section 253(a) and 47 U.S.C. Section 332(c)(7)(B)(i).

xxxviii These time frames are often referred to as “shot clocks” and are established by various state and federal statutes, FCC rules and FCC declaratory rulings. The shot clocks vary significantly from each other, depending upon (a) the size of the wireless facility proposed [tower, utility pole, small wireless, micro wireless, etc.], (b) the type of installation [new facility; modification of existing facility with significant changes to dimensions; modification of existing facility without significant changes to dimensions; modification of existing facility to add additional antennas; construction requires excavation; lane closures or sidewalk closures], and (c) the legal issues presented [is the permit filing complete; does the permit filing require a waiver of applicable codes; has the permit filing been amended]. The shot clocks also use various processes for computing deadlines [Do you count calendar days or business days; does the computation involve tolling the running of time] Remedies for municipal inaction on right-of-way permit requests vary, as well, with the most severe being that the permit is “deemed granted” by the running of time.

xxxix *See* Florida Statutes Section 337.401(7), which establishes deadlines for municipal action on right-of-way permit requests for small wireless facilities and for certain utility poles used to support small wireless facilities. Under Subsection 337.401(7)(d)7, the City has 14 days to determine the completeness of a permit request and to notify the registrant via email whether the request is complete. During this same 14 day period, Subsection 337.401(7)(d)4 allows the City to request that the registrant relocate a proposed small wireless facility to a different site in the right-of-way.

A relocation request under Subsection 337.401(7)(d)4 triggers a 30 day negotiation period. At the end of this period, if the registrant accepts the relocation proposal, the permit request is deemed granted for the new location and for all other locations in the application. Subsection 337.401(7)(d)10 allows registrants to specify up to 30 small wireless facilities in a single consolidated right-of-way permit application and allows, but does not require, the City to consider individual facilities separately for purposes of assessing completeness. Apparently Subsection 337.401(7)(d)4 requires consolidated grant of multi-location applications where a single site is subject to relocation negotiation.

Under Subsection 337.401(7)(b)2, a registrant’s request for waiver of design standards must be acted upon within 45 days of the request. Subsection 337.401(7)(d)(8) requires City action on a complete right-of-way permit request within 60 days after receipt of the application. Otherwise, the right-of-way permit is deemed granted. This time frame for action is altered if the City requests to negotiate relocation of a small wireless facility under Subsection 337.401(7)(d)4. In that case the City must grant or deny the original application within 90 days after the date the application

was filed. Regardless of the applicable timeframe for action, if a request for a right-of-way permit application is denied, Subsection 337.401(7)(d)9 affords the registrant 30 days after notice of denial to resubmit the application and cure deficiencies identified in the denial. The City then has 30 days to act on the resubmitted permit request, or it is deemed granted.

Subsection 337.401(7)(f)5.c. imposes an additional deadline on the City in cases where (a) an applicant files to collocate a small wireless facility on a City utility pole that does not support an aerial facility used to provide communications services or electric services and (b) make-ready work or pole replacement is needed to support the proposed collocation. Under those circumstances, the City has 60 days from receipt of a complete application to provide the applicant with a good faith estimate of the costs of make-ready work or the costs of any pole replacement needed to enable the pole to support the collocation.

^{xi} Florida Statutes Section 365.172(13) establishes criteria and procedures streamlining approval of proposals for joint location of multiple wireless facilities on a tower. Section 365.172 applies to approving construction of wireless facilities in commercial mobile radio service that provide wireless 911 or E911 services, whether or not they are located in the public right-of-way.

The shot clock established by Section 365.172 distinguishes between applications proposing joint location of wireless facilities (which joint location is called a “collocation” in this statute) and applications for “any other wireless communications facility.” Under Subsection 365.172(13)(d)1, an application proposing a “collocation” must be acted upon within 45 business days after the application is determined to be properly completed. Subsection 365.172(13)(d)2 requires action on all applications for a wireless communications facility, i.e. action on applications that are not a “collocation”, be completed no later than 90 business days after the application is determined to be properly completed. Applications which are not acted upon within the time frames of Subsections 365.172(13)(d)1 and 2 are deemed granted.

In calculating dates for completeness, an application is submitted or resubmitted on the date it is received by the City. Subsection 365.172(13)(d)3a, gives the City 20 business days to notify an applicant that its application is incomplete. Otherwise, the application is deemed complete. An incomplete application may be resubmitted within reasonable timeframes established by the City, and the City again has 20 business days to rule on its completeness (or the application is deemed complete).

^{xli} Under 47 U.S.C. Section 1455, the City is required to approve “any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.” This statute includes, but is not limited to, modification of existing towers and base stations in the public rights-of-way.

In response to 47 U.S.C. Section 1455, the FCC adopted a regulation, 47 C.F.R. Section 1.6100, which defined the types of insubstantial changes to towers and base stations that can be made through an eligible facilities request. This rule also established a 60-day shot clock for processing eligible facilities requests. This 60-day period begins when a permit request is filed and is subject to tolling if the request is incomplete.

In this connection, the information to be provided in request for right-of-way permit for an eligible facilities request is limited to documentation or information “reasonably related to determining whether the request meets the requirements [of 47 C.F.R. Section 1.6100.]” The City has 30 days to provide the registrant written notice of the permit request’s incompleteness, delineating all missing documents and information. When this written notice is issued, the running of the 60-day period stops until the registrant files a supplemental submission. Thereafter, the City has ten days to provide a second or subsequent notice of incompleteness, which halts the running of the 60 day period until a second or subsequent supplemental submission is submitted.

The remedy for a failure to act on an eligible facilities request within the 60 day period is that the request is deemed granted. However the remedy is not effective until the registrant notifies the City in writing that the request is deemed granted and the City may bring claims related to the request in any court of competent jurisdiction.

^{xlii} The FCC’s original foray into shot clocks for the processing of siting proposals for wireless facilities was a declaratory ruling interpreting the following provision of 47 U.S.C. Section 332(c)(7)(B)(ii): “A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.” *See Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless siting Proposals as Requiring a Variance*, 22 FCC Rcd. 13994 (2009); *recon. denied*, 25 FCC Rcd. 11157 (2010).

The problem addressed in the declaratory ruling was the question of when is the correct time to institute litigation with a governmental authority that fails to act on a siting request. The answer given in the declaratory ruling was 90 days for proposals to jointly locate wireless facilities at the site of existing wireless facilities and 150 days for all other siting requests. The declaratory ruling also allowed for tolling of these periods when the governmental authority notifies the siting request’s proponent of incompleteness of the request, within 30 days of the proposal’s filing.

^{xliii} This definition, up to placement of the endnote, generally tracks the definition in Florida Statutes 337.401(7)(b)2. Thereafter it seeks to describe the provisions of local codes and ordinances applying to small wireless facilities.

^{xliv} This is the definition found at Florida Statutes Section 337.401(7)(b)3.

^{xlv} This is the definition found at Florida Statutes Section 337.401(7)(b)4.

^{xlvi} *See* Florida Statutes Section 337.401(7)(d)2.

^{xlvii} *See* Florida Statutes Section 337.401(7)(d)3.

xlvi *See* Florida Statutes Section 337.401(7)(d)4.

xlix *See* Florida Statutes Section 337.401(7)(d)5.

¹ *See* Florida Statutes Section 337.401(7)(d)6.

li *See* Florida Statutes Section 337.401(7)(j)

lii *See* Florida Statutes Section 337.401(7)(f)5.b.

liii *See* Florida Statutes Section 337.401(7)(f)5.c

liv *See* Florida Statutes Section 337.401(7)(f)5.d.

lv *See* Florida Statutes Section 337.401(d)(14).

lvi *See* Florida Statutes Section 337.401(7)(d)14.

lvii *See* Florida Statutes Sections 843.025 and 843.165. *See also* 18 U.S.C. Section 1362.

lviii *See* Florida Statutes Section 337.401(7)(d)15.

lix *See* Florida Statutes Section 337.401(3)(h).

lx The City's power to adopt reasonable, nondiscriminatory ordinances requiring insurance as a condition of placing or maintaining communications facilities in the public rights-of-way is confirmed at Florida Statutes Section 337.401(7)(d)12.

lxi The City's power to adopt reasonable, nondiscriminatory ordinances requiring indemnification as a condition of placing or maintaining communications facilities in the public rights-of-way is confirmed at Florida Statutes Section 337.401(7)(d)12.

lxii The City's power to adopt reasonable, nondiscriminatory ordinances governing performance bonds with respect to placement or maintenance of communications facilities in the public rights-of-way is confirmed at Florida Statutes Section 337.401(7)(d)12.

lxiii These remedies include injunctive proceedings as provided by Florida Statutes Section 120.69 to enforce the provisions of this ordinance. *See* Florida Statutes Section 337.401(2).

lxiv The City's power to adopt reasonable, nondiscriminatory ordinances governing abandonment of communications facilities in the public rights-of-way is confirmed at Florida Statutes Section 337.401(7)(d)12.

lxv *See* Florida Statutes Section 337.401(7)(j).

^{lxvi} See Florida Statutes Section 337.401(7)(d)12.

^{lxvii} The compensation structure set out in this Section reflects the fact that Florida Statutes Section 202.24 prevents the City from obtaining compensation for the use of City facilities in the rights-of-way from entities paying the Communications Services Tax. The municipal compensation provisions found in Florida Statutes Section 337.401 is \$150 per pole, per year.

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Public Hearing

Continued from:

Requested Action (Identify appropriate Action or Motion)

TO APPROVE AND ADOPT AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 27, OF THE CITY CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED “WATER AND SEWER” AT SECTION 27-43, ENTITLED “PERMANENT RESTRICTION FOR LAWN AND LANDSCAPING IRRIGATION” TO MODIFY IRRIGATION RESTRICTIONS TO COMPLY WITH BROWARD COUNTY CODE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(1ST READING)** *(Public Services)*

Purchasing Requests ONLY

Dept:

Acct #:

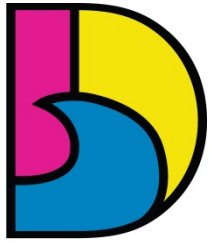
Amt:

Fund:

Fiscal Impact/Cost Summary

Exhibits Attached

C-MEMO-IRRIGATION-ORD-1STREADING-012522, O-2022- Amending Sec. 27-43 Permanent Restrictions for Lawn and Landscaping Irrigation to Further Establish Irrigation Restrictions



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Honorable Mayor and Commissioners

VIA: Ana M. Garcia, ICMA-CM, City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

RE: AMENDING SECTION 27-43 OF THE CITY CODE – FIRST READING

Request

The Public Services Department (PSD) is requesting an approval of the changes to section 27.43 entitled "Permanent Restriction for Lawn and Landscaping Irrigation" of the City Code of Ordinances to align with Broward County Irrigation regulations for the first reading.

Background

The City of Dania Beach adopted Chapter 27, entitled "Water and Sewers". The City in Section 27-43 provides for regulations for permanent restrictions for lawn and landscaping irrigation. The current Code allows for restricted irrigation of lawns and landscaping seven (7) days a week. Therefore, the City's irrigation schedule is not aligned with Broward County's two (2) day-a-week irrigation schedule.

The South Florida Water Management District is conditioning the City's pending Water Use Permit on the City updating its irrigation schedule to align with Broward County by making the following change to Subsection 27-43 of the City Code:

(a)

Restrictions. Irrigation of new and existing lawns and landscaping (jointly referred to as "landscaping" in this section) is restricted to the hours of 12:00 a.m. to 9:00 a.m. and 9:00 p.m. to 11:59 p.m. ~~9:00 a.m. to 9:00 p.m.~~, ~~seven (7)~~ two (2) days per week as follows:

- i. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays and/or Sundays.
- ii. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays and/or Saturdays.

\continued...

Budgetary Impact

There is no immediate budget impact for this item.

Recommendation

PSD recommends the City Commission approve the first reading of this ordinance.

ORDINANCE NO. 2022-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA RELATING TO THE CITY’S CODE OF ORDINANCES AMENDING CERTAIN PROVISIONS TO FURTHER ESTABLISH IRRIGATION RESTRICTIONS BY AMENDING CHAPTER 27, ENTITLED “WATER AND SEWERS”, AT ARTICLE II, ENTITLED “WATER SHORTAGE REGULATIONS,” AT SECTION 27-43, ENTITLED “PERMANENT RESTRICTIONS FOR LAWN AND LANDSCAPING IRRIGATION”, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dania Beach desires to update its Code of Ordinances relating to irrigation restrictions; and

WHEREAS, the City desires to amend and update the City’s Code to establish updated rules relating to irrigation restrictions; and

WHEREAS, staff recommended approval of the proposed amendments to the Code of Ordinances in its report dated January 25, 2022; and

WHEREAS, the City Commission conducted two (2) duly noticed public hearings relating to the adoption of the Code of Ordinances amendments; and

WHEREAS, the City Commission finds that it is in the best interest of the City to adopt the amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the foregoing WHEREAS clauses are ratified and confirmed as being true and correct, and they are made a specific part of this Ordinance.

Section 2. That the City’s Code of Ordinances is amended as follows:

* * *

CHAPTER 27

WATER AND SEWERS

ARTICLE II. – WATER SHORTAGE REGULATIONS

* * *

Sec. 27-43. - Permanent restrictions for lawn and landscaping irrigation.

- (a) *Restrictions.* Irrigation of new and existing lawns and landscaping (jointly referred to as "landscaping" in this section) is restricted to the hours of ~~9:00 p.m. to 9:00 a.m., seven (7)~~ 12:00AM to 9:00AM and 9:00PM to 11:59PM two (2) days per week as follows:
- i. Even-number addressed and rights-of-way or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.
 - ii. Odd-numbered addresses may accomplish necessary landscape irrigation only on Wednesdays, and/or Saturdays.

* * *

Section 3. That if any clause, section, sentence or phrase of this Ordinance is for any reason held unconstitutional or invalid by a competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall be in force and take effective immediately upon its passage and adoption.

PASSED on first reading on January 25, 2022.

PASSED AND ADOPTED on second reading on _____, 2022.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

RESOLUTION NO. 2022-018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZE THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT TO PURCHASE THE SCULPTURE ENTITLED “LET LOVE GUIDE YOUR WAY,” DESIGNED BY THE PUBLIC ARTIST LLOYD GORADESKY, IN A NOT TO EXCEED AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND DOLLARS (\$143,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Valentine’s Day is quickly approaching and because the City of Dania Beach’s logo is “Sea It, Live It, Love It”, Valentine’s Day would be an appropriate day to unveil “Let Love Guide Your Way” art sculpture; and

WHEREAS, the artist Lloyd Goradesky is to remove his “Let Love Guide Your Way” art installation from the 2019 and 2021 International Kinetic Art Exhibit and Symposium in Boynton Beach; and

WHEREAS, the City is presently setting up its “Art in Public Places” Program (the “Program”) and has yet to create the Program Advisory Board, and the City’s consultant to run the Program has recently been retained and has not established a process for a “Call to Artists”; and

WHEREAS, the City is not ready to use its Art in Public Places Program and funding; and

WHEREAS, the purpose of the sculpture entitled “Let Love Guide Your Way” is to celebrate kindness and to share the message of Universal LOVE while encouraging compassion, consideration and tolerance for everyone; and

WHEREAS, the art piece was featured in the 2019 and 2021 International Kinetic Art Exhibit & Symposium in Boynton Beach, Florida; and

WHEREAS, the artist uses a weathervane which is shaped in the form of Cupid’s Arrow, and the heart-shaped arrow rotates 180 degrees; and

WHEREAS, the Art is an example of Art & Design merging with Engineering & Science; and

WHEREAS, the sculpture uses a weathervane, to not only measure wind, but as a metaphoric expression to describe people who change their views frequently. “In a chaotic world, when faced with a dilemma, let love guide your way;” and

WHEREAS, in furtherance of supporting the City’s logo (“Love It”), and to further support making City Hall a destination place for selfies and photographs with the art piece, and in support of turning the downtown CRA into an Arts District, the City finds it is in its best interest to enter into an agreement with Lloyd Goradesky, the Public Artist, to purchase “Let Love Guide your Way” Art Arrow Sculpture, as depicted in Exhibit A, which exhibit is incorporated by reference into this resolution, for an amount not to exceed One Hundred Forty Three Thousand Dollars (\$143,000.00), inclusive of installation;

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

Section 1. That the above “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2 That the City Commission authorizes the proper City officials to execute an agreement with Lloyd Goradesky, to provide the artistic sculpture “Let Love Guide Your Way” without competitive bidding.

Section 3. That funding for the sculpture will be made available and appropriated within City Commission Promotional Activities Account No. 001-11-01-511-48-10.

Section 4. That the City Manager and City Attorney are authorized to make minor revisions to the related documents which are deemed necessary and proper and in the best interest of the City.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. That this Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on January 25, 2022.

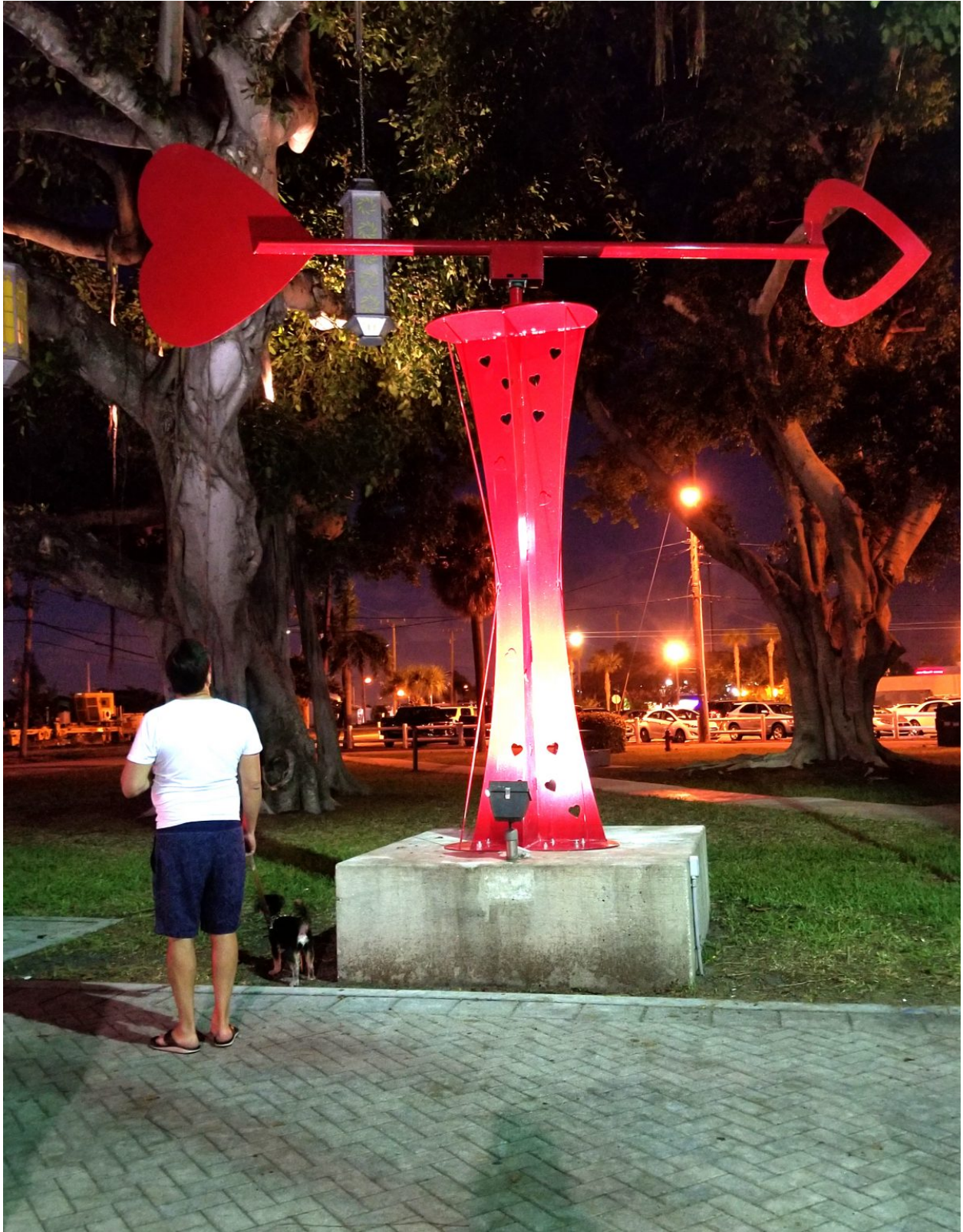
ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



GENERAL EMPLOYEES PENSION BOARD
MEMBERSHIP
Monday, June 28, 2021

Name/Address Phone Number	Date Appointed	Term	Position
		June 22, 2020 through June 22, 2022	Commission Appointment
Luis G. Rimoli 902 Natures Cove Road Dania Beach, FL 33004 954-927-7161 954-478-0653 luis@stagedrightevents.com	March 9, 2021	March 22, 2021 through March 22, 2023	Commission Appointment
Adam Segal City of Dania Beach 100 W. Dania Beach Boulevard Dania Beach, FL 33309 954-924-6800 x 3620 asegal@daniabeachfl.gov	May 23, 2017	Open	Commission Appointment (Finance Director or Designee)
Darren Greene 294 NW 13 th Court Dania Beach, FL 33004 954-558-2770 dgreene@daniabeachfl.gov	June 10, 2021	June 21, 2021 through June 21, 2024	Employee Elected
Corinne Lajoie, Chair 3546 Coco Lake Drive Coconut Creek, FL 33073 954-651-5016 954-924-6805 x3704 corichurch.lajoie@gmail.com	August 14, 2019	June 21, 2019 through June 21, 2022	Employee Elected



CITY OF DANIA BEACH

OFFICE OF THE CITY MANGER

100 West Dania Beach Blvd · Dania Beach, FL 33004 · (954) 924-6800 · (954) 921-2604 (fax)

MEMORANDUM

Date: January 25, 2022

To: Mayor Tamara James
Vice Mayor Marco A. Salvino, Sr.
Commissioner Joyce L. Davis
Commissioner Lori Lewellen
Commissioner Lauren Odman

From: Ana M. Garcia, ICMA-CM, City Manager

Subject: Manager's Report

The JA Eli Boulevard/S.W. 12th Avenue traffic calming construction project has been upgraded by FDOT; as a result, the project's timeline will be expedited. FDOT will now take the lead and manage the project, however during the design phase, both our City Commission and the College Gardens Civic Association will have the opportunity to review the design. Design will commence no later than next year (2023) but may commence earlier. We will keep you updated.

ARPA, the Federal Infrastructure Bill, and reimbursement for lost revenue due to Covid has further solidified the City's financial standing. Additionally, our adopted CIP program has put us in a predicament to fund and expedite many of our Capital projects including possibly adding new projects discussed at your CRA workshop. Our Finance Director will be presenting details at the first meeting in February.

The Deputy City Manager and I have met with the GM of the Casino at Dania Beach and have preliminary support to carve out 100 parking spaces that we may offer to Lucky Fish and Quarterdeck restaurants for staff parking, providing more parking for visitors to our Beach Campus. Additionally, we have had a preliminary meeting with Freebie Transport to resume a discussion that was initiated at the request of Commissioner Odman. The week of the 24th we will meet with the GM from the Casino and will include our City Attorney as we move to work on a contract followed by a secondary meeting with Freebie, with a goal to bring you two contracts for your consideration and approval.

On the 18th of January, Vice-Mayor Salvino, Attorney Boutsis and I met with County Commissioner Ryan to discuss the future Garage project at the Beach. We now have more clarity on the circumstances as this is a complex project due to the multiple jurisdictions,

including a portion of the proposed garage site (small section) being in the City of Hollywood per an official survey Commissioner Ryan was able to procure and receive at no cost to the City. Per Commissioner Ryan, within the next week or so we will commence on next steps on this much needed and anticipated project.

There are a multitude of exciting projects at different stages within Planning and Zoning. One project that I wanted to highlight is City Place, a proposed 110 apartment development on the N.E. corner of S.W. 3rd Avenue and S.W. 1st street. This is an affordable housing project that the City has financially supported via a \$650k loan. I have visited with our Community Development Team regarding various projects this developer has completed and managed in the City of Miami, and we were all very impressed with these projects half a dozen years post construction and occupancy. Our goal is and will continue to be focused on relationships and benefits to our community. This project will augment the density at our City Center Campus as it will be proposed due south of our City Hall parking garage. This project is currently being reviewed by DRC.

The RFQ for design services for CW Thomas Park will close January the 31st. With Construction Manager At Risk in place, and Burkhardt Construction selected as top construction firm, the next step will be to bring forward the chosen design firm for Commission approval next month and no later than the 1st meeting in March.

The RFQ for the \$400k Tootie Adler Park project at our Beach Campus has closed. The rankings and recommendation for selection for this project is on the January 25th agenda. Fifty percent of this project (\$200k) is funded by FRDAP (State) awarded in 2020.

The Pier Refurbishing project was awarded in December of 2021 and construction of the project will commence in March of 2022. The Ocean Park Drainage project is complete.

HR has started a recruitment program providing an incentive to our existing Team members. Positions in Parks and Recreation and Public services are part of this innovative program. Employees will receive \$100 bonus for referring an applicant who is hired, an additional \$100 after 90 days and an opportunity for another \$100 upon successful completion of the probationary period. The new employee breakroom is completed as well as the exterior patio. From our Commission Chamber to our atrium, offices, and now our west wing, and coming soon, all our restrooms and other areas at City Hall will be renovated. This Administration, with Commission support, has ensured we invest in our workplace and the building of the people who live and work in our City.



CITY OF DANIA BEACH

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager

FROM: Eleanor Norena, CFM, Community Development Director 

RE: Manager's Monthly Report – December 2021– Community Development Department

The following is a summary of Community Development Department activity during the month December.

Community Development Special Projects:

Public Art Program: On December 10, 2019, the City Commission adopted the Public Art Ordinance which established impact fees to be collected from new development for the purchase, creation and installation of public art which we are now collecting. On June 22, 2021, the City Commission approved the Public Art Program, which identifies specific locations for art installation, guidelines for acceptance of public art, and identified how the Public Art Advisory Board would function. The RFP to find a consultant to administer the Public Art Program was published on October 15, 2021. The City Commission on December 14, 2021, selected the Cultural Planning Group as our Public Art consultant. The contract is anticipated to be executed next month.

Water Supply Plan: Approval of the City's Water Supply Plan is critical as it identifies where the City will obtain its water supply for existing residents and businesses as well as future development. Adoption of a Water Supply Plan will bring the City into compliance with State requirements. Community Development and Public Services, as well as our consultants have been working together on this project for many months. The plan and necessary amendments were approved by the City Commission on December 14, 2021.

Trafficway Amendment: Team members have prepared an amendment to the Broward County Trafficway Plan to remove the two one-way pairs from SW 4th Avenue. This amendment will allow the current traffic pattern to remain and allow for the development of property in the area to occur without right-of-way dedications required. This request was approved by the City Commission on September 28, 2021. Staff submitted an application submitted to Broward County in November, and it is tentatively scheduled to be heard by the Planning Council in February. Both FDOT and the City of Hollywood have provided a statement of support.

Records Retention: Team members secured an off-site location to relocate department records that are required to be maintained by State Statute in preparation of the space being rehabilitated. Team members

coordinated with Public Services in the relocation, the majority of which occurred in June. The Department has obtained a vendor to scan all back logged files to decrease the amount of storage space required. This work began in December 2021 but has been delayed due to COVID positive cases in the department.

RAC Zoning In Progress: On September 8, 2021, at a City Commission workshop, staff was instructed to move forward with a Zoning In Progress request in order to give staff time to research and develop prioritization and criteria by which the allocation of the remaining RAC dwelling units should be reviewed by. The Zoning In Progress was heard by the City Commission on September 28, 2021. Proposed Text Amendments were presented to the City Commission for first reading on December 14, 2021.

RAC Land Use Amendment: On September 8, 2021, at the City Commission workshop, staff was instructed to move forward with efforts to implement a Comprehensive Plan, Land Use Amendment to request additional residential dwelling units to be assigned to the RAC Land Use category. A request to hire a consultant to assist in this process was approved by the City Commission in October 2021. The consultant has begun work on this project.

Building Division:

The Building Department reviewed and issued 183 building permit applications.

Building staff conducted 1,026 inspections and issued four Certificates of Completion (three commercial and one residential).

The Department collected \$2,562,358.00 in building permits for the month of December.

Planning and Zoning Division:

The following projects are currently going through the DRC review:

Koosh Living – This application for Site Plan approval is for a 233 multi-family residential / mixed use development at 3851 Stirling Road, along with applications for rezoning and plat approval. It is being reviewed by the DRC.

Seaview II – The applicant is proposing a Site Plan Modification in order to add an additional 98 Units to this previously approved multifamily residential project located at 801 East Dania Beach Boulevard. This proposal is currently being reviewed by the DRC.

City Place – The applicant is proposing to develop 110 apartment units on a 1.24-acre site located at the northeast corner of SW 3rd Avenue and SW 1st Street. This project is currently being reviewed by the DRC.

Showroom Warehouse - Applicant David Gigel has applied for a Site Plan approval for a warehouse with twenty percent office space at 684 SW 7 Terrace. This project is currently being reviewed by the DRC.

Dania Preserve – The applicant is proposing to develop 76 townhouse units on a 12.03-acre site located at 4900 SW 31 Avenue, with applications for Rezoning, Flex, Plat and Site Plan approval. This project is currently being reviewed by the DRC.

Masri Estates – The applicant is seeking Site Plan approval and a right-of-way vacation in order to develop five (5) single-family homes and a new roadway at 25th Way and Griffin Road. This project is currently being reviewed by the DRC.

Altamar Foods Cold Storage – This site plan application proposes a 36,000 square foot cold storage and distribution facility on a 1.5-acre industrial site. It is currently being finalized for an upcoming City Commission meeting.

Code Enforcement Division:

The team is continuing to work with BSO to enforce violations at vacation rentals, addressing noise, parking issues, and any stay less than five (5) days.

- Code is contacting the BSO Homeless Outreach when we notice homeless campsites.
- A total of 32 complaints were submitted into the code complaint system and were inspected by code staff.
- Code has been working with Public Services to address bulk trash issues. 35 bulk notices were issued in December.

Beach Ranger and Parking Division:

The Beach Rangers issued 663 citations at the beach.

Staff reported 29 violations at the beach including safety issues and graffiti.

The City has ordered 11 new parking meters and contracted with paybyphone app that are anticipated to be installed in 2022.

Oak Hammock Tree Protection Overlay District:

- See attached Summary Report

ARTICLE 826 – OAK HAMMOCK TREE PROTECTION ZONING OVERLAY DISTRICT 2021 ANNUAL SUMMARY REPORT

November '21	0	0	0	0	0	0	0	0	0	0	0
December '21	0	0	0	1	0	0	0	0	0	0	1
2021 Subtotal	5	4	1	4	0	0	0	0	0	0	4
TOTAL	12	11	1	7	2	\$2,500.00	0	0	0	0	4

Note: Table includes actions documented in the final 4 months of 2020 once "zoning in progress" began

ARTICLE 826 – OAK HAMMOCK TREE PROTECTION ZONING OVERLAY DISTRICT

2021 ANNUAL SUMMARY REPORT

Summary of Activities/Incidents

1. 8/25/20 – Zoning in progress resolution (R-2020-094) approved by City Commission (START OF TRACKING)
2. 9/5/20 – Unpermitted removal of 2 specimen sized live oak trees at 5861 SW 36th Terrace (2 X HOUSE BILL REMOVALS – City did not agree with report)
3. 11/25/20 – Unpermitted removal of 3 specimen sized live oak trees at 5901 SW 36th Terrace (3 X HOUSE BILL REMOVALS – City did not agree with report)
4. 12/28/20 – Unpermitted removal of 2 more specimen sized live oak trees at 5901 SW 36th Terrace (2 X HOUSE BILL REMOVALS – City did not agree with report)
5. 1/24/21 – Unpermitted removal of 1 specimen sized live oak tree at 5870 SW 37th Avenue (1 X HOUSE BILL REMOVAL – City agreed with report)
6. 1/26/21 – Article 826 – Tree Protection Overlay District ordinance adopted
7. 2/16/21 – Unpermitted removal of 1 specimen sized live oak tree at 5961 SW 37th Ave (1 X HOUSE BILL REMOVAL – City agreed with report)
8. 3/4/21 – Permitted removal of 1 foxtail palm tree at 5830 SW 37th Avenue
9. 3/6/21 – Unpermitted removal of 1 specimen sized live oak at 5720 SW 37th Terrace (1 X HOUSE BILL REMOVAL – City agreed with report)
10. 4/25/21 – Pruning advance notice received for 5910 SW 37th Ave
11. 5/25/21 – Driveway repaving at 5861 SW 36th Terrace (prior House Bill Removal – grandfathered – see item 2 above). Added to Overlay Summary because site does not meet minimum overlay district landscape standards even though no landscape alterations occurred.
12. 7/16/21 – General license request to remove specimen tree denied. Tree removed using house bill (1 X HOUSE BILL REMOVAL – City did not agree with report)
13. 9/15/21 – Complaint alleging excessive root impacts at 5940 SW 37th Ave
14. 12/13/21 – Complaint investigation at 5930 SW 36th Terrace
15. 12/20/21 – Tree removal coordination w/new owner of 5720 SW 37th Terrace.



CITY OF DANIA BEACH HUMAN RESOURCES DEPARTMENT

MEMORANDUM

DATE: January 18, 2022

TO: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager

FROM: Linda Gonzalez, SPHR, SHRM-SCP – HR / Risk Management Director *LG*

RE: Human Resources and Risk Management Report

The following is a summary of Human Resources and Risk Management activities:

- Open/To be open Recruitments:
 - Recreation Assistant (4 Part-time positions)
 - Equipment Operator I – Public Services Streets
 - Lifeguard Full-time
 - Facilities Maintenance Technician
 - Benefits and Risk Management Specialist

Positions in interview or background process:

- Public Services
 - Project Manager – start date January 27
 - Equipment Operator I (BEAM Team) – 2 employees in backgrounds/2 positions
 - Service Worker II Utilities – interviews taking place
 - Equipment Operator II – interviews taking place
- Parks & Recreation
 - Recreation Manager I – interviews taking place
- Community Development
 - Beach Ranger (PT) – interviews taking place
 - Code Compliance Coordinator II – interviews taking place
 - Administrative Specialist II – interviews taking place
- Finance
 - IT Division Director – interviews taking place

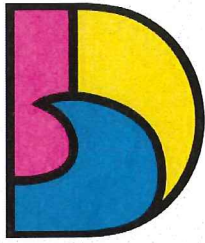
Human Resources has started a recruitment incentive for the Recreation Assistant, and Equipment Operator I position for employees. Employees will receive a \$100 bonus for referring an applicant who is

hired, an additional \$100 after 90 days and a final \$100 after the success completion of the probationary period.

- The “RISE to the Occasion” employee recognition luncheon has been postponed due to COVID. We hope to reschedule this very special celebration to recognize our wonderful employees and accomplishments over the last year as soon as possible
- The City continues our initiative to complete performance evaluations every month for all employees as of the new Fiscal Year. This new process has been important in providing feedback and communication in line with our RISE standards.
- The City is now live with the Executive timekeeping platform – Executime. The new platform ensures employees are paid accurately for all hours worked and as required by the Fair Labor Standards Act, (FLSA).
- Human Resources is planning a Health Fair on April 13 for all employees. “Get Fit Dania Beach” will be the name of our Health Fair and will incorporate multiple vendors including biometrics, chair massages, smoothies, and many other events, to encourage our employees to participate. Information will be sent out to solicit feedback from our team for their ideas and engagement. The Health Fair will take place at IT Parker.
- Human Resources has started a vaccination program for employees, paid for by the City, for employees who would like to participate in vaccinations for Hepatitis A or B and the Tdap series, which includes tetanus, diphtheria, and pertussis.
- Human Resources will be introducing a RISE library of books for all employees, who may want to check out a book, in library fashion to promote leadership, teamwork and other work-related skills. The RISE library, aka “Eagle’s Nest” will provide books and resources for employees to further their professional development. Additionally, starting in January 2022, Human Resources is providing a birthday book and card to each employee on their birthday! Employees will be given best-selling books on a variety of professional and personal development topics that promote our R.I.S.E standards. The gifts will be distributed in colorful festive bags.
- The new employee break room is completed! We have brand new appliances, furniture, patio furniture, outdoor umbrella, new flooring, a flat screen TV, and Dania Beach picture. We are only pending new chairs for inside the breakroom. This is another way we recognize, appreciate, and respect our employees. We hope our team will enjoy their new break room!
- The Blood mobile was at City Hall on December 16, and we have 6 additional dates scheduled for 2022. The Blood mobile provided a \$20 gift card, beach towel and wellness checking, including blood pressure, temperature, iron count, pulse, and cholesterol screening to all who participated.
- Multiple new benefits are now in place for employees in 2022, including:
 - Additional Life Insurance. Life insurance was previously capped at \$50,000 for all employees and is now, two times salary up to \$200,000.
 - City paid long-term disability is now in place for all employees.

- *Special Pay Plan:* under the terms of this plan, when employees leave the City, their accumulated sick and vacation time will be deposited into their own 401(a) pension account. This plan, which is compliant with the Internal Revenue Code (IRS), allows employees to defer Federal income tax and permanently save FICA and Medicare tax (7.65%). The City also saves its share of FICA and Medicare match on payments made to the plan. For non-union employees at this time and pending contract negotiations.
- *FICA Alternative Plan:* this plan permits government employers to enroll eligible part-time, seasonal, and temporary employees in an I.R.S. approved qualified retirement plan. The minimum contribution is 7.5% of gross pay. This contribution is made on a pre-tax basis in lieu of the Social Security tax. The contribution is deducted each payroll period from the employee's check and allows employees to defer Federal Income Tax and permanently save FICA (6.2%), and also allows the City to save its share of FICA match on payments made to the plan. For non-union employees at this time and pending contract negotiations.
- The Human Performance Evaluation (HPE) for new hire physicals has been completed. This process will help ensure employees are safe on the job and fit for duty as a new hire for lifeguards and some identified Public Services positions. We will expand the HPE testing as we move forward.
- Human Resources will be implementing Microsoft Office Suite Training for Administrative employees. Employees will be given access to participate in multiple office training products at their own pace and at their level of expertise. This training will allow employees to advance their skillset, which is an excellent development opportunity for our team.
- The Safety Committee just wrapped up the first full year, after winning the Safety and Risk Management Member of the Year Award from more than 400 participants. The Directors and Assistant Director participated in our Year-End meeting. Accomplishments in the first year of the Committee included:
 - New Safety Manual created
 - Writeable reporting and accident documents
 - See Something, Say Something Program created and part of new hire orientation
 - Retraining program for employee accidents
 - Monthly Safety Recognition program
 - BSO updates added to inform employees of criminal and other activity in the City
 - Fire Drills implemented
 - Evacuation Maps being created
 - Monthly Inspections completed by Committee members
 - Sponsor Gonzalez complimented and recognized Chair Acosta, Vice-Chair Ifedi, Chief Pellecer, Corry Taylor, Monica Terrazas, and Luis Borgos in particular for their contributions to the Committee.
- Human Resources re-conducted the I9 audit in order to ensure compliance with Federal Law. Additional audits will take place, as we work to ensure records are maintained, as required. Imputed income has been added for the new life insurance benefit for all employees.

- Human Resources is participating with the Broward League of Cities luncheon through the purchase of giveaways for the event and event meetings.
- Human Resources is working with our benefits broker and both pension offices to audit our retiree population of approximately 170 retirees, dependents and surviving spouse to ensure benefits are properly paid under the code. The Benefits platform will have a new module installed to help expedite this reconciliation.
- Human Resources will be working with NeoGov to add 2 modules to our current recruitment platform that modernize and streamline our on-boarding and performance evaluation processes. We are due to start this implementation in February, now that we have completed the Executime implementation.
- The City offered 2 March dates to the AFSCME Union, (American Federation of State, County and Municipal Employees), to start collective bargaining in March 2022.
- Our 1st quarter on-boarding session for new hires will take place on January 27. Our call-back session will take place for hires who participated in the previous on-boarding session at the close of the program. Our on-boarding session has presentations included from every Department, including Public Safety and has received excellent feedback from our participants.



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CITY OF DANIA BEACH PARKS AND RECREATION DEPARTMENT

MEMORANDUM

DATE: January 4, 2022

TO: Ana M. Garcia, ICMA-CM, City Manager

FROM: Eric Brown, Parks & Recreation Director

SUBJECT: Parks and Recreation Updates

Parks and Recreation Department Updates

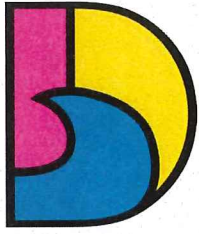
The Department of Parks and Recreation is excited to show off the new lifeguard tower installed at the beach last month as we continue to beautify our beach area. The new tower looks great! The second new tower should be arriving and installed sometime in February. The department has funding to purchase two additional new towers this year which are the final two towers that need to be replaced.



The Department is actively working to get the CW Thomas Project on the ground and running. In December the Department brought before the City Commission the Construction Manager at Risk top ranked firms to start negotiating pricing and a contract with the top ranked firm. The top ranked firm, Burkhardt Construction, has been notified of their ranking. Before Burkhardt Construction can start negotiating pricing, the design concept must be established. The Department is working with procurement to have the Design Services RFQ out January 7th. Once the RFQ closes, staff will select the Design Services company to begin the conceptual design. In the meantime, staff will be working with Burkhardt Construction and legal to establish an

umbrella contract that will be ready for execution once the conceptual plan is where it needs to be in order for Burkhardt Construction to provide the pricing.

Finally, the department is excited to see the continued success and growth of our new Dania Beach Rising Stars after care program at all three of our community centers. Our numbers continue to increase each month with CW Thomas at 18 program participants, Frost Park at 12 participants and PJ Meli at 4 participants. Thus far the program has brought in \$10,655 since beginning in August 2021.



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CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT

MEMORANDUM

DATE: January 25, 2022

TO: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager

FROM: Fernando J. Rodriguez, Public Services Director
Dincer Akin Ozaydin, P.E., Deputy Director/City Engineer
Fernando J. Rodriguez
Digitally signed by Fernando J. Rodriguez
DN: cn=Fernando J. Rodriguez, o=City of
Dania Beach, ou=Public Services,
email=fernando@daniasb.org, c=US
Date: 2022.01.24 16:24:59 -0500
D. Akin Ozaydin

RE: PUBLIC SERVICES DEPARTMENT ACTIVITIES – December 14, 2021 – January 24, 2022

Provided below is a summary of the main PSD activities for roughly the past five weeks.

- **The NW 1st Street Roadway and Drainage Repair:** the roadway section leading to the bridge by Bryan Road was repaired. Sections of the underground drainage pipe was replaced and the subgrade improved, as well as replacement of the sidewalk and valley gutter.
- **The SE 2nd Avenue Water Main Replacement Project** will be completed by the end of January 2022. This important project was completed ahead of schedule by two months.
- **Pier Refurbishing Project:** The construction contract was awarded in December, followed by the pre-construction this month. Construction is expected to begin in early March 2022.
- **2nd Floor/West Wing Remodeling Project:** the pre-construction meeting was held, and construction is scheduled to begin in early February.
- Status of the following projects is as follows:
 - **Ocean Park Parking Lot Drainage Project** – *completed*.
 - **Southeast Drainage Improvement Project** – nearing 90 percent design stage; in permitting phase.
- **Alleyway paving:** Four alleyways, each running from SE 2nd Avenue to 3rd Avenue, were paved in the SE section of the city. The condition of the pavement in these alleys had deteriorated and they part of the PSD prioritized road resurfacing list that is scheduled annually.



- **The Public Services yard improvements:** the employee parking lot was paved, providing a welcome improvement from its previous condition. The area drains well now and there is no more dust or mud that previously plagued the area (refer to photos below). In addition, a shade tree was planted that will provide shade in their outdoor break area.



Grant Funding

Alternative Water Supply and Water Conservation Project Grants

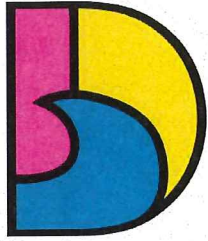
South Florida Water Management District is soliciting applications for alternative water supply projects. PSD is reviewing this opportunity to assist with the City Tiger Tail Lake Horizontal Well Project, an alternative water supply project in the planning stage.

Transportation Surtax

The City received over \$800,000 in Surtax funds for the design of the SE Drainage Project. However, the Project did not receive construction funding due to a lack of available funds when the Surtax Five Year Plan was adopted. Following the City Manager's directive to pursue construction funding, the PSD resubmitted the SE Drainage Project for consideration as Broward County is amending the adopted plan.

SW 12th Avenue CSLIP Project

FDOT upgraded the SW 12th Avenue CSLIP project to an FDOT project. As a result, the Project's timeline speeds up and will relieve the cities of Dania Beach and Hollywood from managing the Project. The PSD, the City of Hollywood, the MPO, and FDOT met to discuss the project scope. In addition, Kimley-Horn's traffic calming concepts are being incorporated into the planning. The design is projected to begin in 2023.



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CITY OF DANIA BEACH COMMUNICATIONS PUBLIC INFORMATION OFFICER

MEMORANDUM

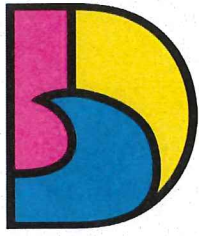
DATE: January 2022
TO: Ana M. Garcia, ICMA-CM, City Manager
VIA: Candido Sosa-Cruz, Deputy City Manager
FROM: Katia Bordy, Public Information Officer
SUBJECT: PIO Communications

Ongoing Communication

The City's website, social media and TV Channel 78 are continuously updated with relevant, new, and important information. All City Departments receive media support on a variety of projects.

Below are the latest social media, website and video communications including special event activities:

- Designed Holidays and New Year Promotions for Website and Social Media
- Promoted City Hall Covid-19 Testing, Free At-Home Test Distribution
- Designing Dania Beach Come RISE With Us New Developments Brochure
- Designing Dania Beach Come RISE With Us Animated Slideshow Video
- Creating Collateral for the Broward League of City Event
- Creating Collateral for the State of The City Address
- Took Photos / Drone Footage to Inform & Promote FPL Clean Energy Center
- Promoted Business View Magazine's Article on Website and Social Media
- Took Photos / Drone Footage and Promoted Multiple CIP Projects
- Took Photos / Drone Footage of Multiple New Development Construction Sites
- Promoted the FCCMA Photo Contest – Completed and Ready to Submit.
- Designed Bulk Pickup Map, Magnet 2022 & Promoted on Website and Social Media
- Produced Mayor's Kwanzaa Invitation Video
- Promoted multiple Parks Programs
- Promoted Public Services and Community Development Programs
- Promoted and Distributed information for the PPE Flood Insurance Evaluation Report
- Designed and Promoted Youth Advisory Council Meeting
- Designed and Promoted Monthly Celebrations on Social Media
- Prepared Monthly Themes
- Finalizing Ask Dania Beach App Training Video
- Designed New On-Boarding PowerPoint presentation
- Created Collateral on RISE Initiative / Event



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**CITY OF DANIA BEACH
BROWARD SHERIFF'S OFFICE (BSO)**

MEMORANDUM

DATE: January 17, 2021

TO: Ana M. Garcia, ICMA- CM, City Manager

FROM: Daniel J. Marks, Captain

RE: Dania Beach Monthly Memo to City Manager

PART I CRIME SUMMARY

PART 1 CRIMES 12/22/2021 - 01/06/2022	
PART 1	TOTAL
AGGRAVATED ASSAULT	3
AGGRAVATED BATTERY	1
AUTO THEFT	2
AUTO THEFT - MOTORCYCLE	1
BURGLARY BUILDING/STRUCTURE	2
BURGLARY BUSINESS	1
BURGLARY CONVEYANCE	6
BURGLARY RESIDENCE	2
ROBBERY	1
SEXUAL BATTERY	1
THEFT - ALL OTHER	8
THEFT - BICYCLE	1
THEFT - MOTOR VEHICLE PARTS	1
THEFT - RETAIL / SHOPLIFTING	6
Grand Total	36

NOTABLE DECREASES

Within the past 2 weeks, there was:

- A decrease of 5 Larceny as compared to the 2 weeks prior.
- A decrease of 1 Burglary Residence as compared to the 2 weeks prior.
- A decrease of 5 Burglary Convenience as compared to the 2 weeks prior.

NOTABLE ARRESTS

Arrests: 12/22/21 – 01/06/22

29

- **Retail Theft:** Three individuals were arrested for a retail theft ring in Miami after stealing thousands of dollars' worth of fragrances from Ulta in Dania Pointe.
- **Grand Theft, Trespassing, Criminal Mischief, and False alarm of Fire:** Received several cases in late October reference to false fire alarm activations/ fire extinguisher, and vandalism at the Saratoga apartments. Through investigation, suspect was identified by School Officials, acquaintances, and extensive video surveillance. After consulting with the SAO, SIU, and BSO Youth and Neighborhood Services the above listed juvenile suspect was arrested (School Principal and suspect mother were present) and transported to the J.A.C without incident.
- **Touch/Strike/Battery, Robbery (No firearm), Petit Theft (Warrant):** Received two cases in late November reference to domestic violence which involved the same victim. During the investigation, the victim advised she knew the suspect. The suspect was identified through a photo array and arrested. He was transported to the Main Jail without incident and charged accordingly.
- **Burglary Residence:** The victim and his landlord have been having an ongoing dispute over the residence. He has reported multiple burglaries where items have been taken from within. On 12/10/2021, the victim came home and caught the landlord's brother and his girlfriend (suspects) taking items from within his home. Both suspects were identified and an arrest warrant was entered into the system. Both suspects turned themselves in and were transported to the BSO Main Jail without incident.

CRIME SUPPRESSION TEAM (CST)

The Crime Suppression Team has:

- Made 8 arrests, 6 of which were felonies.
- Seized three illegal firearms.
- Recovered two stolen vehicles.

CRIMINAL INVESTIGATIONS

The Criminal Investigations Unit had the following notable arrests:

- **Grand Theft Auto** – Three suspects were arrested for possession of stolen vehicle. Various narcotics and a loaded Glock were located inside the vehicle. All suspects were interviewed and confessed. Two suspects were arrested and charged accordingly.
- **Burglary Residence:** A juvenile suspect broke into the property and stole a bicycle from the porch. The suspect was recorded by Ring camera and identified. The suspect was arrested and confessed to the crime.
- **Auto Theft** – Investigation into this case led to the arrests of a Dania Beach resident. The suspect was additionally charged for Grand Theft Auto after having been involved in a Hit and Run and DUI in the stolen vehicle.
- **Burglary Residence Occupied** – The suspect was identified stealing the victim's golf cart from the car port of the victim's residence while the victim was asleep inside. The suspect drove the golf cart onto the railroad tracks causing a Bright line Train to crash into the golf cart. The suspect has been arrested multiple times for the same types of offenses.
- **Auto Theft** – A stolen scooter was tracked by Dania CI to a location in the City of Hollywood. Dania CST established surveillance, recovered the scooter and arrested the suspect.

MOTORS / COMMERCIAL VEHICLE ENFORCEMENT

Within the last two weeks, the Traffic Unit addressed concerns of local businesses.

The Traffic Unit continues to conduct vehicle enforcement within the warehouse area along Stirling Road in reference to trucks blocking traffic. Commercial vehicle enforcement is continuing to monitor the problem as well.

The Traffic Unit continued with school zones and along SE 5th Av.

- No complaints from residents.

HOMELESS OUTREACH TEAM

Within the last two weeks, the Homeless Outreach Team:

- A chronic homeless male who had been hospitalized was released however, we are working with social services and have started the process of getting him Medicaid/Social Security Disability so he can enter and Assisted Living Facility.
- We are continuing to work with another chronic homeless male who just started receiving Social Security benefits. Appointments have been made for him to get a physical exam so he can reinstate his Commercial Drivers' License, furthering his opportunity for employment.
- A homeless male, who has been in Dania Beach for about a week, was put on a flight to Detroit and was reunited with his family.
- We have been working with a disabled Vet who has a 7 year old daughter at Collins Elementary, trying to obtain stable housing for the two. We are happy to say that after numerous phone calls and e-mails, he has a confirmed move-in date into an apartment near the school.
- One of our chronic homeless, whom we have dealt with on a daily basis for minor infractions, was arrested and taken into custody on two serious charges. She has been provided housing and food at the Broward County Main Jail where, pending the outcome of a mental health evaluation, she should remain for quite some time.

NEIGHBORHOOD SUPPORT UNIT

The Neighborhood Response Unit did the following:

FOOD DISTRIBUTION

- There was no food distribution this month

FOLLOW UP / DIRECTIVES

- December 10, 2021 – Mystic Force Foundation “Super Hero Drive Through” for Children suffering from Cancer. Drive Through took place at Joe DiMaggio Hospital & Broward General Medical Center.
- December 14, 2021 – BSO Winter Wonderland Toy Giveaway – All Day Event
- December 16, 2021 – Met w/ Collins Principal to drop off donated toys to the school Tiger Store
- December 18, 2021 – Jaxson’s Toy Giveaway Event – 10:00am
- December 18, 2021 – Former Mayor Grace Annual Toy Giveaway – 2:00pm
- December 20, 2021 – BSO Fire Rescue & Law Enforcement Drive Through Toy Giveaway
- December 21, 2021 – BSO Fire Rescue & Law Enforcement Drive Through Toy Giveaway (A total of 14 families were selected and provided toys during this two-day event)
- December 22, 2021 - Shop with Yng DNA Event – BSO NST selected 7 families to shop with BSO & Yng DNA/Wade Family Foundation at Target.

Meetings Zoom/In Person

- December 3, 2021 – Dania Beach Safety Committee Meeting – 11:00am
- December 8, 2021 - Regional NST End of Year Meeting – PSB – 1:00pm - 3:00pm
- December 14, 2021 – MLK Meeting – 4:30pm
- January 6, 2022 – Dania Beach Seniors Club Meeting – 9:30am

Business Checks

- Offline – Dania Pointe
- American Eagle – Dania Pointe
- 7-Eleven – 800 Stirling Rd
- Five Below – Dania Pointe
- CW Thomas Park – 800 NW 2nd Street
- Ulta Beauty – Dania Pointe
- TJ Maxx – Dania Pointe
- Foot Locker – Dania Pointe



**BROWARD SHERIFF'S OFFICE
CITY OF DANIA BEACH
CALLS FOR SERVICE – 240 ZONE
12/22/21 TO 01/06/22**

THERE WERE A TOTAL OF 33 CALLS FOR SERVICE FOR 240 ZONE WITHIN THE PAST TWO WEEKS.

CALLS FOR SERVICE	TOTAL
04-ACCIDENT-MINOR	5
04I-ACCIDENT WITH INJURIES	1
21C-BREAKING & ENTERING (BURGLARY) COMMERCIAL	1
21V-BREAKING & ENTERING (BURGLARY) VEHICLE/VESSEL	1
22-DISTURBANCE/NUISANCE	7
22N-DISTURBANCE-NOISE COMPLAINT	3
25EV-ELEVATOR RESCUE	2
38-DOMESTIC DISTURBANCE	2
38V-DOMESTIC DISTURBANCE VERBAL	1
49A-AUDIBLE/INTRUSION ALARM	8
53-EMBEZZLEMENT-FRAUD	2
Grand Total	33

THERE WERE A TOTAL OF 5 PART 1 CRIMES FOR 240 ZONE WITHIN THE PAST TWO WEEKS.

PART 1 CRIMES	TOTAL
AGGRAVATED ASSAULT	1
BURGLARY CONVEYANCE	1
THEFT - RETAIL / SHOPLIFTING	3
Grand Total	5



CITY OF DANIA BEACH
CALLS FOR SERVICE – AVERY APTS (121 N COMPASS WAY)
12/22/21 TO 01/06/22

THERE WERE A TOTAL OF 18 CALLS FOR SERVICE FOR AVERY APTS WITHIN THE PAST TWO WEEKS.

CALLS OF SERVICE	TOTAL
13I-SUSPICIOUS INCIDENT/PACKAGE	4
14-INFORMATION	1
22-DISTURBANCE/NUISANCE	1
22N-DISTURBANCE-NOISE COMPLAINT	3
25EV-ELEVATOR RESCUE	1
30-LARCENY	1
38-DOMESTIC DISTURBANCE	1
38V-DOMESTIC DISTURBANCE VERBAL	1
49A-AUDIBLE/INTRUSION ALARM	1
53-EMBEZZLEMENT-FRAUD	1
68-POLICE SERVICE CALL	2
911 HANG UP/DROP OFF	1
Grand Total	18

THERE WERE A TOTAL OF 4 PART 1 CRIMES FOR AVERY APTS WITHIN THE PAST TWO WEEKS.

PART 1 CRIMES	TOTAL
AGGRAVATED ASSAULT	1
INFORMATION	1
SUSPICIOUS INCIDENT	1
THEFT - ALL OTHER	1
Grand Total	4



**CITY OF DANIA BEACH
BROWARD SHERIFF'S OFFICE (BSO)**

EXTERNAL MEMORANDUM

DATE: January 18, 2021

TO: Ana M. Garcia, ICMA- CM, City Manager

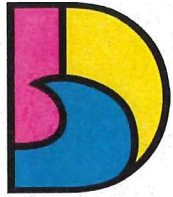
VIA: Candido Soza-Cruz, Deputy City Manager

FROM: Sergio Pellecer, District Fire Chief

RE: Dania Beach Memo to City Manager

Please see the requested information below concerning the last two weeks- December 8, 2021 – January 18, 2022 of the meetings and day to day operations for the BSO Fire Rescue and Emergency Service in Dania Beach:

- Daily morning BSO conference calls – Department Head direction for the day.
- Daily monitoring of Fire Stations and personnel safety
- Agenda reviews team conference
- Agenda reviews with Commissioners
- BSO Ops Conference call with District Chiefs
- Safety Committee meeting with City team
- Monthly Meeting Broward County Board of Rules and Appeals
- Station 1 and Station 17 visit for Accreditation preparations for March visit
- Commission Meetings
- Kwanza Ceremony
- Professional Development – Health and Safety Officer Class 45 Hours State Course
- Annual Toy Drive gave toy packages to 13 families in Dania Beach assisted by Fire Crews and Police Crews
- Meeting with FPL and facility tour with Chief D Marks
- Dania Beach Safer Grant application



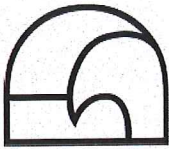
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**CITY OF DANIA BEACH
FINANCE DEPARTMENT
MEMORANDUM**

TO: Ana M. Garcia, City Manager, ICMA-CM
FROM: Adam Segal, Deputy Finance Director
DATE: December 1, 2021
SUBJECT: Monthly Business Tax Licensing

Manager,

Per your request attached hereto is the Monthly Business Tax Receipt report reflecting new businesses.



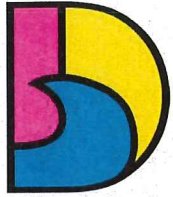
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Business Listing Report

Business Start Date 11/01/21 - 11/30/21

Report By Business Name

Business	Licensee	Address	Phone	Extension	Start Of Business	End Of Business
ANDREW & LAUREN KLEIN	ANDREW & LAUREN KLEIN	311 SW 2 AVE, Dania Beach, FL 33004	(954) 401-1455		11/12/2021	
AREN MIKAILI	AREN MIKAILI	234 SW 3 PL, Dania Beach, FL 33004	(862) 336-0405		11/22/2021	
BLUSH LUXURY VENUE	BLUSH LUXURY VENUE	3324 GRIFFIN RD, DANIA BEACH, FL 33312	(754) 263-7766		11/17/2021	
DANIA BEACH MARKETPLACE LLC	DANIA BEACH MARKETPLACE LLC	265 S FEDERAL HWY UNIT 1, DANIA BEACH, FL 33004	(804) 821-7471		11/22/2021	
DANIA DERMATOLOGY	DERMATOLOGY GROUP OF FLORIDA P.A	154 S COMPASS WAY, DANIA BEACH, FL 33004	(954) 807-9433		11/19/2021	
DENISON YACHTING	DENISON NEW YACHTS LLC	823 NE 3RD STREET, DANIA BEACH, FL 33004	(954) 763-3971		11/16/2021	
EUROSTAR DISTRIBUTION	MALINCHO FL LLC	2080 TIGERTAIL BLVD 1C, DANIA BEACH, FL 33004	(786) 553-5418		11/16/2021	
GLALF INVESTMENTS LLC	GLALF INVESTMENTS LLC	212 N FEDERAL HWY STE 206, DANIA BEACH, FL 33004	(786) 764-9159		11/18/2021	
GREAT MIAMI REAL ESTATE INVESTMENT & MANAGEMENT	GREAT MIAMI REAL ESTATE INVESTMENT & MANAGEMENT	224 SW 14 ST, Dania Beach, FL 33004	(917) 682-0501		11/16/2021	
GREAT MIAMI REAL ESTATE INVESTMENT & MANAGEMENT	GREAT MIAMI REAL ESTATE INVESTMENT & MANAGEMENT	230 -232 SW 14 ST, Dania Beach, FL	(917) 682-0501		11/16/2021	
GRIFFIN VAPE & SMOKE SHOP LLC	GRIFFIN VAPE & SMOKE SHOP LLC	2900 GRIFFIN RD # 7, DANIA BEACH, FL 33312	(754) 246-2191		11/15/2021	
HOLLYWOOD HILLS 3050 LLC	HOLLYWOOD HILLS 3050 LLC	3050 SW 46 CT, DANIA BEACH, FL 33312	(443) 622-1226		11/30/2021	
ISLA VERDE 2 CORP	ISLA VERDE 2 CORP	3265 GRIFFIN RD 104, DANIA BEACH, FL 33004	(305) 283-3861		11/22/2021	
ISLA VERDE 2 CORP	ISLA VERDE 2 CORP	3265 GRIFFIN RD 106, DANIA BEACH, FL 33004	(305) 283-3861		11/22/2021	
ISLA VERDE 2 CORP	ISLA VERDE 2 CORP	4732 SW 33 AVE 105, DANIA BEACH, FL 33004	(305) 283-3861		11/22/2021	
JDR ONE LLC	JDR ONE LLC	230 NE 2 PL, Dania Beach, FL 33004	(305) 455-7488		11/22/2021	
KENAN TRANSPORT LLC	KENAN TRANSPORT LLC	2800 S FEDERAL HWY, Dania Beach, FL 33316	(330) 409-1120		11/12/2021	
LORETTA MICALI	LORETTA MICALI	229 SE 3 TER, Dania Beach, FL 33004	(954) 381-9279		11/12/2021	
MIRIAM OWENS	MIRIAM OWENS	37 SW 11 ST, Dania Beach, FL 33004	(201) 638-8793		11/12/2021	
MULTIFORM USA LLC	MULTIFORM USA LLC	5931 RAVENSWOOD RD # A5, DANIA BEACH, FL 33312	(786) 459-3945		11/15/2021	
PAVEL STEPANOV	PAVEL STEPANOV	422 SE 3 ST, Dania Beach, FL 33004	(786) 519-1717		11/30/2021	
POMPOSA BOUTIQUE	POMPOSA BOUTIQUE	4810 SW 28TH TER, DANIA BEACH, FL 33312	(737) 703-2312		11/16/2021	
SILVER VENTURES LLC	SILVER VENTURES LLC	5911 SW 39 AVE, Dania Beach, FL	(305) 791-9341		11/23/2021	
VITALY PILYAVSKY	VITALY PILYAVSKY	218 SE 4 ST, Dania Beach, FL 33004	(954) 658-0413		11/30/2021	
YOSI ASSAF	YOSI ASSAF	4361 SW 52 CT, Dania Beach, FL	(954) 678-7313		11/12/2021	
					Businesses	25



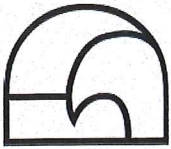
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**CITY OF DANIA BEACH
FINANCE DEPARTMENT
MEMORANDUM**

TO: Ana M. Garcia, City Manager, ICMA-CM
FROM: Adam Segal, Deputy Finance Director
DATE: January 4, 2022
SUBJECT: Monthly Business Tax Licensing

Manager,

Per your request attached hereto is the Monthly Business Tax Receipt report reflecting new businesses.



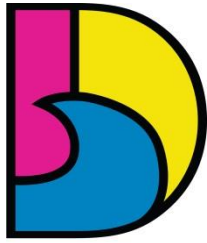
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Business Listing Report

Business Start Date 12/01/21 - 12/31/21
Report By Business Name

Business	Licensee	Address	Phone	Extension	Start Of Business	End Of Business
ABUDEI	ABUDEI, ERIKA	2717 SW 46 ST, DANIA BEACH, FL 33312	(954) 647-5075		12/07/2021	
BOCATECH SWITCHES	L&M ENGINEERING INC	4101 RAVENSWOOD RD 219, DANIA BEACH, FL 33312	(954) 397-7070		12/30/2021	
C&V INTSTMENT PROPERTIES LLC	C&V INTSTMENT PROPERTIES LLC	621 NE 2 PL, Dania Beach, FL 33004	(917) 566-4807		12/22/2021	
FAMATEL USA LLC	FAMATEL USA LLC	1221 STIRLING RD #120, DANIA BEACH, FL 33312	(786) 461-8499		12/10/2021	
GOMEZ AUTO GROUP LLC	GOMEZ AUTO GROUP LLC	1221 STIRLING RD #109, DANIA BEACH, FL 33004	(954) 374-8750		12/22/2021	
GSD CONTRACTING LLC	GSD CONTRACTING LLC	4675 ANGLERS AVE, FORT LAUDERDALE, FL 33312	(954) 961-4222		12/16/2021	
IN RAMEN	BY BDJ GROUP LLC	19 S POINTE DR, DANIA BEACH, FL 33004	(954) 580-4299		12/10/2021	
LAUDERDALE DIVER	FORT LAUDERDALE DIVERS LLC	2830 STATE RD 84 107, Dania Beach, FL 33312	(954) 467-2822		12/29/2021	
LEARN AND SMILE TUTORING CENTER LLC	LEARN AND SMILE TUTORING CENTER LLC	4291 GRIFFIN RD, Dania Beach, FL	(954) 541-2993		12/07/2021	
LILIANA GARRIDO	LILIANA GARRIDO	826 NW 13TH AVE UNIT A, DANIA BEACH, FL 33004	(954) 470-3274		12/22/2021	
OIL SPILL RESPONSE AMERICAS LTD	OIL SPILL RESPONSE AMERICAS LTD	2381 STIRLING RD, FORT LAUDERDALE, FL 33312	(954) 983-9880		12/23/2021	12/23/2021
PAGE ONE LLC	PAGE ONE LLC	1231 STIRLING RD 107 SOUTH, DANIA BEACH, FL 33004	(833) 467-2431		12/10/2021	
PUBLIX LIQUOR STORE # 0788	PUBLIX SUPER MARKETS INC	406 EAST DANIA BEACH BLVD, DANIA BEACH, FL 33004	(863) 688-1188		12/13/2021	
ROOFERS & PLUMBERS INC	ROOFERS & PLUMBERS INC	4436 SW 49 CT, Dania Beach, FL 33314	(954) 471-3258		12/22/2021	
RV SALES OF BROWARD INC	RV SALES OF BROWARD INC	2051 GRIFFIN RD, DANIA BEACH, FL 33312	(954) 583-3382		12/07/2021	
SPG @ PORT 95 LLC	SPG @ PORT 95 LLC	3400 SW 26 TER, Dania Beach, FL 33312	(954) 744-5015		12/14/2021	
SPG @ PORT 95 LLC	SPG @ PORT 95 LLC	3402 SW 26 TER, Dania Beach, FL 33312	(954) 744-5015		12/14/2021	
SPG @ PORT 95 LLC	SPG @ PORT 95 LLC	3406 SW 26 TER, Dania Beach, FL 33312	(954) 744-5015		12/14/2021	
SPG 2765 SW 36TH ST LLC	SPG 2765 SW 36TH ST LLC	2765 SW 36 ST, DANIA BEACH, FL 33312	(954) 744-5015		12/14/2021	
SPROUTS FARMERS MARKET	SF MARKETS LLC	150 S COMPASS WAY, DANIA BEACH, FL 33004	(480) 814-8016		12/09/2021	
SSS PROPERTIES LLC	SSS PROPERTIES LLC	601 NE 2 ST, Dania Beach, FL 33004	(978) 221-8014		12/01/2021	

Businesses 21



DANIA BEACH
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CITY OF DANIA BEACH FINANCE DEPARTMENT

MEMORANDUM

TO: Ana M. Garcia, City Manager. ICMA-CM

FROM: Adam Segal, Deputy Finance Director

DATE: December 15, 2021

SUBJECT: Finance Monthly Report –November 2021

Please find attached the month Finance report. Highlights of the report include the following:

Revenues

- Building Fund Revenues
- Pier Revenue
- Beach Parking Revenue
- Marina Revenues
- Commercial Solid Waste Hauler Franchise Fees

Capital Projects

- Capital Projects Fund
- Enterprise Funds
 - Water
 - Sewer
 - Stormwater
 - Marina
- Grant Funds
 - City Grants
 - CRA Grants

Information Technology

- Online Credit Card Payments
- Beach Camera Views
- Website Visits by Device
- Commission Meeting Views
- Number of Citywide Phone Calls
- Number of E-Bill Users by Month
- Kiosk collections

Business Tax Receipt Activity

- Out of Business/Inactive
- New Applications

Utility Reports

- Delinquency Report
- Meter Replacement Reports
- Aging Report

Contingency and Fund Balance Estimate

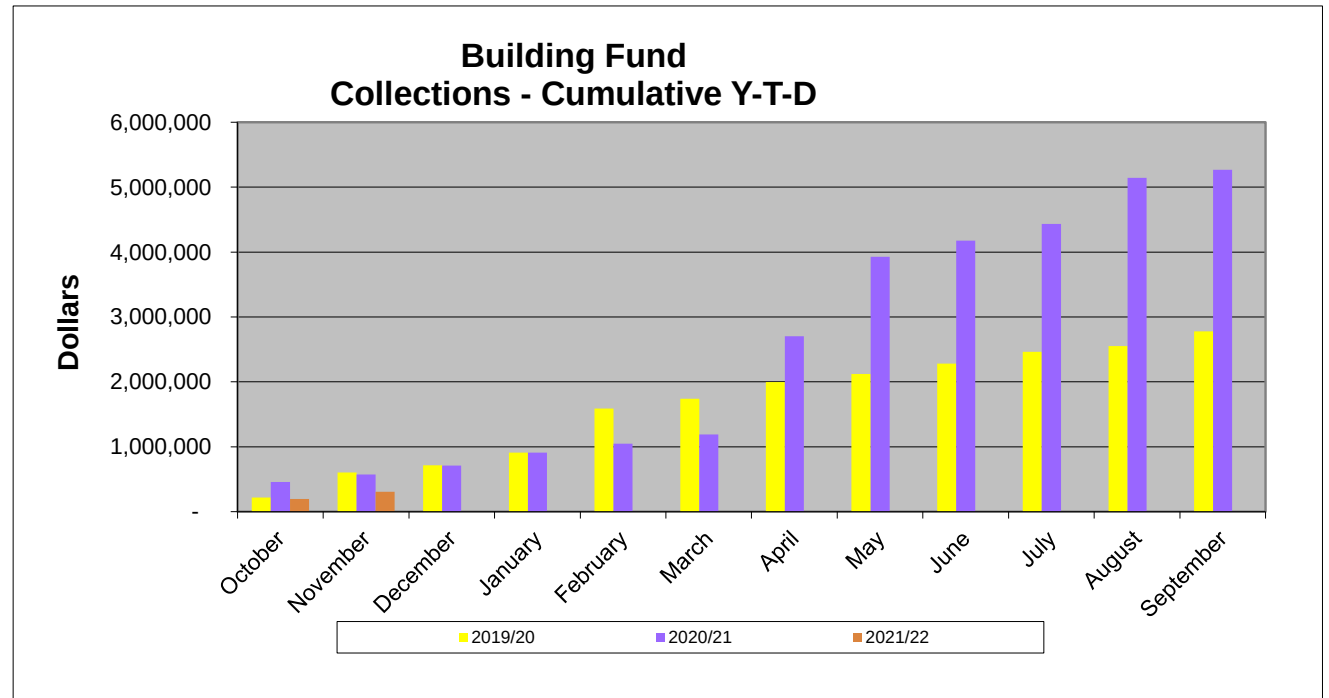
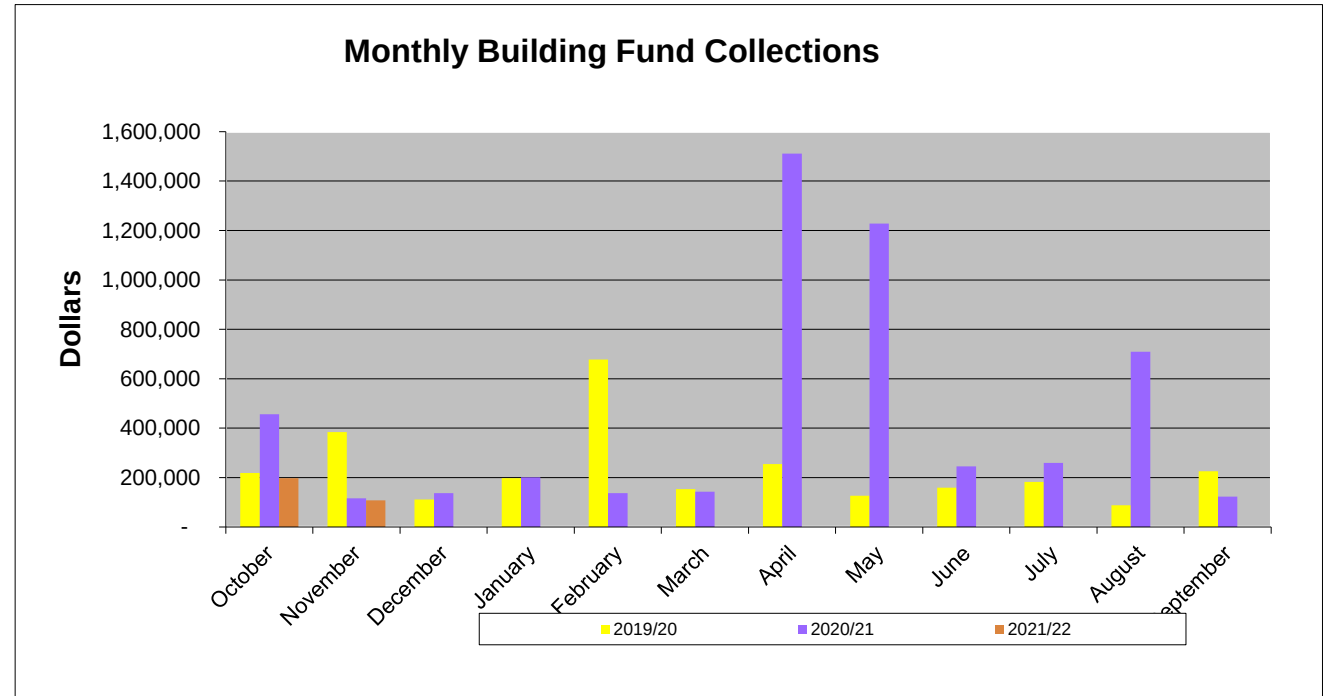
Building Fund Collections

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	218,842	456,717	197,486
November	383,986	115,930	107,616
December	110,855	137,352	
January	197,296	201,184	
February	677,686	137,028	
March	152,797	142,455	
April	254,963	1,511,205	
May	126,368	1,227,546	
June	159,353	245,199	
July	182,848	259,308	
August	88,029	709,467	
September	225,951	122,504	
Total	2,778,973	5,265,894	305,102

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	218,842	456,717	197,486
November	602,828	572,647	305,102
December	713,683	709,999	
January	910,978	911,182	
February	1,588,665	1,048,210	
March	1,741,462	1,190,665	
April	1,996,424	2,701,870	
May	2,122,792	3,929,416	
June	2,282,145	4,174,614	
July	2,464,994	4,433,922	
August	2,553,023	5,143,389	
September	2,778,973	5,265,894	
Annual Goal	5,268,000	4,777,331	4,741,977

Shut down due to COVID-19

Building Fund - thru November 2021



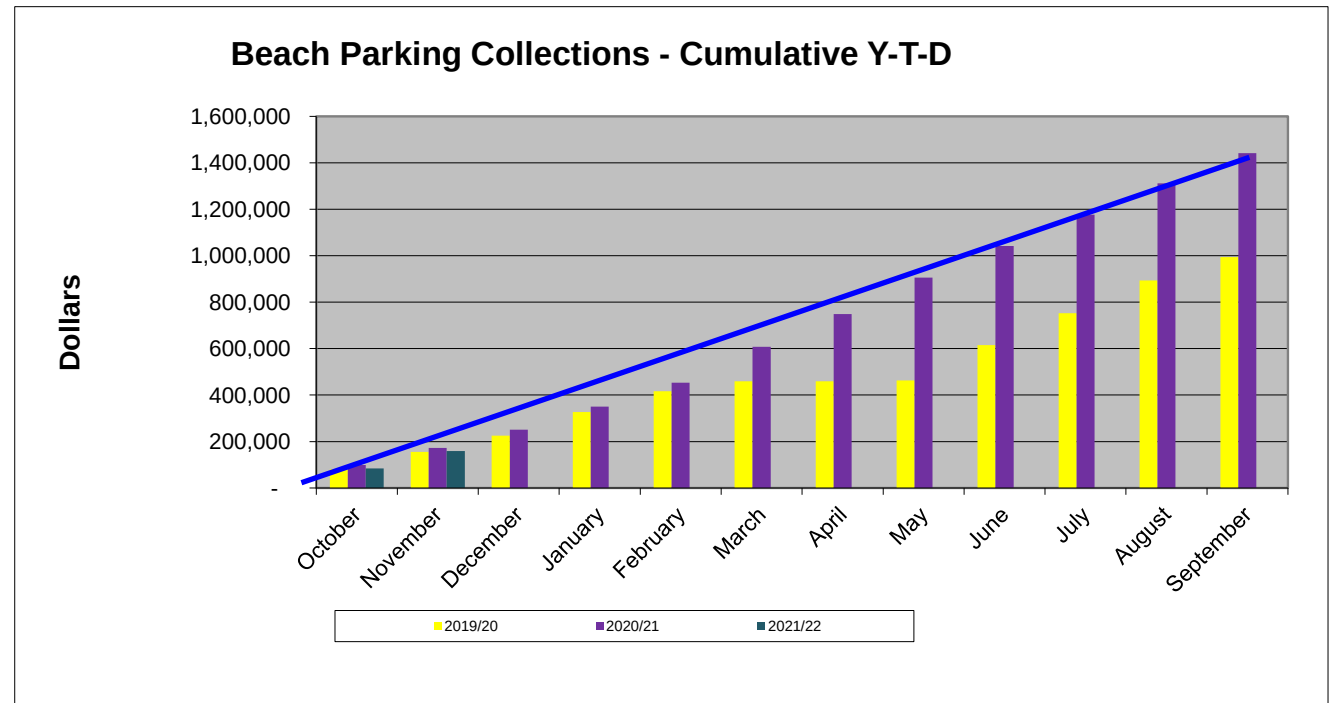
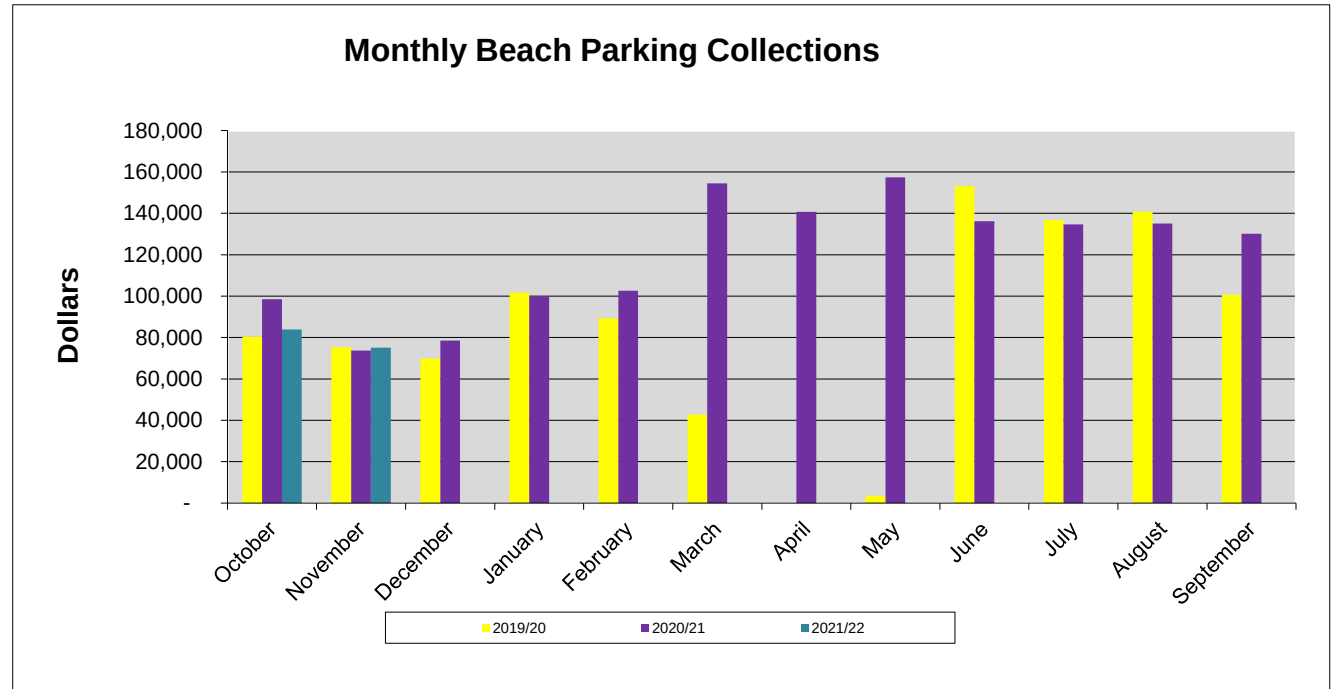
Parking Fee Collections

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	80,310	98,451	83,856
November	75,366	73,741	75,150
December	69,806	78,542	
January	101,586	99,866	
February	89,239	102,595	
March	42,686	154,528	
April	-	140,766	
May	3,577	157,300	
June	153,086	136,216	
July	136,900	134,658	
August	140,789	135,026	
September	100,699	130,087	
Total	<u>994,044</u>	<u>1,441,776</u>	<u>159,005</u>

COVID-19 shut down

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	80,310	98,451	83,856
November	155,676	172,193	159,005
December	225,483	250,735	
January	327,069	350,600	
February	416,308	453,195	
March	458,993	607,723	
April	458,993	748,488	
May	462,570	905,789	
June	615,656	1,042,005	
July	752,556	1,176,663	
August	893,345	1,311,689	
September	994,044	1,441,776	
Annual Budget Goal	<u>1,219,032</u>	<u>1,094,352</u>	<u>1,347,086</u>

Beach Parking - thru November 2021



Pier Revenues

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	56,498	49,128	52,582
November	53,409	39,289	45,411
December	39,713	44,807	
January	67,274	46,662	
February	56,030	392,450	
March	35,125	53,244	
April	152	64,937	
May	9,475	40,544	
June	39,975	54,227	
July	41,848	61,599	
August	48,348	54,857	
September	48,972	50,878	
Total	<u>496,818</u>	<u>952,620</u>	<u>97,993</u>

Shut down in March due to Corona Virus

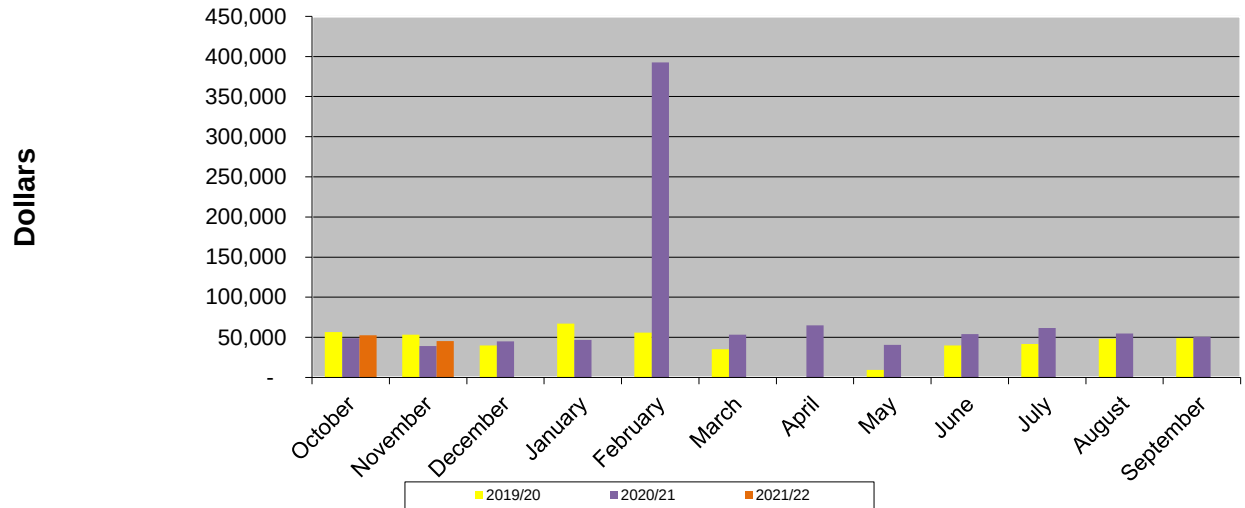
Balance includes true-up for the annual rent of the Quarterdeck based on the lease agreement.

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	56,498	49,128	52,582
November	109,907	88,416	97,993
December	149,620	133,223	
January	216,894	179,885	
February	272,924	572,336	
March	308,049	625,579	
April	308,201	690,516	
May	317,676	731,061	
June	357,650	785,287	
July	399,498	846,886	
August	447,846	901,742	
September	496,818	952,620	
Annual Budget Goal	<u>914,098</u>	<u>773,952</u>	<u>844,816</u>

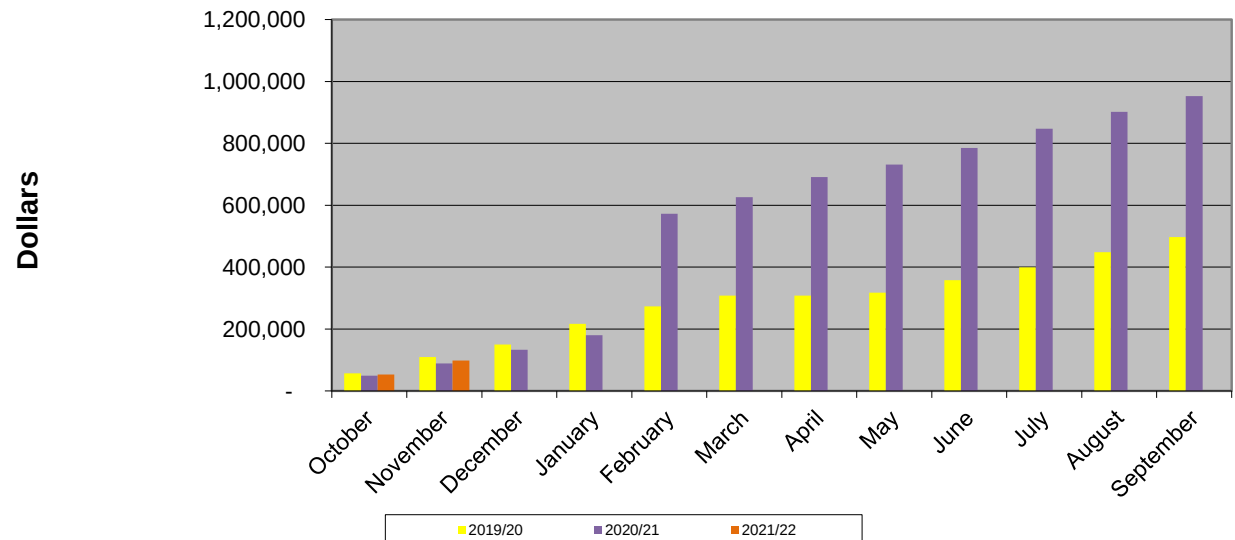
In 2018/19 the Quarterdeck Restaurant Revenues were moved to the Pier fund from General Fund to better reflect their usage.

Pier Revenues - thru November 2021

Monthly Pier Collections



Pier Collections - Cumulative Y-T-D



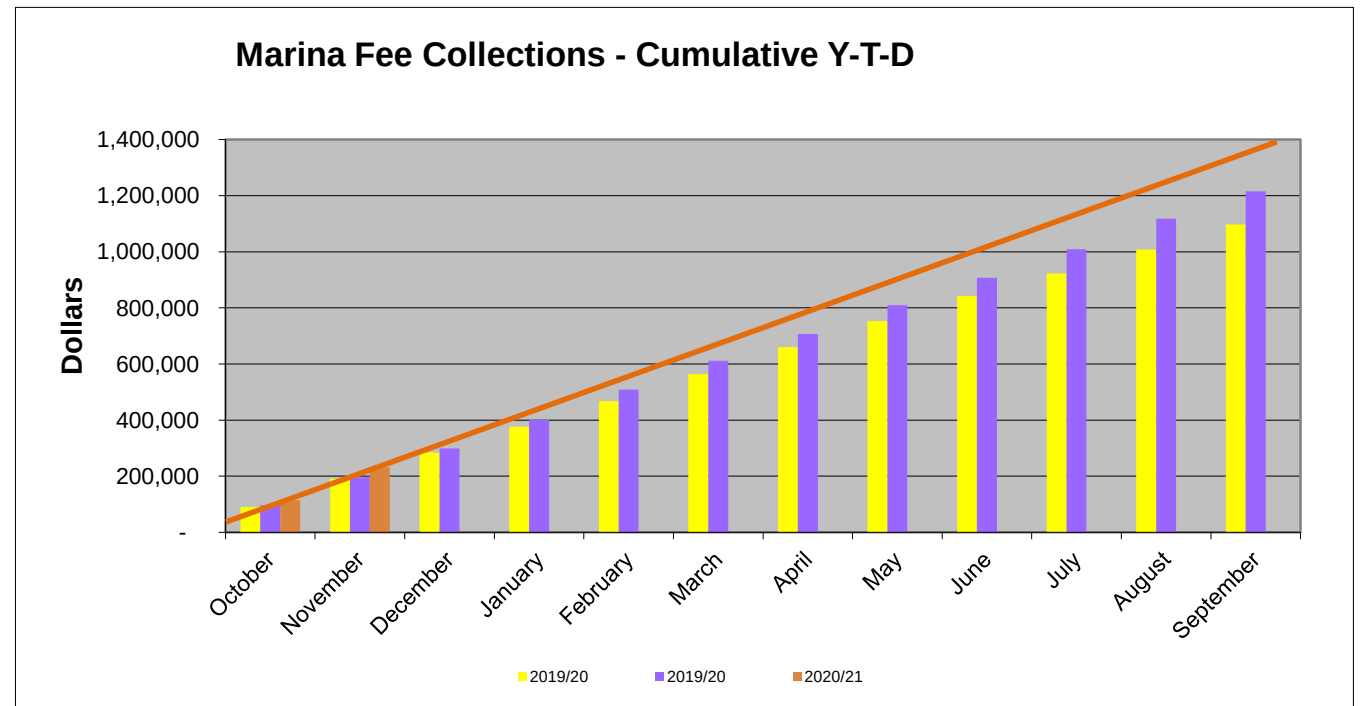
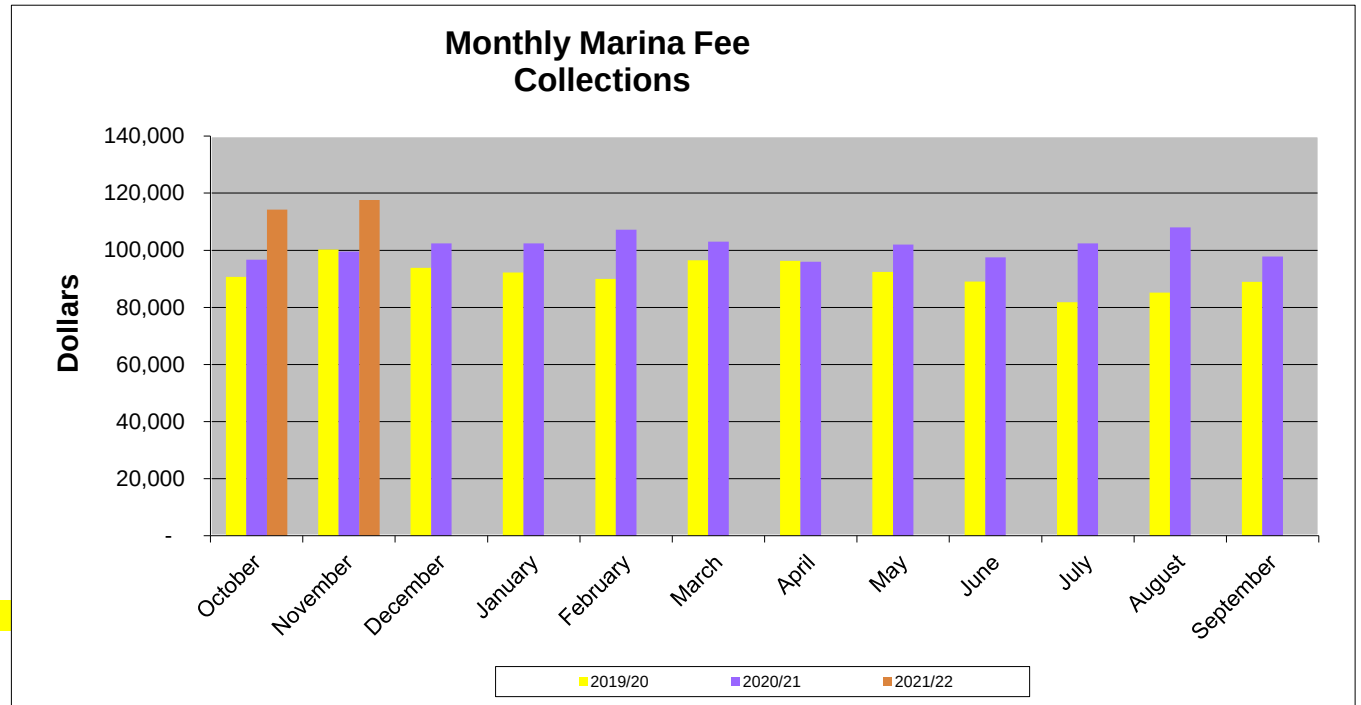
Marina Fee Collections

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	90,680	96,691	114,259
November	100,295	99,519	117,647
December	93,879	102,437	
January	92,197	102,400	
February	89,948	107,245	
March	96,527	103,019	
April	96,264	96,002	
May	92,452	102,039	
June	89,025	97,546	
July	81,799	102,395	
August	85,158	108,051	
September	88,941	97,767	
Total	<u>1,097,163</u>	<u>1,215,110</u>	<u>231,906</u>

Marina closed towards end of march due to COVID 19

	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>
Cumulative			
October	90,680	96,691	114,259
November	190,975	196,210	231,906
December	284,854	298,647	
January	377,051	401,047	
February	466,999	508,292	
March	563,525	611,312	
April	659,789	707,313	
May	752,241	809,352	
June	841,266	906,898	
July	923,065	1,009,292	
August	1,008,222	1,117,343	
September	1,097,163	1,215,110	
Budget Goal	<u>1,059,831</u>	<u>1,011,953</u>	<u>1,290,768</u>

Marina Fees - thru November 2021



Governmental Funds Capital Projects
Capital Project Life Cycle
30-Nov-21

Capital Projects Fund	Original Budget	Budget Amendments	Total Amended Budget Funding	Total Expenses & Open P.O.'s	(Return) of Funding on Completed Projects	Remaining Funds Available	Project Status
Beach Revitalization Phase II	925,000	\$ 1,001,798	\$ 1,926,798	\$ (1,220,518)	\$ -	\$ 706,280	In progress
Traffic Calming & Beautification Project	250,000	-	250,000	-		250,000	In progress
Roadway and Median Electrical	200,000	-	200,000	(110,000)		90,000	In progress
Southeast 5th Avenue Crosswalk	200,000		200,000	-		200,000	In progress
Total Capital Projects (301)			\$ 2,636,947	\$ (1,343,518)	\$ -	\$ 1,293,429	

Capital Project Life Cycle
11/30/2021

	Original Budget	Budget Amendments	Total Budget Funding	Total Expenses & Open P.O.'s	Return of Funding on Completed Projects	Remaining Funding Available	Project Status
Stormwater Fund							
SE Stormwater Phase II	\$ 6,159,729	\$ 989,585	\$ 7,149,314	\$ (1,028,589)	\$ -	\$ 6,120,725	In-Progress
SW 43rd Terrace, SW 40th Court and SW 49th Street Project	1,170,960	-	1,170,960	(630,450)		540,510	In-Progress
Citywide Stormwater Master Plan	1,060,000		1,060,000	-		1,060,000	In-progress
Total Stormwater Fund Projects			9,380,274	(1,659,039)	-	7,721,235	
Water Fund							
NW 1st Ave Water Main Stirling-City Hall	431,730	-	431,730	(55,964.50)		375,766	In-Progress
Total Water Fund Projects			431,730	(55,965)	-	375,766	
Sewer Fund							
Lift Rehab Projects 5,7,10	1,137,594	-	1,137,594	(1,125,791)		11,804	In-Progress
SCADA System	257,715	14,000	271,715	(271,335)		380	In-Progress
HMGP Lift Stations	1,686,442	-	1,686,442	(459,500)		1,186,642	In-Progress
Total Sewer Fund Projects			3,095,751	(1,856,626)	-	1,198,826	
Pier Fund							
Pier Refurbishing	500,000.00	900,000.00	1,400,000	(260,249)		1,136,051	In-progress
Total Pier Fund Projects			1,400,000	(260,249)	-	1,136,051	
Total Enterprise Projects			\$ 14,307,755	\$ (3,831,879)	\$ -	\$ 10,431,878	

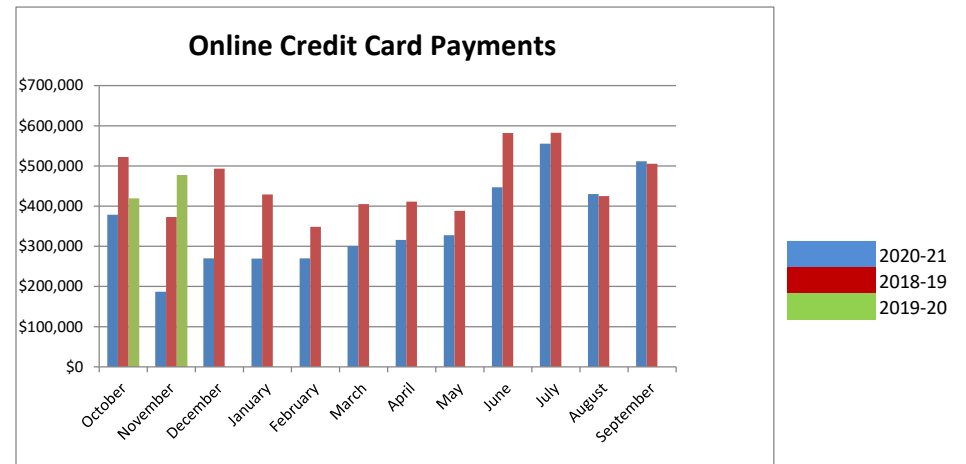
Grant Fund
11/30/2021

Grant	Grant Amount	City Match/Funds	Revenue Received	Total Expenses & Open P.O.'s	Remaining Expense	Project Status	Grant Expiration
CDBG 45th Year - Oasis XIV	\$ 172,549		-	-	172,549		3/31/2022
CDBG 47th Year - Solar Lighting	\$ 396,491	-	-	-	396,491		6/30/2022
FEMA - Hazard Mitigation Grant Program Fire Rescue -Station #1)	\$ 812,850	270,150	-	-	1,083,000		7/31/2022

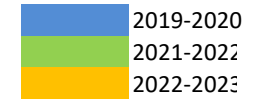
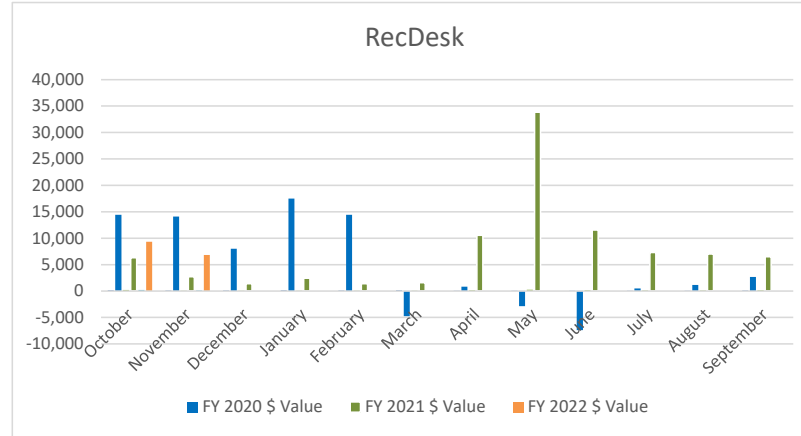
Miscellaneous Funds For Projects
30-Nov-21

Projects	Original Budget	Remaining Funds Available	Project Status
City Hall Renovation	594,110	(0)	Approved November 2021
Total Funds		(0)	

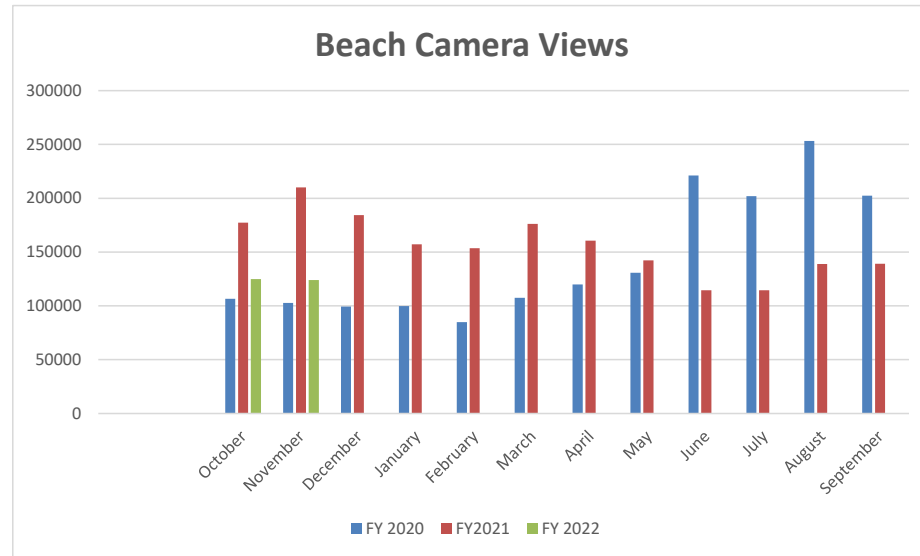
	FY 2020		FY 2021		FY 2022	
	<u># of Pymts</u>	<u>\$ Value</u>	<u># of Pymts</u>	<u>\$ Value</u>	<u># of Pymts</u>	<u>\$ Value</u>
October	1,695	\$378,828	1,694	\$522,541	1,756	\$419,523
November	1293	\$186,710	1,659	\$372,920	1607	\$477,225
December	1453	\$270,094	1,859	\$493,048		
January	1378	\$269,347	1,681	\$429,192		
February	1403	\$270,127	1,625	\$348,642		
March	1481	\$300,421	1,751	\$405,303		
April	1742	\$316,140	1,600	\$410,951		
May	1505	\$327,643	1,568	\$388,510		
June	1766	\$446,782	1,654	\$581,978		
July	2054	\$555,309	2,077	\$582,478		
August	1899	\$430,281	1,589	\$424,738		
September	2113	\$511,620	1,921	\$505,704		



	FY 2020		FY 2021		FY 2022	
	<u># of</u>		<u># of</u>		<u># of</u>	
	<u>Pymts</u>	<u>\$ Value</u>	<u>Pymts</u>	<u>\$ Value</u>	<u>Pymts</u>	<u>\$ Value</u>
October	158	\$14,447	197	\$6,283	203	\$9,350
November	94	\$14,092	90	\$2,727	126	\$6,835
December	98	\$8,024	46	\$1,398		
January	150	\$17,493	73	\$2,416		
February	130	\$14,408	60	\$1,414		
March	143	-\$4,766	87	\$1,595		
April	23	\$844	161	\$10,541		
May	4	-\$2,843	251	\$33,829		
June	75	-\$7,413	152	\$11,549		
July	30	\$506	131	\$7,298		
August	29	\$1,144	124	\$7,003		
September	95	\$2,675	142	\$6,503		

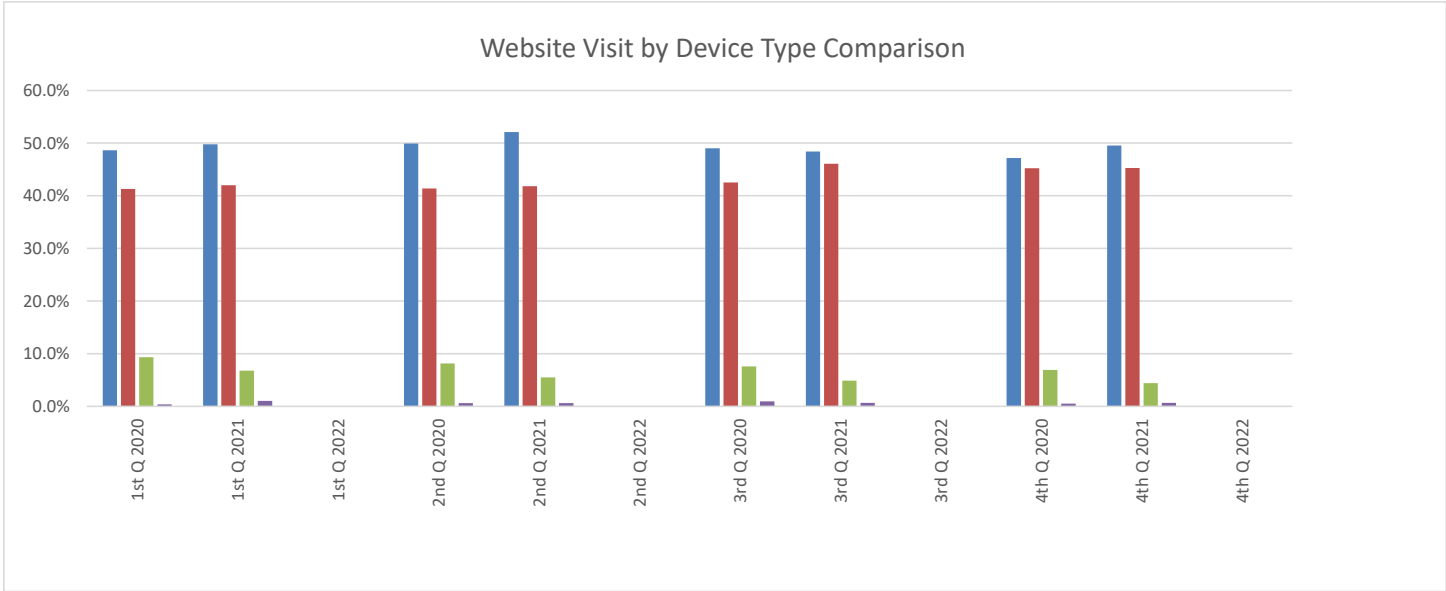


	FY 2020	FY2021	FY 2022
October	106,500	177,400	124,800
November	102,700	210,000	124,100
December	99,400	184,300	
January	99,700	157,100	
February	84,900	153,700	
March	107,500	176,200	
April	119,982	160,700	
May	130,800	142,200	
June	221,100	114,400	
July	202,000	114,400	
August	253,200	138,900	
September	202,400	139,200	



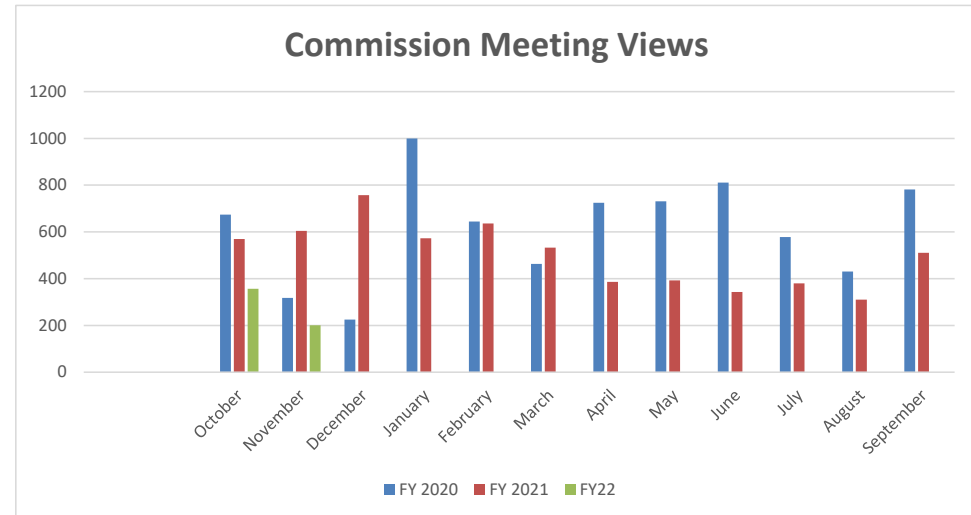
Website Visit by Device Type Comparison

	1st Q 2020	1st Q 2021	1st Q 2022	2nd Q 2020	2nd Q 2021	2nd Q 2022	3rd Q 2020	3rd Q 2021	3rd Q 2022	4th Q 2020	4th Q 2021	4th Q 2022
Desktop	48.6%	49.8%		49.9%	52.1%		49.0%	48.4%		47.2%	49.6%	
Smartphone	41.3%	42.0%		41.4%	41.8%		42.5%	46.1%		45.2%	45.3%	
Tablet	9.3%	6.8%		8.1%	5.5%		7.6%	4.9%		6.9%	4.4%	
Other	0.4%	1.1%		0.6%	0.6%		0.9%	0.7%		0.5%	0.7%	

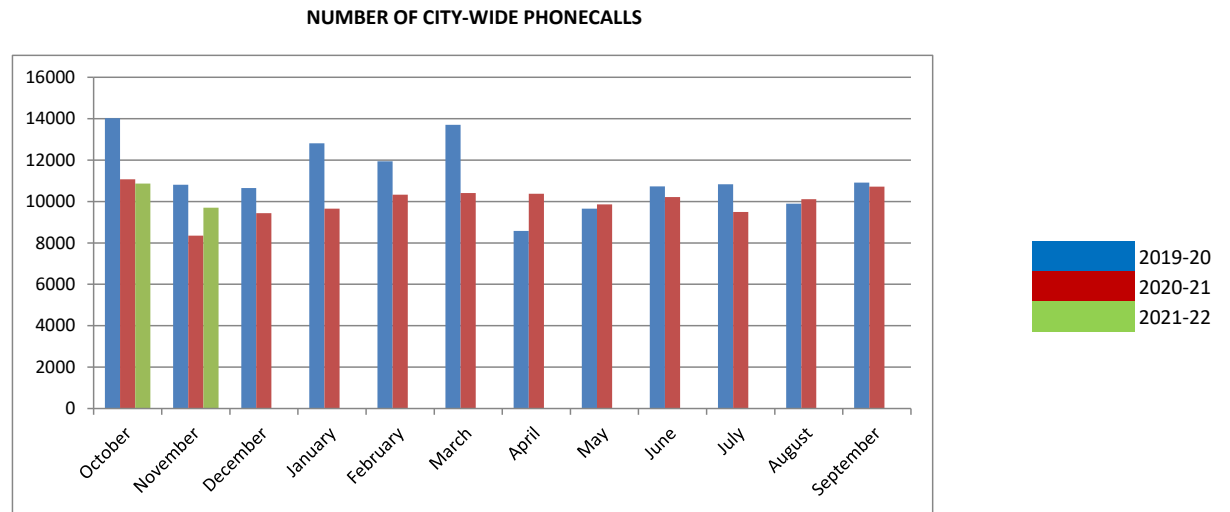


YouTube Channel
FY 2020 **FY 2021** **FY22**

October	674	570	357
November	318	604	201
December	225	757	
January	1,000	573	
February	644	636	
March	463	533	
April	725	386	
May	731	393	
June	811	343	
July	578	380	
August	431	310	
September	781	511	

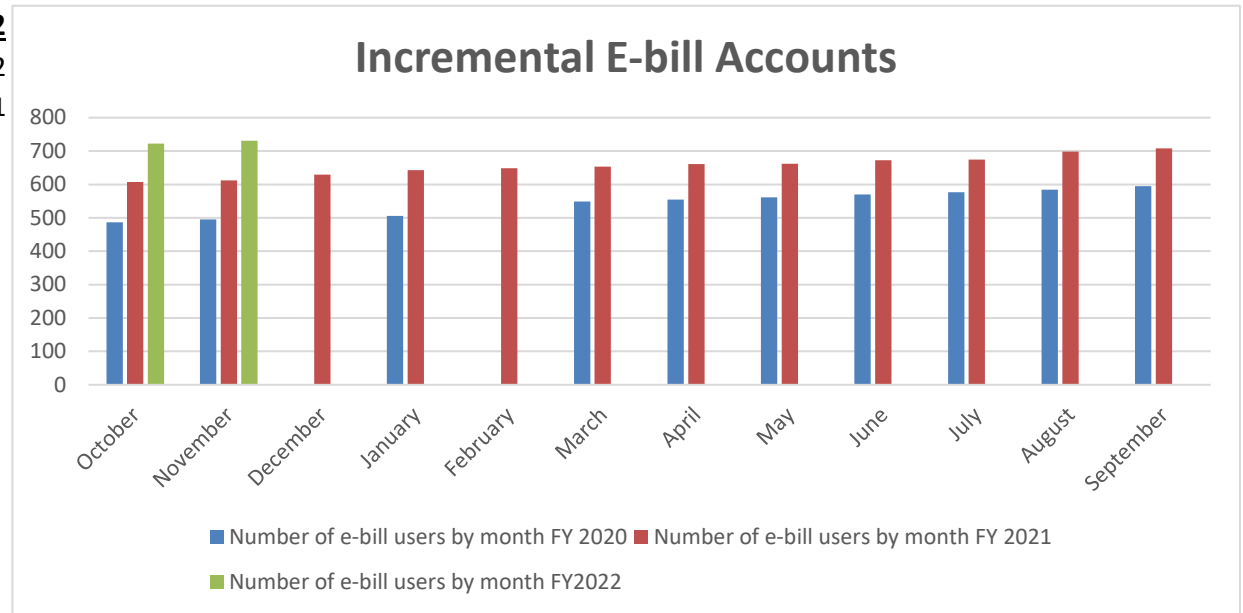


	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
October	14,022	11,070	10,868
November	10,812	8,348	9702
December	10,652	9,435	
January	12,810	9,656	
February	11,945	10,334	
March	13,698	10,410	
April	8,583	10,374	
May	9,648	9,863	
June	10,734	10,210	
July	10,836	9,496	
August	9,898	10,112	
September	10,909	10,713	



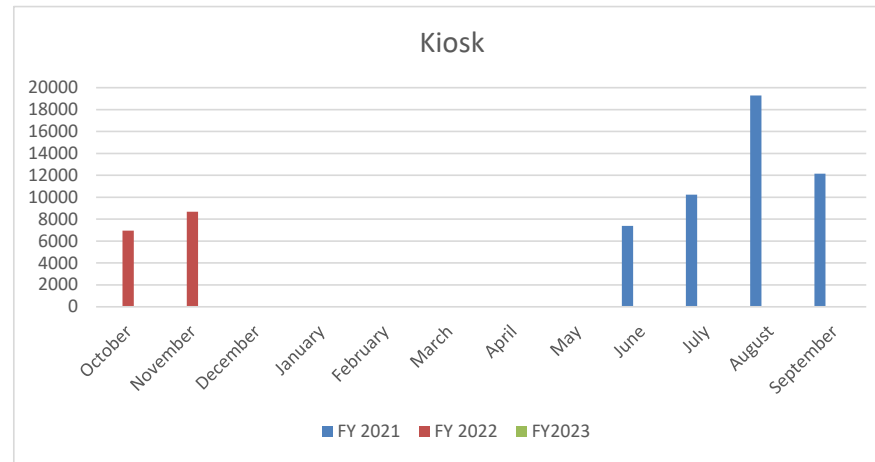
Number of e-bill users by month

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY2022</u>
October	487	607	722
November	495	612	731
December		629	
January	506	643	
February		649	
March	549	653	
April	555	661	
May	561	662	
June	570	672	
July	577	674	
August	584	698	
September	595	708	



Kiosk

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY2023</u>
October		\$ 6,940.80	
November		\$ 8,678.89	
December			
January			
February			
March			
April			
May			
June	\$ 7,372.46		
July	\$ 10,238.61		
August	\$ 19,296.09		
September	\$ 12,155.35		



Business Tax Receipt Activity - November 2021

Out of Business/Inactive	# of BTRs	Dollar Amount
Affluent Arms	1	-
Bijal Chhadva	1	\$ 196.50
Denison New Yachts LLC	1	\$ 625.00
La Fonda De Aurora LLC	1	\$ 346.75
Law Offices of Maribel A Piza	1	\$ 451.25
MK Trading USA LLC	1	\$ 372.50
MMA 4 Kids	1	-
Sea Pier Trucking LLC	1	\$ 180.75
Waypoint Homes	1	-
Total Out of Business/Inactive	9	\$ 2,172.75

New Approved Applications	# of BTRs	Dollar Amount
Andrew & Lauren Klein	1	\$ 236.25
Aren Mikaili	1	\$ 236.25
Blush Luxury Venue	1	\$ 546.25
Dania Beach Marketplace LLC	1	\$ 625.00
Dania Dermatology	1	\$ 651.25
Denison Yachting	1	\$ 625.00
Eurostar Distribution	1	\$ 625.00
Glalf Investments LLC	1	\$ 546.25
Great Miami Real Estate Investment & Management	2	\$ 393.00
Griffin Vape & Smoke Shop LLC	1	\$ 940.00
Hollywood Hills 3050 LLC	1	\$ 236.25
Isla Verde 2 Corp	3	\$ 94.50
JDR One LLC	1	\$ 31.50
Kenan Transport LLC	1	\$ 393.75
Loretta Micali	1	\$ 236.25
Miraim Owens	1	\$ 236.25
Multiform USA LLC	1	\$ 520.00
Pavel Stepanov	1	\$ 236.25
Pomposa Boutique	1	\$ 625.00
Silver Ventures LLC	1	\$ 546.25
Vitaly Pilyavsky	1	\$ 236.25
Yosi Assaf	1	\$ 236.25
Total New Applications	25	\$ 9,052.75

BTR Status	# of BTRs	Total Dollar Amount
Open Renewals- Current Year	214	\$ 62,118.52
Paid Renewals	2,719	\$ 942,461.36
Total BTRs as of 11/30/2021	2,933	1,004,579.88 **

**includes license fee, fire inspection & solid waste registration

Miscellaneous Billing Invoice Aging Report

Aging Date 11/30/2021

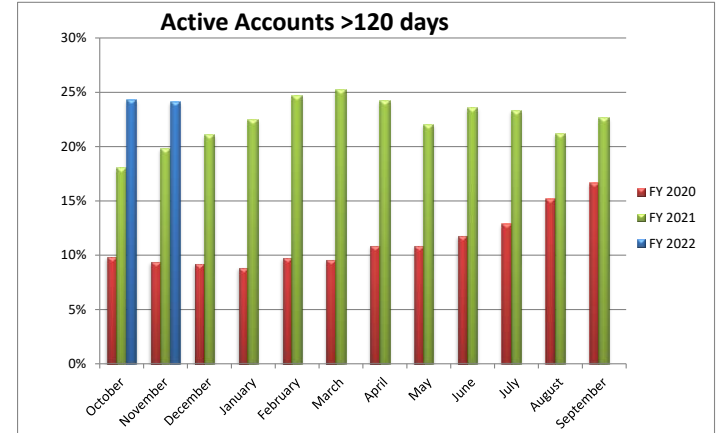
Report By Invoice Type

Description		Current	1-30	31-60	61-90	90+	Total
Invoice Type - CEM - Cemetery							
# 4652 - Eric L Wilson	Reservation of Burial Plot	.00	.00	.00	.00	7570.00	7,570.00
# 5474 - Cokenya D West	Reservation of Burial Plot	.00	.00	.00	.00	250.00	250.00
# 4179 - AJ Manuel Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 5736 - Sands, Carolyn	Reservation of Burial Plot	.00	.00	.00	.00	3000.00	3,000.00
# 5756 - Rahming Poitier Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	6430.00	6,430.00
# 5755 - McPherson, Eddie Dean	Reservation of Burial Plot	.00	.00	.00	.00	400.00	400.00
# 5757 - Fuller Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	990.00	990.00
# 5673 - Agape Funeral and Cremation	Reservation of Burial Plot	.00	.00	.00	.00	6720.00	6,720.00
# 3946 - Eric S George Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	2380.00	2,380.00
# 5909 - Freeman Funeral Home	Reservation of Burial Plot	1500.00	.00	.00	.00	.00	1,500.00
# 4203 - McWhite's Funeral Home	Reservation of Burial Plot	.00	.00	490.00	.00	.00	490.00
# 4165 - Roy Mizell & Kurtz Funeral	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 5862 - Love and Grace Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 4786 - Dillard Josephine	Reservaton of Burial Plot	.00	.00	.00	.00	200.00	200.00
Cemetery Totals		\$1,500.00	\$0.00	\$490.00	\$0.00	\$32,980.00	\$34,970.00
Invoice Type - ART & SEAFOOD - Arts & Seafood Festival							
# 5472 - Meyers Group LLC	Arts and Seafood Sponsorship	.00	.00	.00	.00	5000.00	\$ 5,000.00
# 4900 - Storm Tight Windows	Arts and Seafood Sponsorship	.00	.00	.00	.00	2,500.00	2,500.00
Arts & Seafood Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$7,500.00	\$7,500.00
Invoice Type -CRA - Misc CRA							
# 4918 - Arnold & Sharon Nearn	Millennium Facase Grant	.00	.00	.00	.00	6000.00	6,000.00
Misc CRA Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$6,000.00	\$6,000.00
Invoice Type FA- False Alarm							
Miscellaneous FA Customers	BSO & Fire False Alarms	.00	25.00	.00	.00	2,000.00	2,025.00
False Alarm Totals		\$0.00	\$25.00	\$0.00	\$0.00	\$2,000.00	\$2,025.00
Invoice Type FI - Fire Inspection							
3065 - Keynorth Townhomes	Annual Inspection FY 11	.00	.00	.00	.00	1,700.00	1,700.00
3072 - Atlantis Management	Annual Inspection FY 11 & FY 12	.00	.00	.00	.00	7,800.00	7,800.00
1012 - Gulfstream Apts.	Annual Inspection FY 11 & FY 12	.00	.00	.00	.00	2,800.00	2,800.00
# 4466 - Meadowbrook Condo	Annual Inspection FY 13	.00	.00	.00	.00	1,000.00	1,000.00
4644 - Oakbridge Townhomes	Annual Inspection FY 14	.00	.00	.00	.00	4,000.00	4,000.00
Miscellaneous FI Customers	Annual & Re-Inspections	.00	.00	.00	.00	221,315.00	221,315.00
Fire Inspection Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$238,615.00	\$238,615.00
Invoice Type GR Federal - Grant Reimb. Federal Government							
# 5848 - USDA - Grant	USDA Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$10,541.64	\$10,541.64
GR Federal Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$10,541.64	\$10,541.64
Invoice Type GR State - Grant Reimb. State of Florida							
# 4438 - Florida Department of	State of Florida	\$0.00	\$0.00	\$0.00	\$0.00	\$105,167.53	\$105,167.53
GR State Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$105,167.53	\$105,167.53
Invoice Type LM - Lake Maintenance							
Miscellaneous LM Customers	Lake Maintenance	.00	.00	.00	.00	275.36	275.36
Lake Maintenance Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$275.36	\$275.36
Invoice Type MS - Miscellaneous							
# 4647 - Palmetto Hospitality of Dania	Water Impact Fees	.00	.00	.00	.00	20,242.00	20,242.00
Misc. Customers	Misc. Customers	975.00	.00	11,340.00	60.00	24,616.43	36,991.43
Miscellaneous Totals		\$975.00	\$0.00	\$11,340.00	\$60.00	\$44,858.43	\$57,233.43
Grand Totals							
Grand Totals		\$2,475.00	\$25.00	\$11,830.00	\$60.00	\$447,937.96	\$462,327.96

WATER & SEWER UTILITY AGING REPORT

ACTIVE ACCOUNTS

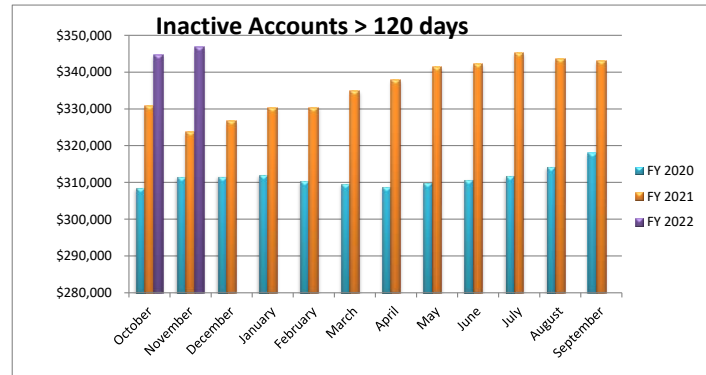
	FY 2020			FY 2021			FY 2022		
	>120 Past Due	Monthly Billings	% DELQ	>120 Past Due	Monthly Billings	% DELQ	>120 Past Due	Monthly Billings	% DELQ
October	101,263	\$ 1,028,181	10%	183,822	\$ 1,019,908	18%	275,153	\$ 1,130,854	24.33%
November	102,632	1,094,606	9%	207,753	1,049,166	20%	276,502	1,145,557	24.14%
December	100,463	1,093,753	9%	227,856	1,082,042	21%			
January	101,513	1,151,809	9%	248,468	1,107,929	22%			
February	105,524	1,086,072	10%	262,649	1,063,670	25%			
March	104,516	1,090,084	10%	262,514	1,042,220	25%			
April	107,366	991,898	11%	273,503	1,129,480	24%			
May	113,868	1,048,083	11%	264,778	1,203,079	22%			
June	127,306	1,078,705	12%	260,736	1,105,993	24%			
July	143,126	1,110,772	13%	248,966	1,069,697	23%			
August	157,934	1,041,324	15%	246,396	1,164,114	21%			
September	167,246	1,005,176	16.64%	250,534	1,107,838	23%			
Annual Avg	\$ 119,396	\$ 1,068,372	11%	\$ 244,831	\$ 1,095,428	22%	\$ 275,828	\$ 1,138,206	0



Active Account Graph: Billing data indicates delinquency rate on active accounts remain constant at an average of 1% of billings per month

INACTIVE ACCOUNTS

	FY 2020		FY 2021	FY 2022	
	>120 Past Due	>120 Past Due	% +/-	>120 Past Due	% +/-
October	\$ 308,582	\$ 330,831	7%	\$ 344,685	4%
November	311,477	323,648	4%	346,914	7%
December	311,598	326,595	5%		
January	311,938	330,267	6%		
February	310,421	330,406	6%		
March	309,600	334,793	8%		
April	308,699	337,912	9%		
May	309,813	341,380	9%		
June	310,711	342,137	9%		
July	311,770	345,332	10%		
August	314,242	343,626	9%		
September	317,910	343,127	7%		
Annual Avg	\$ 311,397	\$ 335,838	7%	\$ 345,800	100%



Water Fund

Monthly Utility Account Activity

Misc

Building/ New Construction Activity					Delinquent Account Activity										Meter Replacement					New Accts	
Water Impact Fee		Water Tap Fee		Delinquent			Turn-Off			Pulled Meter Reinstall Fee		# of Meters Replaced		Prior Yr.	# per Month	Prior Yr.					
2021	2022	2021	2022	2021	2022	# of Accts	2021	2022	# of Accts	2021	2022	2022									
												5/8"	1" - 1 1/2"	2" and above	Total						
Oct	\$ -	\$ 40,482.00	\$ -	\$ -	\$ 3,695.00	739.00	-	-	-	-	-	4		2	6	33	31	51			
Nov	1,389.00	-	2,900.00	-	-	3,706.50	741.30	-	-	-	-	2	-	-	2	15	45	52			
Dec	14,792.00		5,643.00		-	-	-	-	-	-	-				-	5		51			
Jan	-		-		-	-	-	-	-	-	-				-	4		52			
Feb	3,893.00		12,349.00		-	-	-	-	-	-	-				-	7		39			
Mar	-		-		-	-	-	-	-	-	-				-	8		76			
Apr	129,231.00		-		-	-	-	-	-	-	-				-	1		66			
May	50,603.00		-		4,050.00	-	80.00	-	-	-	-				-	1		40			
Jun	-		-		3,345.00	-	-	-	-	-	-				-	6		77			
Jul	-		-		3,415.00	-	-	-	-	-	-				-	4		68			
Aug	-		1,650.00		3,570.00	-	-	-	-	-	-				-	2		49			
Sep	-		-		3,300.00	-	-	-	-	-	-				-	5		67			
Total	\$ 199,908	\$ 40,482	\$ 22,542	\$ -	\$ 17,680	\$ 7,402	\$ 1,480	\$ 80	\$ -	-	-	Yr-to-Date Total		8	91		76	688			

3%

0%

of City's 4,800 accounts
become delinquent for this period...

of the deliquent accounts
are turned-off monthly for non-payment

City of Dania Beach

General Fund

Unassigned Fund Balance - - Contingency

Balance 10/1/21 (Unaudited)

(Uses) / Additions:

----- General Fund -----			
		<u>Contingency</u>	<u>Unassigned Fund Balance</u>
Balance 10/1/21 (Unaudited)		\$ 325,000	\$ 24,877,475
<u>(Uses) / Additions:</u>			
October	-		(976,050)
November	-		(270,150)
December	-		-
January	-		-
February	-		-
March	-		-
April	-		-
May	-		-
June	-		-
July	-		-
August	-		-
September	-		-
Sub-Total (Uses) / Additions		-	(1,246,200)
Sub-Total Available		325,000	23,631,275
<u>Other Considerations</u>			
GFOA/City Commission 25% Reserve			(12,500,000) est.
Bridge Loans - S.E. Stormwater			(1,000,000)
Estimate of Availability at 09/30/22		\$ 325,000	\$ 10,131,275

#001-18-00-519-99-10
Contingency Account
Original Budget

\$ 325,000

Total

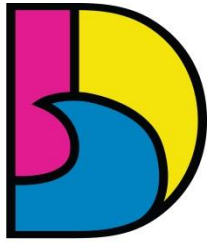
July
August
September

\$ 325,000

General Fund

Analysis of
Fund Balance

	<u>Estimated balance 10/1/21</u>	24,877,475	
Uses: #389-90-01			
October	(976,050)		Rollover PO's+
			FDOT Perpetuity Suretyfor holiday lights \$70k
November	(270,150)		Citywide speed hump project \$87,969
December			HMGP Grant
January			
February			
March			
April			
May			
June			
July			
August			
September			
Total Uses (Sources)	(1,246,200)		
Estimated Balance Available 09/30/21	\$ 23,631,275		
Other Considerations			
GFOA/City Commission 25% Reserve	(12,500,000) est.		
Bridge Loans - S.E. Stormwater	(1,000,000)		
Estimate of Availability at 09/30/22	10,131,275		



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

CITY OF DANIA BEACH FINANCE DEPARTMENT

MEMORANDUM

TO: Ana M. Garcia, City Manager. ICMA-CM

FROM: Adam Segal, Deputy Finance Director

DATE: January 14, 2022

SUBJECT: Finance Monthly Report –December 2021

Please find attached the month Finance report. Highlights of the report include the following:

Revenues

- Building Fund Revenues
- Pier Revenue
- Beach Parking Revenue
- Marina Revenues
- Commercial Solid Waste Hauler Franchise Fees

Capital Projects

- Capital Projects Fund
- Enterprise Funds
 - Water
 - Sewer
 - Stormwater
 - Marina
- Grant Funds
 - City Grants
 - CRA Grants

Information Technology

- Online Credit Card Payments
- Beach Camera Views
- Website Visits by Device
- Commission Meeting Views
- Number of Citywide Phone Calls
- Number of E-Bill Users by Month
- Kiosk collections

Business Tax Receipt Activity

- Out of Business/Inactive
- New Applications

Utility Reports

- Delinquency Report
- Meter Replacement Reports
- Aging Report

Contingency and Fund Balance Estimate

Building Fund Collections

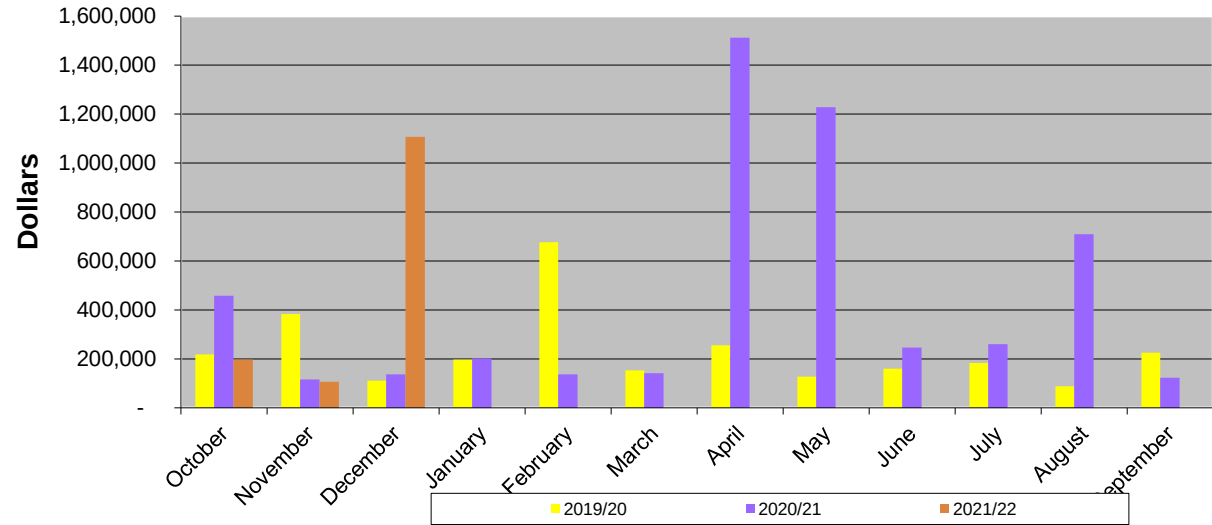
	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	218,842	456,717	197,486
November	383,986	115,930	107,616
December	110,855	137,352	1,106,293
January	197,296	201,184	
February	677,686	137,028	
March	152,797	142,455	
April	254,963	1,511,205	
May	126,368	1,227,546	
June	159,353	245,199	
July	182,848	259,308	
August	88,029	709,467	
September	225,951	122,504	
Total	<u>2,778,973</u>	<u>5,265,894</u>	<u>1,411,396</u>

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	218,842	456,717	197,486
November	602,828	572,647	305,102
December	713,683	709,999	1,411,396
January	910,978	911,182	
February	1,588,665	1,048,210	
March	1,741,462	1,190,665	
April	1,996,424	2,701,870	
May	2,122,792	3,929,416	
June	2,282,145	4,174,614	
July	2,464,994	4,433,922	
August	2,553,023	5,143,389	
September	2,778,973	5,265,894	
Annual Goal	<u>5,268,000</u>	<u>4,777,331</u>	<u>4,741,977</u>

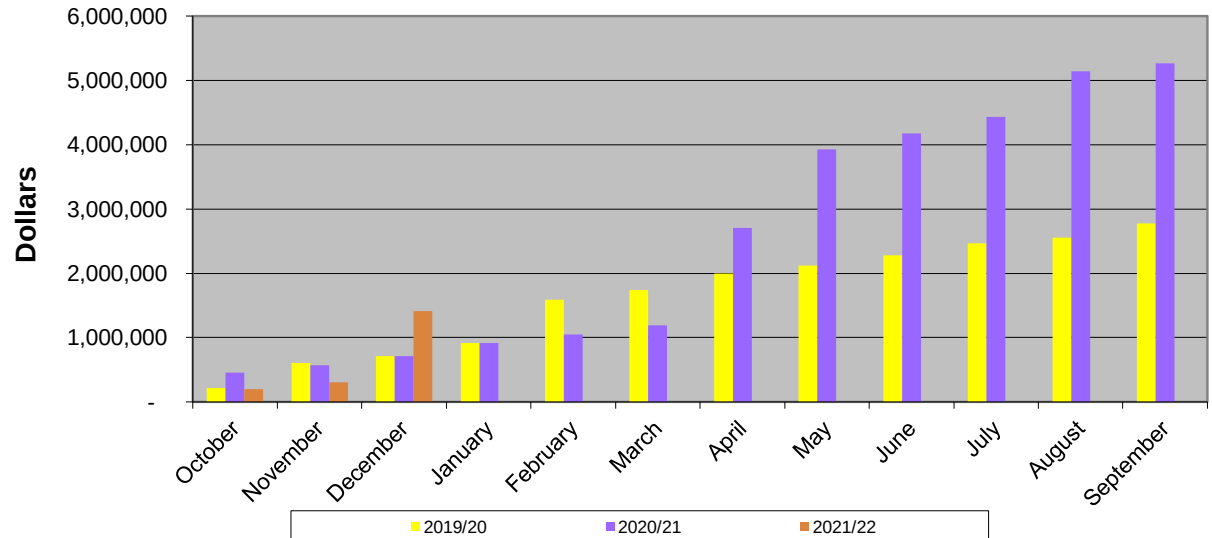
Shut down due to COVID-19

Building Fund - thru December 2021

Monthly Building Fund Collections



Building Fund Collections - Cumulative Y-T-D



Parking Fee Collections

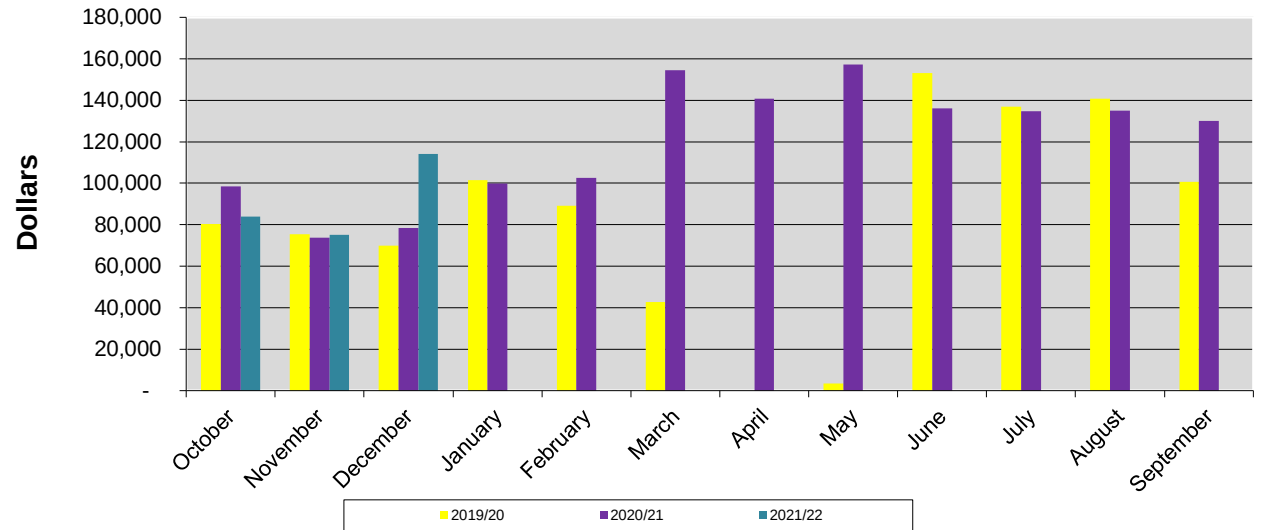
	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	80,310	98,451	83,856
November	75,366	73,741	75,150
December	69,806	78,542	114,003
January	101,586	99,866	
February	89,239	102,595	
March	42,686	154,528	
April	-	140,766	
May	3,577	157,300	
June	153,086	136,216	
July	136,900	134,658	
August	140,789	135,026	
September	100,699	130,087	
Total	<u>994,044</u>	<u>1,441,776</u>	<u>273,009</u>

COVID-19 shut down

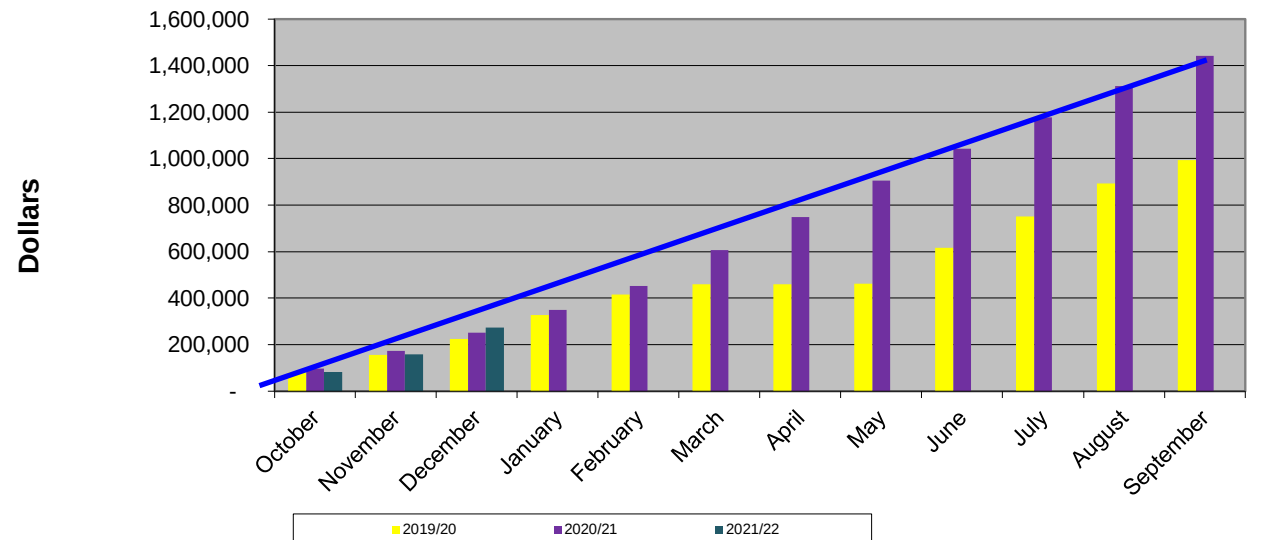
	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	80,310	98,451	83,856
November	155,676	172,193	159,005
December	225,483	250,735	273,009
January	327,069	350,600	
February	416,308	453,195	
March	458,993	607,723	
April	458,993	748,488	
May	462,570	905,789	
June	615,656	1,042,005	
July	752,556	1,176,663	
August	893,345	1,311,689	
September	994,044	1,441,776	
Annual Budget Goal	<u>1,219,032</u>	<u>1,094,352</u>	<u>1,347,086</u>

Beach Parking - thru December 2021

Monthly Beach Parking Collections



Beach Parking Collections - Cumulative Y-T-D



Pier Revenues

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	56,498	49,128	52,582
November	53,409	39,289	45,411
December	39,713	44,807	39,604
January	67,274	46,662	
February	56,030	392,450	
March	35,125	53,244	
April	152	64,937	
May	9,475	40,544	
June	39,975	54,227	
July	41,848	61,599	
August	48,348	54,857	
September	48,972	50,878	
Total	<u>496,818</u>	<u>952,620</u>	<u>137,596</u>

Shut down in March due to Corona Virus

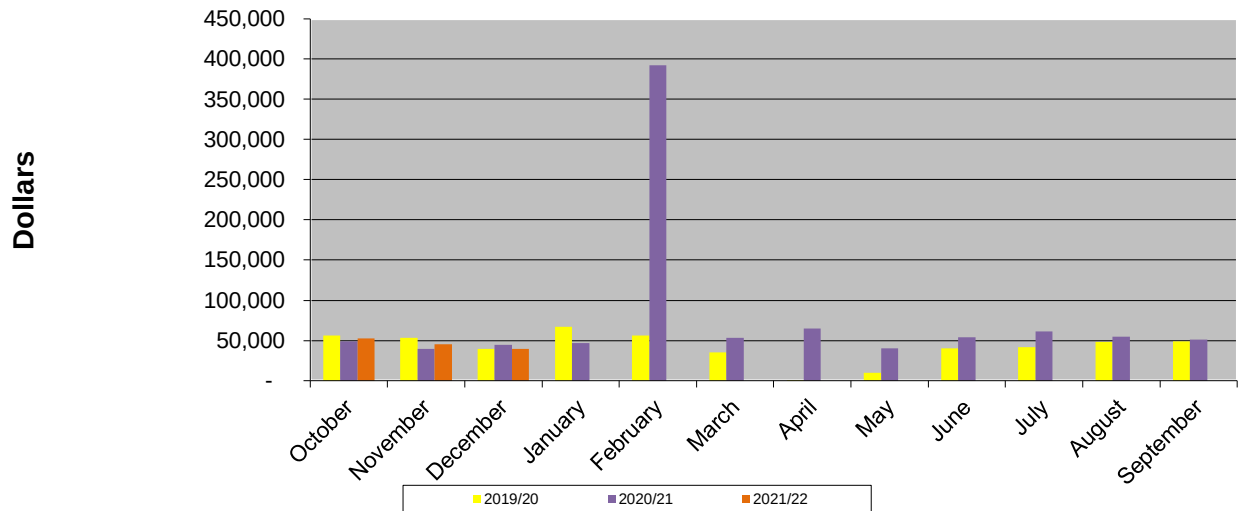
Balance includes true-up for the annual rent of the Quarterdeck based on the lease agreement.

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Cumulative			
October	56,498	49,128	52,582
November	109,907	88,416	97,993
December	149,620	133,223	137,596
January	216,894	179,885	
February	272,924	572,336	
March	308,049	625,579	
April	308,201	690,516	
May	317,676	731,061	
June	357,650	785,287	
July	399,498	846,886	
August	447,846	901,742	
September	496,818	952,620	
Annual Budget Goal	<u>914,098</u>	<u>773,952</u>	<u>844,816</u>

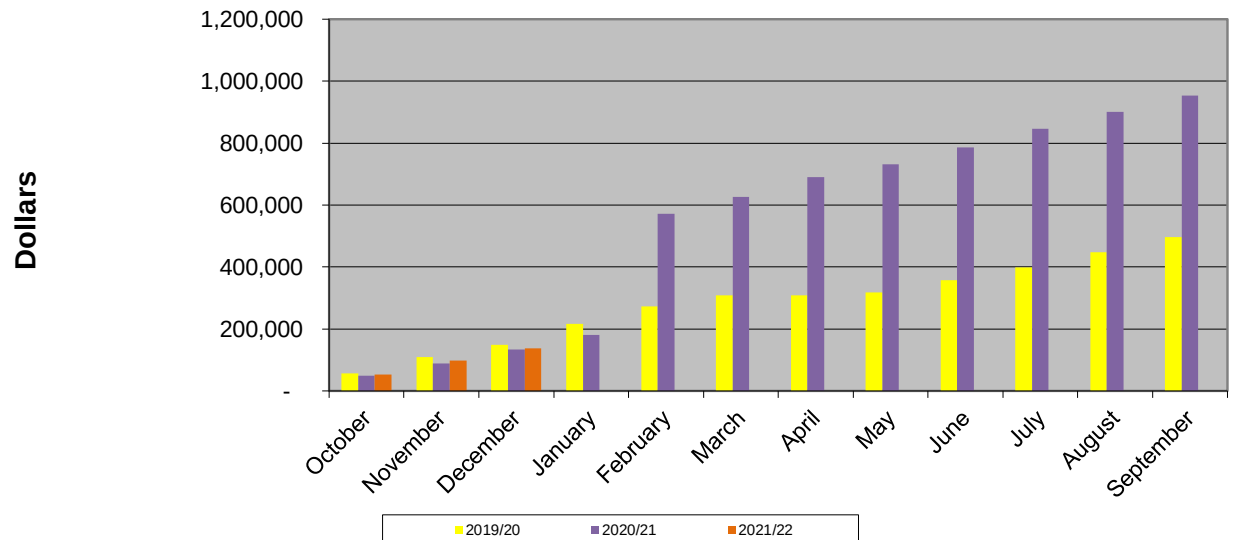
In 2018/19 the Quarterdeck Restaurant Revenues were moved to the Pier fund from General Fund to better reflect their usage.

Pier Revenues - thru December 2021

Monthly Pier Collections



Pier Collections - Cumulative Y-T-D



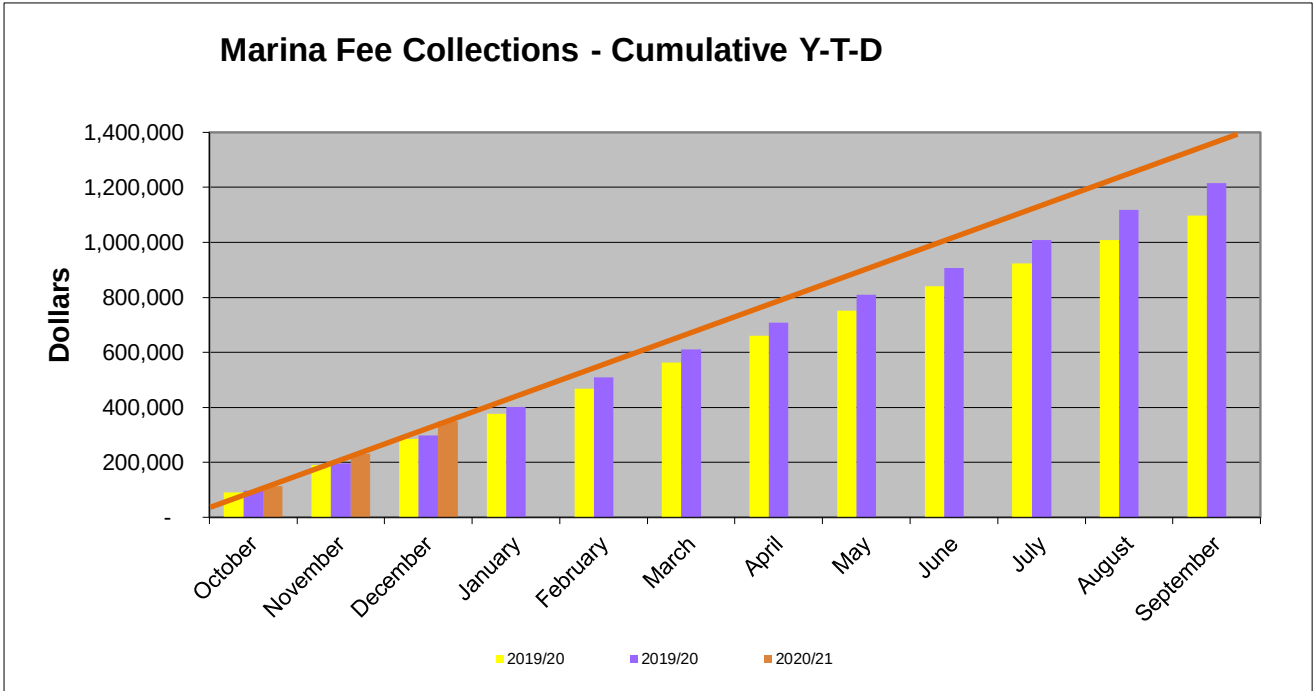
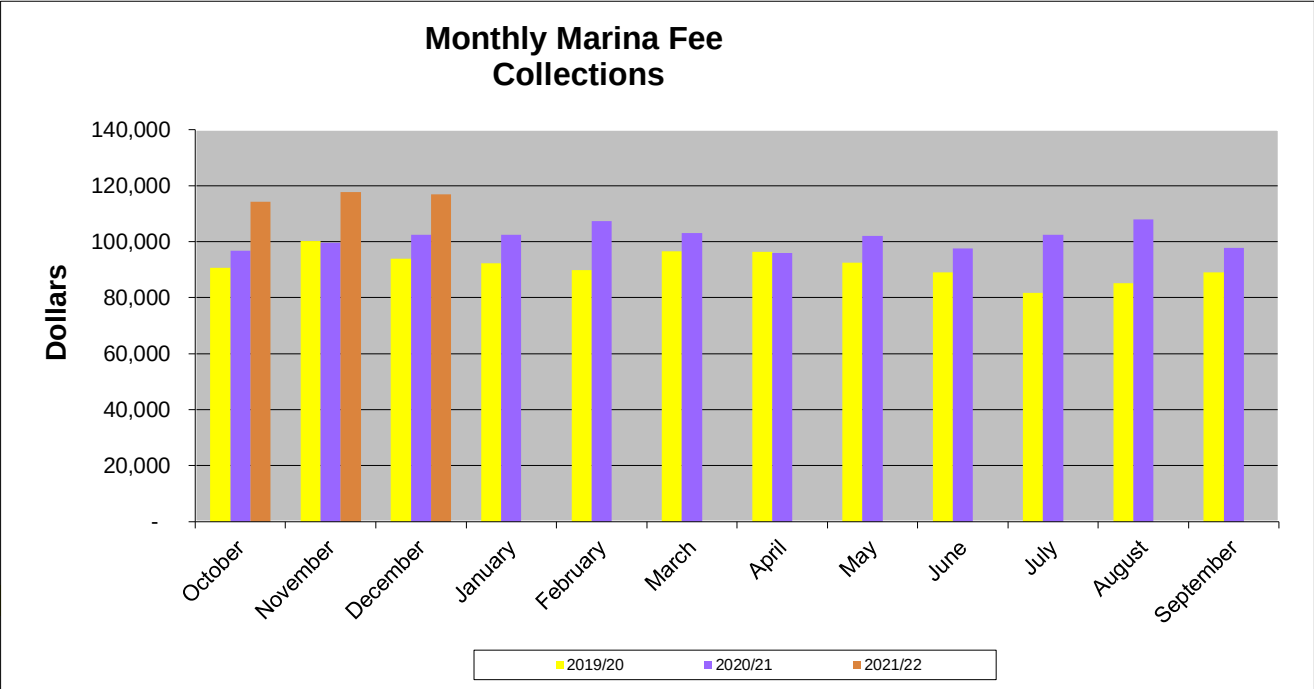
Marina Fee Collections

	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Monthly			
October	90,680	96,691	114,259
November	100,295	99,519	117,647
December	93,879	102,437	116,809
January	92,197	102,400	
February	89,948	107,245	
March	96,527	103,019	
April	96,264	96,002	
May	92,452	102,039	
June	89,025	97,546	
July	81,799	102,395	
August	85,158	108,051	
September	88,941	97,767	
Total	<u>1,097,163</u>	<u>1,215,110</u>	<u>348,714</u>

Marina closed towards end of march due to COVID 19

	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>
Cumulative			
October	90,680	96,691	114,259
November	190,975	196,210	231,906
December	284,854	298,647	348,714
January	377,051	401,047	
February	466,999	508,292	
March	563,525	611,312	
April	659,789	707,313	
May	752,241	809,352	
June	841,266	906,898	
July	923,065	1,009,292	
August	1,008,222	1,117,343	
September	<u>1,097,163</u>	<u>1,215,110</u>	
Budget Goal	<u>1,059,831</u>	<u>1,011,953</u>	<u>1,290,768</u>

Marina Fees - thru December 2021



Governmental Funds Capital Projects
Capital Project Life Cycle
31-Dec-21

Capital Projects Fund	Original Budget	Budget Amendments	Total Amended Budget Funding	Total Expenses & Open P.O.'s	(Return) of Funding on Completed Projects	Remaining Funds Available	Project Status
Beach Revitalization Phase II	\$ 925,000	\$ 1,001,798	\$ 1,926,798	\$ (1,188,107)		\$ 706,280	In progress
Traffic Calming & Beautification Project	250,000	-	250,000	-		250,000	In progress
Roadway and Median Electrical	200,000	-	200,000	(131,000)		69,000	In progress
Southeast 5th Avenue Crosswalk	200,000		200,000	-		200,000	In progress
CW Thomas Park Phase I	265,505		265,505	-		265,505	Not Started
Total Capital Projects (301)			\$ 2,902,452	\$ (1,332,107)	\$ -	\$ 1,537,934	

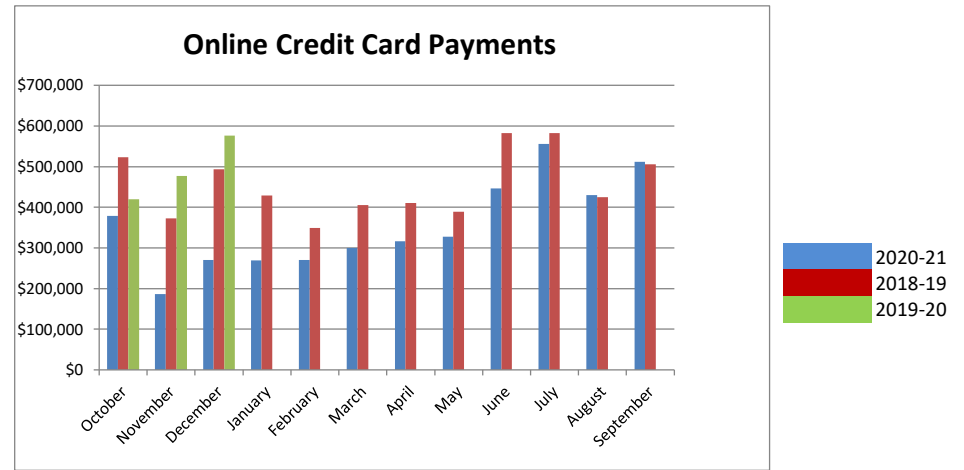
Capital Project Life Cycle
12/31/2021

Stormwater Fund	Original Budget	Budget Amendments	Total Budget Funding	Total Expenses & Open P.O.'s	Return of Funding on Completed Projects	Remaining Funding Available	Project Status
SE Stormwater Phase II	\$ 6,159,729	\$ 989,585	\$ 7,149,314	\$ (970,624)		\$ 6,178,690	In-Progress
SW 43rd Terrace, SW 40th Court and SW 49th Street Project	1,170,960	-	1,170,960	(630,450)		540,510	In-Progress
Citywide Stormwater Master Plan	1,060,000		1,060,000	(795,000)		265,000	In-progress
Total Stormwater Fund Projects			9,380,274	(2,396,074)	-	6,984,200	
<u>Water Fund</u>							
NW 1st Ave Water Main Stirling-City Hall	431,730	-	431,730	(55,964.50)		375,766	In-Progress
Total Water Fund Projects			431,730	(55,965)	-	375,766	
<u>Sewer Fund</u>							
Lift Rehab Projects 5,7,10	1,137,594	-	1,137,594	(1,125,791)		11,804	In-Progress
SCADA System	257,715	14,000	271,715	(271,335)		380	In-Progress
HMGP Lift Stations	1,686,442	-	1,686,442	(378,900)		1,186,642	In-Progress
Total Sewer Fund Projects			3,095,751	(1,776,026)	-	1,198,826	
<u>Pier Fund</u>							
Pier Refurbishing	500,000.00	1,773,921	2,273,921	(2,270,221)		0	In-progress
Total Pier Fund Projects			2,273,921	(2,270,221)	-	0	
Total Enterprise Projects			\$ 15,181,676	\$ (6,498,285)	\$ -	\$ 8,558,792	

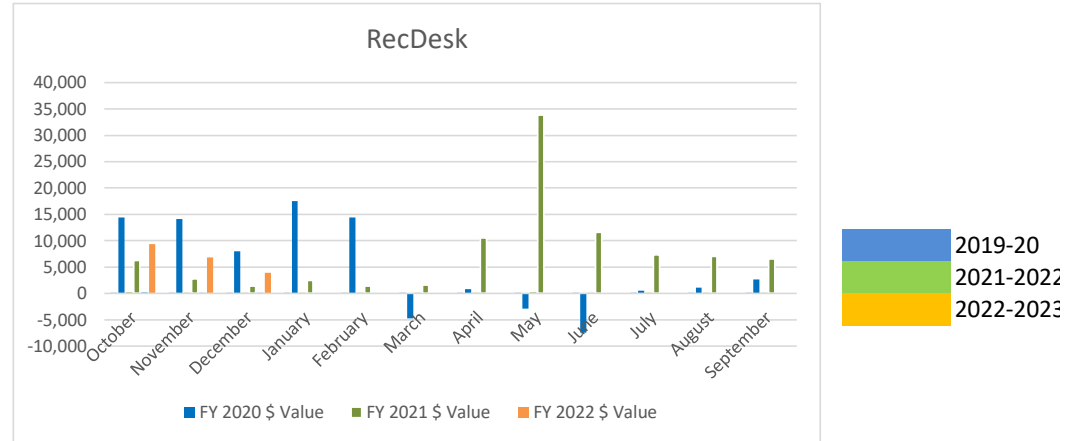
Grant Fund
12/31/2021

Grant	Grant Amount	City Match/Funds	Revenue Received	Total Expenses & Open P.O.'s	Remaining Expense	Project Status	Grant Expiration
CDBG 45th Year - Oasis XIV	\$ 172,549		\$ -	\$ -	\$ 172,549		3/31/2022
CDBG 47th Year - Solar Lighting	\$ 396,491	-	-	-	396,491		6/30/2022
FEMA - Hazard Mitigation Grant Program (Fire Rescue -Station #1)	\$ 812,850	\$ 270,150	\$ -	\$ (165,868)	\$ 917,132		7/31/2022

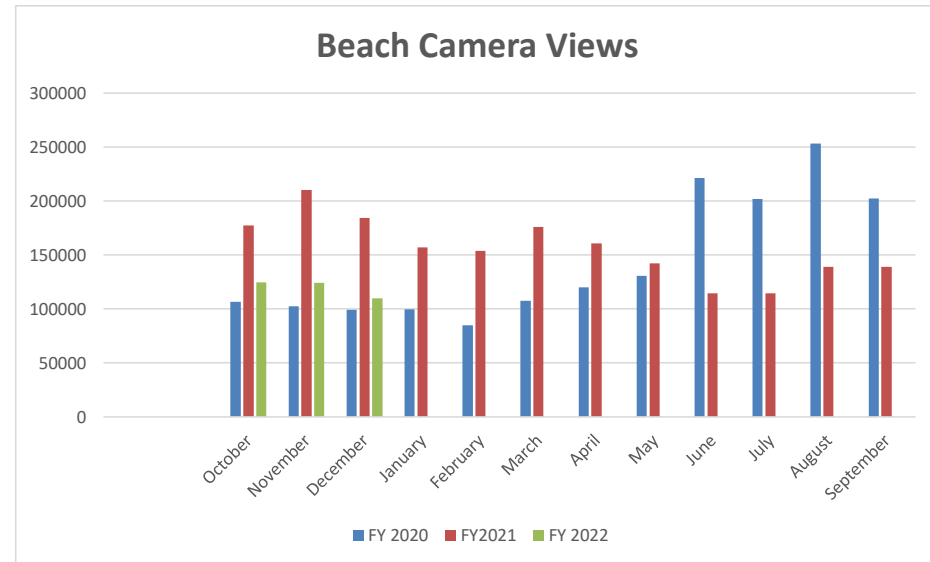
	FY 2020		FY 2021		FY 2022	
	<u># of Pymts</u>	<u>\$ Value</u>	<u># of Pymts</u>	<u>\$ Value</u>	<u># of Pymts</u>	<u>\$ Value</u>
October	1,695	\$378,828	1,694	\$522,541	1,756	\$419,523
November	1293	\$186,710	1,659	\$372,920	1,607	\$477,225
December	1453	\$270,094	1,859	\$493,048	1,644	\$575,861
January	1378	\$269,347	1,681	\$429,192		
February	1403	\$270,127	1,625	\$348,642		
March	1481	\$300,421	1,751	\$405,303		
April	1742	\$316,140	1,600	\$410,951		
May	1505	\$327,643	1,568	\$388,510		
June	1766	\$446,782	1,654	\$581,978		
July	2054	\$555,309	2,077	\$582,478		
August	1899	\$430,281	1,589	\$424,738		
September	2113	\$511,620	1,921	\$505,704		



	FY 2020		FY 2021		FY 2022	
	<u># of</u>		<u># of</u>		<u># of</u>	
	<u>Pymts</u>	<u>\$ Value</u>	<u>Pymts</u>	<u>\$ Value</u>	<u>Pymts</u>	<u>\$ Value</u>
October	158	\$14,447	197	\$6,283	203	\$9,350
November	94	\$14,092	90	\$2,727	126	\$6,835
December	98	\$8,024	46	\$1,398	112	\$3,952
January	150	\$17,493	73	\$2,416		
February	130	\$14,408	60	\$1,414		
March	143	-\$4,766	87	\$1,595		
April	23	\$844	161	\$10,541		
May	4	-\$2,843	251	\$33,829		
June	75	-\$7,413	152	\$11,549		
July	30	\$506	131	\$7,298		
August	29	\$1,144	124	\$7,003		
September	95	\$2,675	142	\$6,503		

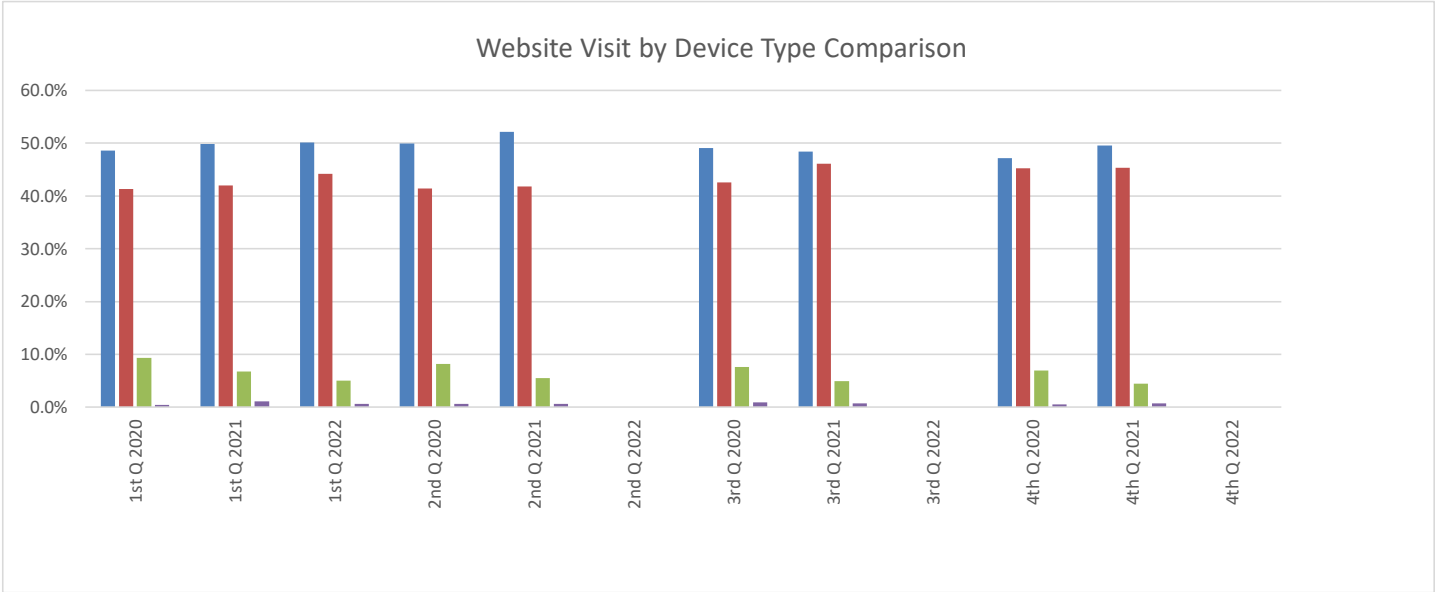


	FY 2020	FY2021	FY 2022
October	106,500	177,400	124,800
November	102,700	210,000	124,100
December	99,400	184,300	110,100
January	99,700	157,100	
February	84,900	153,700	
March	107,500	176,200	
April	119,982	160,700	
May	130,800	142,200	
June	221,100	114,400	
July	202,000	114,400	
August	253,200	138,900	
September	202,400	139,200	



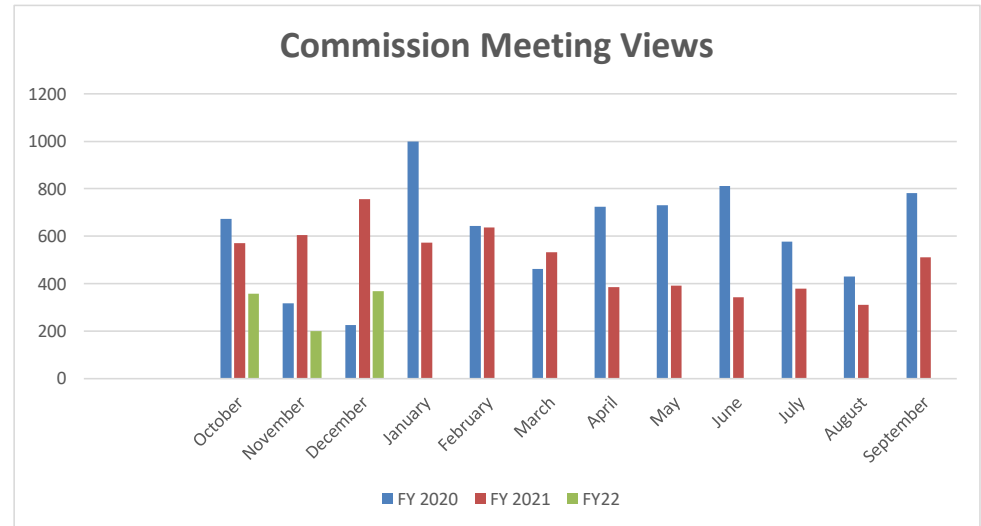
Website Visit by Device Type Comparison

	1st Q 2020	1st Q 2021	1st Q 2022	2nd Q 2020	2nd Q 2021	2nd Q 2022	3rd Q 2020	3rd Q 2021	3rd Q 2022	4th Q 2020	4th Q 2021	4th Q 2022
Desktop	48.6%	49.8%	50.2%	49.9%	52.1%		49.0%	48.4%		47.2%	49.6%	
Smartphone	41.3%	42.0%	44.2%	41.4%	41.8%		42.5%	46.1%		45.2%	45.3%	
Tablet	9.3%	6.8%	5.0%	8.1%	5.5%		7.6%	4.9%		6.9%	4.4%	
Other	0.4%	1.1%	0.6%	0.6%	0.6%		0.9%	0.7%		0.5%	0.7%	

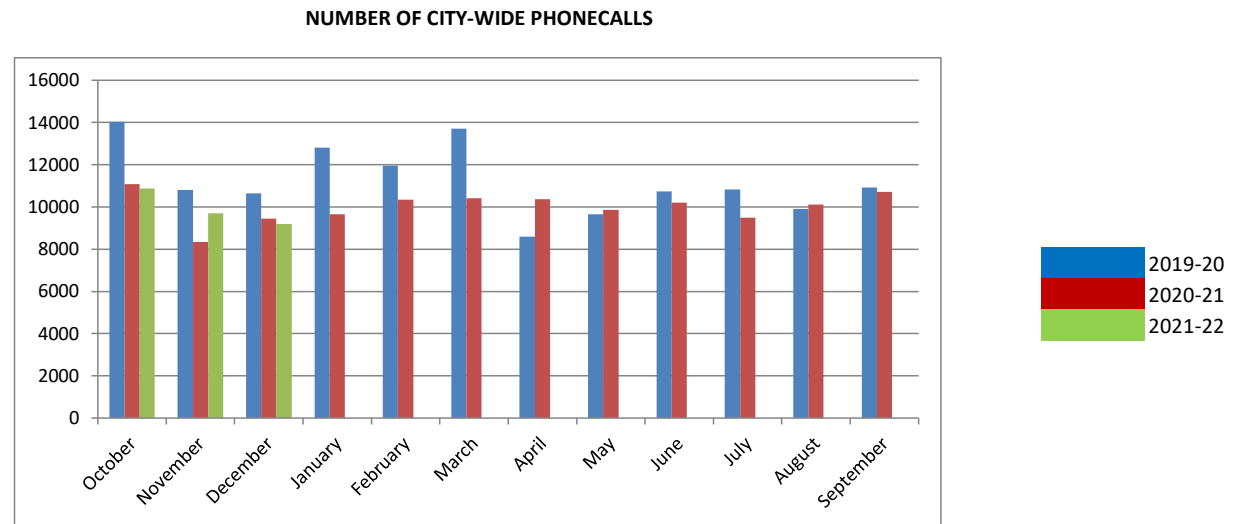


YouTube Channel
FY 2020 **FY 2021** **FY22**

October	674	570	357
November	318	604	201
December	225	757	369
January	1,000	573	
February	644	636	
March	463	533	
April	725	386	
May	731	393	
June	811	343	
July	578	380	
August	431	310	
September	781	511	

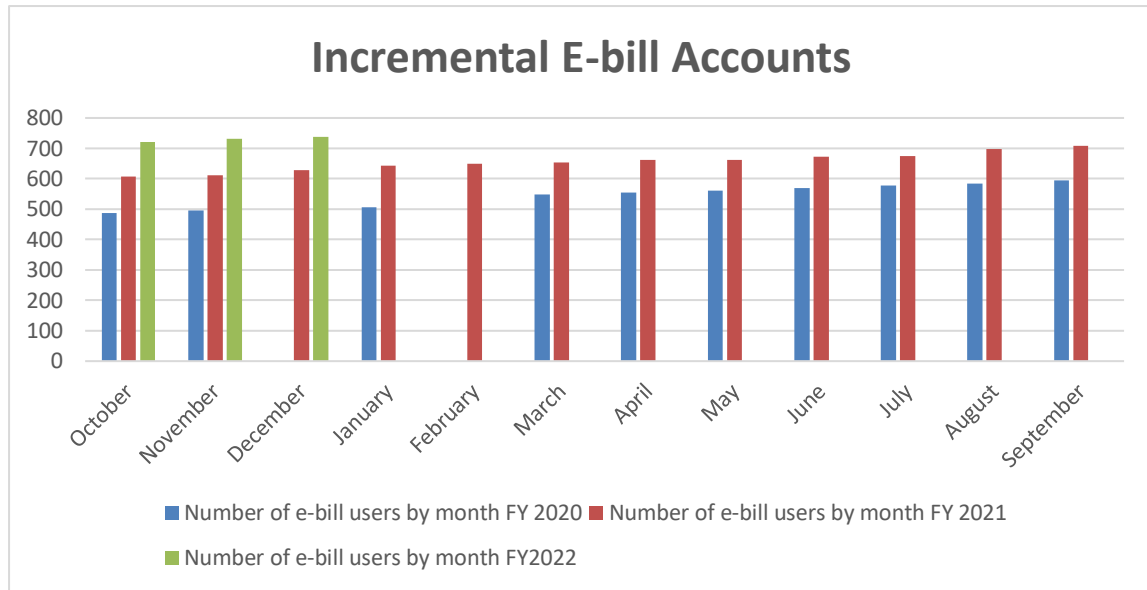


	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
October	14,022	11,070	10,868
November	10,812	8,348	9,702
December	10,652	9,435	9,193
January	12,810	9,656	
February	11,945	10,334	
March	13,698	10,410	
April	8,583	10,374	
May	9,648	9,863	
June	10,734	10,210	
July	10,836	9,496	
August	9,898	10,112	
September	10,909	10,713	



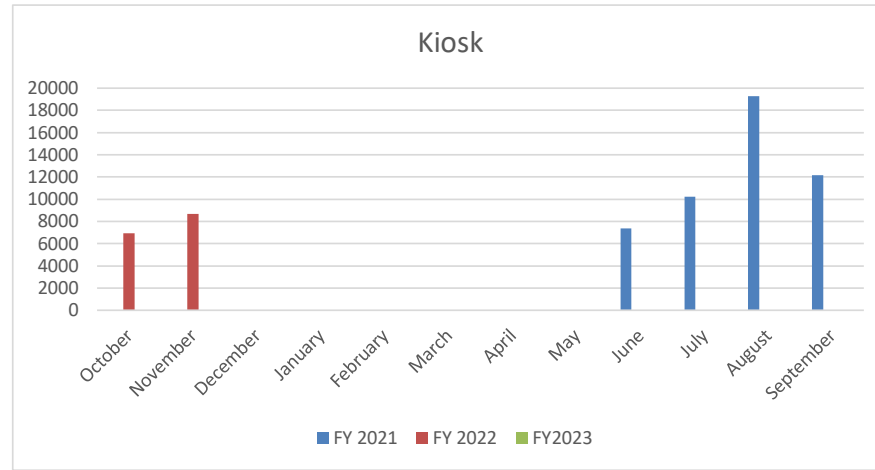
Number of e-bill users by month

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY2022</u>
October	487	607	722
November	495	612	731
December		629	738
January	506	643	
February		649	
March	549	653	
April	555	661	
May	561	662	
June	570	672	
July	577	674	
August	584	698	
September	595	708	



Kiosk

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY2023</u>
October		\$ 6,940.80	
November		\$ 8,678.89	
December			
January			
February			
March			
April			
May			
June	\$ 7,372.46		
July	\$ 10,238.61		
August	\$ 19,296.09		
September	\$ 12,155.35		



Business Tax Receipt Activity - December 2021

Out of Business/Inactive	# of BTRs	Dollar Amount
Agile Training Concepts LLC	1	\$ 446.25
Edgar Garcia & Bill Collins	1	\$ 236.25
Oil Spill Response America LTD	2	\$ 892.50
Total Out of Business/Inactive	4	\$ 1,575.00

New Approved Applications	# of BTRs	Dollar Amount
Abudei, Erika	1	\$ 251.25
L&M Engineering Inc	1	\$ 677.50
C&V Intstment Properties LLC	1	\$ 236.25
Famatel USA LLC	1	\$ 625.00
Gomez Auto Group LLC	1	\$ 611.75
GSD Constracting LLC	1	\$ 730.00
By BDJ Group LLC	1	\$ 730.00
Fort Lauderdale Divers LLC	1	\$ 651.25
Learn and Smile Tutoring Center LLC	1	\$ 546.25
Liliana Garrido	1	\$ 31.50
Oil Spill Response Amercas LTD	1	\$ 446.25
Page One LLC	1	\$ 611.75
Publix Super Markets Inc	1	\$ 1,465.00
Roofers & Plumbers Inc	1	\$ 420.00
RV Sales of Broward Inc	1	\$ 778.00
SPG @ Port 95 LLC	3	\$ 708.75
SPG 2765 SW 36th St LLC	1	\$ 236.25
SF Markets LLC	1	\$ 1,905.00
SSS Properties LLC	1	\$ 251.25
Total New Applications	21	\$ 11,913.00

BTR Status	# of BTRs	Total Dollar Amount
Open Renewals- Current Year	198	\$ 58,894.52
Paid Renewals	2,747	\$ 956,275.11
Total BTRs as of 12/31/2021	2,945	1,015,169.63 **

**includes license fee, fire inpection & solid waste registration

Miscellaneous Billing Invoice Aging Report

Aging Date 12/31/2021

Report By Invoice Type

	Description	Current	1-30	31-60	61-90	90+	Total
Invoice Type - CEM - Cemetery							
# 4652 - Eric L Wilson	Reservation of Burial Plot	.00	.00	.00	.00	7570.00	7,570.00
# 5474 - Cokenya D West	Reservation of Burial Plot	.00	.00	.00	.00	250.00	250.00
# 4179 - AJ Manuel Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 5736 - Sands, Carolyn	Reservation of Burial Plot	.00	.00	.00	.00	3000.00	3,000.00
# 5756 - Rahming Poitier Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	6430.00	6,430.00
# 5755 - McPherson, Eddie Dean	Reservation of Burial Plot	.00	.00	.00	.00	400.00	400.00
# 5757 - Fuller Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	990.00	990.00
# 5673 - Agape Funeral and Cremation	Reservation of Burial Plot	.00	.00	.00	.00	6720.00	6,720.00
# 3946 - Eric S George Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	2380.00	2,380.00
# 5909 - Freeman Funeral Home	Reservation of Burial Plot	.00	.00	1500.00	.00	.00	1,500.00
# 4203 - McWhite's Funeral Home	Reservation of Burial Plot	.00	.00	.00	490.00	.00	490.00
# 4165 - Roy Mizell & Kurtz Funeral	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 5862 - Love and Grace Funeral Home	Reservation of Burial Plot	.00	.00	.00	.00	1680.00	1,680.00
# 4786 - Dillard Josephine	Reservaton of Burial Plot	.00	.00	.00	.00	200.00	200.00
Cemetery Totals		\$0.00	\$0.00	\$1,500.00	\$490.00	\$32,980.00	\$34,970.00
Invoice Type - ART & SEAFOOD - Arts & Seafood Festival							
# 5472 - Meyers Group LLC	Arts and Seafood Sponsorship	.00	.00	.00	.00	5000.00	\$ 5,000.00
# 4900 - Storm Tight Windows	Arts and Seafood Sponsorship	.00	.00	.00	.00	2,500.00	2,500.00
Arts & Seafood Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$7,500.00	\$7,500.00
Invoice Type -CRA - Misc CRA							
# 4918 - Arnold & Sharon Nearn	Millennium Facase Grant	.00	.00	.00	.00	6000.00	6,000.00
Misc CRA Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$6,000.00	\$6,000.00
Invoice Type FA- False Alarm							
Miscellaneous FA Customers	BSO & Fire False Alarms	.00	.00	.00	.00	2,000.00	2,000.00
False Alarm Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$2,000.00
Invoice Type FI - Fire Inspection							
3065 - Keynorth Townhomes	Annual Inspection FY 11	.00	.00	.00	.00	1,700.00	1,700.00
3072 - Atlantis Management	Annual Inspection FY 11 & FY 12	.00	.00	.00	.00	7,800.00	7,800.00
1012 - Gulfstream Apts.	Annual Inspection FY 11 & FY 12	.00	.00	.00	.00	2,800.00	2,800.00
# 4466 - Meadowbrook Condo	Annual Inspection FY 13	.00	.00	.00	.00	1,000.00	1,000.00
4644 - Oakbridge Townhomes	Annual Inspection FY 14	.00	.00	.00	.00	4,000.00	4,000.00
Miscellaneous FI Customers	Annual & Re-Inspections	.00	.00	.00	.00	221,315.00	221,315.00
Fire Inspection Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$238,615.00	\$238,615.00
Invoice Type GR Federal - Grant Reimb. Federal Government							
# 5848 - USDA - Grant	USDA Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$10,541.64	\$10,541.64
GR Federal Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$10,541.64	\$10,541.64
Invoice Type GR State - Grant Reimb. State of Florida							
# 4438 - Florida Department of	State of Florida	\$0.00	\$0.00	\$0.00	\$0.00	\$105,167.53	\$105,167.53
GR State Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$105,167.53	\$105,167.53
Invoice Type LM - Lake Maintenance							
Miscellaneous LM Customers	Lake Maintenance	.00	.00	.00	.00	275.36	275.36
Lake Maintenance Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$275.36	\$275.36
Invoice Type MS - Miscellaneous							
# 4647 - Palmetto Hospitality of Dania	Water Impact Fees	.00	.00	.00	.00	20,242.00	20,242.00
Misc. Customers	Misc. Customers	.00	.00	.00	11,340.00	24,676.43	36,016.43
Miscellaneous Totals		\$0.00	\$0.00	\$0.00	\$11,340.00	\$44,918.43	\$56,258.43
Grand Totals							
Grand Totals		\$0.00	\$0.00	\$1,500.00	\$11,830.00	\$447,997.96	\$461,327.96

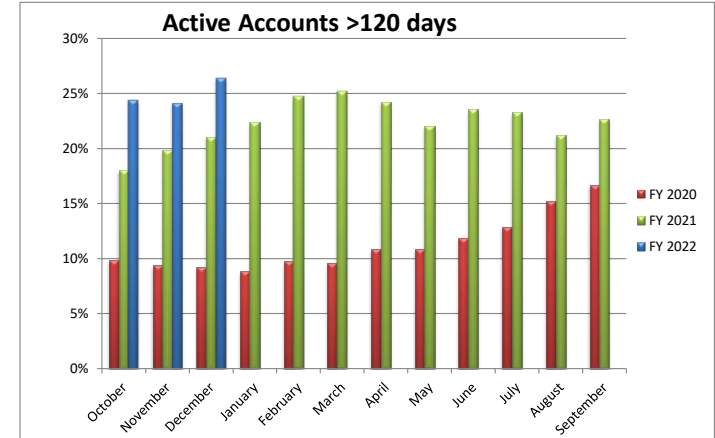
City of Dania Beach
Commercial Solid Waste Report FY 2021-2022
Payments Received

Annual Budget \$ 478,000										
Waste Hauler										
	Choice Waste AKA Waste Connections	Waste Management	All Service Refuse AKA Republic Services	S & S National Waste AKA Bicon, Inc.	Pronto Waste Services	Panzarella Waste & Recycling Services	Great Waste	EZ Waste & Recycling	COASTAL WASTE & RECYCLING INC	WASTE PRO
Permit Application Fee	\$ 75	\$ 75		\$ 225		\$ 75	\$ 75		\$ 75	
Annual Permit Fee	1,000.00	1,000.00		1,000.00		1,000.00	1,000.00		1,000.00	Monthly Activity
<u>Monthly Franchise</u>										
Oct		37,101.99	15,003.66	5,434.05	-	831.56	2,696.75		3,861.48	64,929.49
Nov	2,992.53	-	19,399.00	4,048.11	-	633.75	5,042.75		4,457.18	36,573.32
Dec	5,886.76	77,295.51	34,273.98	3,227.09	-	601.47	-		2,192.22	123,477.03
Jan										-
Feb										-
Mar										-
Apr										-
May										-
Jun										-
Jul										-
Aug										-
Sep										-
Total Mo. Franchise	8,879.29	114,397.50	68,676.64	12,709.25	-	2,066.78	7,739.50	-	10,510.88	224,979.84
Total Receipts	\$ 9,954.29	\$ 115,473	\$ 68,677	\$ 13,934	\$ -	\$ 3,142	\$ 8,815	\$ -	\$ 11,586	\$ 231,580

WATER & SEWER UTILITY AGING REPORT

ACTIVE ACCOUNTS

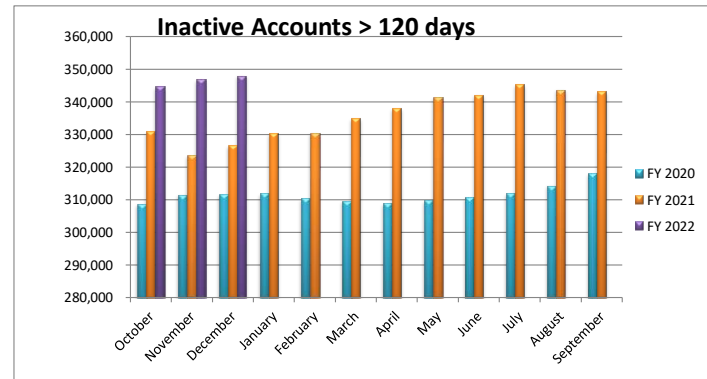
	FY 2020			FY 2021			FY 2022		
	>120 Past Due	Monthly Billings	% DELQ	>120 Past Due	Monthly Billings	% DELQ	>120 Past Due	Monthly Billings	% DELQ
October	101,263	\$ 1,028,181	10%	183,822	\$ 1,019,908	18%	275,153	\$ 1,130,854	24%
November	102,632	1,094,606	9%	207,753	1,049,166	20%	276,502	1,145,557	24%
December	100,463	1,093,753	9%	227,856	1,082,042	21%	286,708	1,088,332	26%
January	101,513	1,151,809	9%	248,468	1,107,929	22%			
February	105,524	1,086,072	10%	262,649	1,063,670	25%			
March	104,516	1,090,084	10%	262,514	1,042,220	25%			
April	107,366	991,898	11%	273,503	1,129,480	24%			
May	113,868	1,048,083	11%	264,778	1,203,079	22%			
June	127,306	1,078,705	12%	260,736	1,105,993	24%			
July	143,126	1,110,772	13%	248,966	1,069,697	23%			
August	157,934	1,041,324	15%	246,396	1,164,114	21%			
September	167,246	1,005,176	16.64%	250,534	1,107,838	23%			
Annual Avg	\$ 119,396	\$ 1,068,372	11%	\$ 244,831	\$ 1,095,428	22%	\$ 279,455	\$ 1,121,581	0



Active Account Graph: Billing data indicates delinquency rate on active accounts remain constant at an average of 1% of billings per month

INACTIVE ACCOUNTS

	FY 2020	FY 2021		FY 2022	
	>120 Past Due			>120 Past Due	% +/-
	Due	>120 Past Due	% +/-	>120 Past Due	% +/-
October	308,582	330,831	7%	344,685	4%
November	311,477	323,648	4%	346,914	7%
December	311,598	326,595	5%	347,964	6%
January	311,938	330,267	6%		
February	310,421	330,406	6%		
March	309,600	334,793	8%		
April	308,699	337,912	9%		
May	309,813	341,380	9%		
June	310,711	342,137	9%		
July	311,770	345,332	10%		
August	314,242	343,626	9%		
September	317,910	343,127	7%		
Annual Avg	\$ 311,397	\$ 335,838	7%	\$ 346,521	100%



Water Fund

Monthly Utility Account Activity

Misc

Building/ New Construction Activity					Delinquent Account Activity							Meter Replacement					New Accts																	
Water Impact Fee		Water Tap Fee		Delinquent			Turn-Off			Pulled Meter Reinstall Fee		# of Meters Replaced		Prior Yr.	# per Month	Prior Yr.																		
2021	2022	2021	2022	2021	2022	# of Accts	2021	2022	# of Accts	2021	2022	2022																						
												5/8"	1"- 1/2"	2" and above	Total																			
Oct	-	40,482.00	-	-	-	3,695.00	739.00	-	-	-	-	4		2	6	33	31	51																
Nov	1,389.00	-	2,900.00	-	-	3,706.50	741.30	-	-	-	-	2	-	-	2	15	45	52																
Dec	14,792.00	38,925.00	5,643.00	-	-	3,665.00	733.00	-	80.00	2.67	-	3	1	1	5	5	52	51																
Jan	-	-	-	-	-	-	-	-	-	-	-				-	4		52																
Feb	3,893.00	-	12,349.00	-	-	-	-	-	-	-	-				-	7		39																
Mar	-	-	-	-	-	-	-	-	-	-	-				-	8		76																
Apr	129,231.00	-	-	-	-	-	-	-	-	-	-				-	1		66																
May	50,603.00	-	-	-	4,050.00	-	-	80.00	-	-	-				-	1		40																
Jun	-	-	-	-	3,345.00	-	-	-	-	-	-				-	6		77																
Jul	-	-	-	-	3,415.00	-	-	-	-	-	-				-	4		68																
Aug	-	-	1,650.00	-	3,570.00	-	-	-	-	-	-				-	2		49																
Sep	-	-	-	-	3,300.00	-	-	-	-	-	-				-	5		67																
Total																	\$ 199,908	\$ 79,407	\$ 22,542	\$ -	\$ 17,680	\$ 11,067	\$ 2,213	\$ 80	\$ 80	3	-	-	Yr-to-Date Total		13	91	128	688

4%

0%

of City's 4,800 accounts
become delinquent for this period...

of the delinquent accounts
are turned-off monthly for non-payment

City of Dania Beach

General Fund

Unassigned Fund Balance - - Contingency

Balance 10/1/21 (Unaudited)

----- General Fund -----

<u>Contingency</u>	<u>Unassigned Fund Balance</u>
--------------------	------------------------------------

\$ 325,000	\$ 24,877,475
------------	---------------

(Uses) / Additions:

October	-	(1,246,555)
November	-	(270,150)
December	-	(137,437)
January	-	-
February	-	-
March	-	-
April	-	-
May	-	-
June	-	-
July	-	-
August	-	-
September	-	-

Sub-Total (Uses) / Additions

-	(1,654,142)
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Sub-Total Available

325,000	23,223,333
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Other Considerations

GFOA/City Commission 25% Reserve

(12,500,000) est.

Bridge Loans - S.E. Stormwater

(1,000,000)

Estimate of Availability at 09/30/22

\$ 325,000	\$ 9,723,333
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#001-18-00-519-99-10
Contingency Account
Original Budget

	Total	-
Oct		-
Nov		-
December		-
January		
February		
March		
April		
May		
June		
July		
August		
September		
Balance Remaining	\$	325,000

City of Dania Beach

General Fund

Analysis of
Fund Balance

	<u>Estimated balance 10/1/21</u>	24,877,475	
Uses: <u>#389-90-01</u>			
October	(1,246,555)		Rollover PO's+ \$5k RISE c/o and Cap Proj c/o of \$265,505
			FDOT Perpetuity Suretyfor holiday lights \$70k
November	(270,150)		Citywide speed hump project \$87,969
December	(137,437)		HMGP Grant
January			Security Services Contract
February			
March			
April			
May			
June			
July			
August			
September			
Total Uses (Sources)	(1,654,142)		
Estimated Balance Available 09/30/21	\$ 23,223,333		
Other Considerations			
GFOA/City Commission 25% Reserve	(12,500,000)	est.	
Bridge Loans - S.E. Stormwater	(1,000,000)		
Estimate of Availability at 09/30/22	9,723,333		