

MINUTES OF HYBRID REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, MARCH 22, 2022 – 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 – via virtual attendance
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Eve Boutsis
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 Federal appropriation update by U.S. Representative Debbie Wasserman Schultz - requested by Mayor James

Representative Wasserman Schultz gave an update on appropriations of federal dollars for community funding, including two projects in Dania Beach worth \$4.5 million: CW Thomas Park and a much-needed waterline project. She addressed the infrastructure law and its numerous components that will bring dollars through grants to local governments for a multitude of projects.

Mayor James asked when the Dania Beach appropriations would be available.

Representative Wasserman Schultz said the bill is now law and the monies would be received soon.

- 3.2 Special Event request from Marine Industries Association of South Florida for their “25th Annual Plywood Regatta” to be held on April 30-May 1, 2022, at the north end of the Marina from 8:00 a.m. - 6:00 p.m. on Saturday and from 8:00 a.m. - 4:00 p.m. on Sunday. (*Parks & Recreation*)

Commissioner Lewellen motioned to approve the Special Event request for the 25th Annual Plywood Regatta; seconded by Commissioner Davis. The motion carried unanimously.

- 3.3 Special Event request from Dania Warehouse 100, LLC to host Art Dania to be held at 110 NW 1st Street on the second weekend of every month, from April 9 to December 11, 2022, from 6:00 p.m. - 10:00 p.m. on Saturdays and from 9:00 a.m. – 6:00 p.m. on Sundays. (*Community Development*)

Commissioner Lewellen motioned to approve the Special Event request for Art Dania; seconded by Commissioner Davis. The motion carried unanimously.

4. Proclamations

- 4.1 Child Abuse Prevention Month - Mayor James

Mayor James read the proclamation for Child Abuse Prevention Month.

5. Citizen Comments

Patricia Tyra, 2912 SW 54 Street, said she attended the last meeting and was impressed with the presentation on water supply in east Dania Beach. She spoke about the water supply in the western portion of the City coming from Broward County and asked that the City assist in getting Broward County to give a similar presentation for those living out west.

6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, reported on recent criminal activity in the City and gave updates on homeless outreach, Spring Camp and upcoming summer program, and mitigating Arts & Seafood Celebration traffic concerns.

District Chief Brad Masters, on behalf of Captain Sergio Pellecer, BSO District Fire Chief, gave an update on departmental activities including probationary firefighters' training, BSO Pride in Fire Rescue Run, a rescue with BSO Fireboat 6 last week, command staff officers' completion of a 145-hour training class in order to be used to assist all departments with command staff level safety officers on major scenes, annual truck ladder testing, firefighter housing, and SAFER Grant individuals.

Elizabeth Bryan, 722 NW 8th Street, spoke about her concerns regarding item 9.5, in that the developer should be held to the City requirements, and regarding item 9.6.

7. Consent Agenda

Items removed from Consent Agenda: #7.6, #7.7

- 7.1 Minutes:
Approve Minutes of February 8, 2022 City Commission Hybrid Meeting
Approve Minutes of February 22, 2022 City Commission Hybrid Meeting
- 7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2022-045

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE USE OF PARKING FUND CONTINGENCY FUNDS TOTALING SIXTEEN THOUSAND TWO HUNDRED TWENTY DOLLARS (\$16,220.00) TO PURCHASE SOLAR POWERED BOLLARDS FOR THE OCEAN PARK PARKING LOT; AUTHORIZING TO EXCEED THE ANNUAL THRESHOLD FOR USE OF CONTINGENCY FUNDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.4 RESOLUTION #2022-046

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RETROACTIVELY APPROVE THE PURCHASE OF GASOLINE AND DIESEL FUEL FROM PORT CONSOLIDATED, INC. UNDER THE RENEWAL BETWEEN THE CITY OF POMPAÑO BEACH AND THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING CO-OP GROUP BID NO. RFP E-03-22 VALID THROUGH MARCH 14, 2027, IN AN AMOUNT THAT WILL EXCEED THE ANNUAL VENDOR THRESHOLD OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) EACH YEAR THAT THE CONTRACT IS IN PLACE; AUTHORIZING SUCH PURCHASES TO BE MADE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.5 RESOLUTION #2022-047

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT EXISTING BETWEEN THE CITY AND JEFF ELLIS MANAGEMENT, LLC, PROVIDING FOR A MONTH TO MONTH SERVICE AGREEMENT FOR LIFEGUARD, OPERATION, AND MAINTENANCE SERVICES AT C.W. THOMAS PARK POOL AND P.J. MELI AQUATIC COMPLEX, UNDER THE SAME PRICING, TERMS, AND CONDITIONS AS PROVIDED UNDER THE EXISTING AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

7.8 RESOLUTION #2022-050

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR SOFTWARE AND SERVICES TO BE PROVIDED BY CLEARGOV AND AUTHORIZING THE CITY TO EXCEED THE ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING SUCH PURCHASES

WITHIN THE INFORMATION TECHNOLOGY FUND APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.9 RESOLUTION #2022-051

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT NON-AD VALOREM REVENUE NOTE, SERIES 2022 OF THE CITY OF DANIA BEACH, FLORIDA IN AN AMOUNT NOT TO EXCEED \$18,100,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF THE PARKS AND RECREATION MASTER PLAN CAPITAL PROJECT AND VARIOUS PUBLIC SAFETY CAPITAL IMPROVEMENT PROJECTS AND PROVIDING FOR THE PAYMENT OF THE COST OF ISSUANCE OF THE NOTE; APPROVING TRUIST BANK AS THE MOST RESPONSIVE RESPONDER TO THE CITY'S REQUEST FOR PROPOSALS FOR FINANCING THE PROJECT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH TRUIST BANK; AWARDED THE SALE OF THE NOTE TO TRUIST BANK; PROVIDING FOR SECURITY FOR THE NOTE; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

7.10 RESOLUTION #2022-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE APPROVAL OF A QUOTE FROM CUSTOM CONTROLS TECHNOLOGY, INC. TO INSTALL SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEMS FOR SANITARY LIFT STATION NUMBERS 8 AND 9, IN THE AMOUNT OF TWENTY FOUR THOUSAND SIX HUNDRED SEVENTY TWO DOLLARS (\$24,672.00) AND TO EXCEED THE ANNUAL VENDOR TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING SUCH PURCHASES TO BE MADE WITHIN THE PUBLIC SERVICES DEPARTMENT'S APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.11 RESOLUTION #2022-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE INCREASE OF THE CITY HALL WEST WING RENOVATION PROJECT'S CONTINGENCY AMOUNT BY AN ADDITIONAL ONE HUNDRED NINE THOUSAND SIX HUNDRED DOLLARS (\$109,600.00), CHANGING THE ORIGINAL CONTRACT AMOUNT TO A NOT TO EXCEED AMOUNT OF SIX HUNDRED FIFTY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$657,600.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Ordinances (Titles read by City Attorney)

7.12 ORDINANCE #2022-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 13, ENTITLED "HEALTH AND SANITATION", AT SECTION 13-69, ENTITLED "SERVICE PROVIDED BY THE CITY", TO CREATE AN IRREPARABLE FINE FOR VIOLATING THE CITY'S BULK TRASH CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

Commissioner Lewellen motioned to adopt the Consent Agenda, with the exception of Item #7.6 and #7.7; seconded by Vice-Mayor Salvino. The motion carried unanimously.

7.6 RESOLUTION #2022-048 (Taken up after item #9.5)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING A LEASE OF PARKING SPACES AT THE CITY HALL GARAGE TO CITY PLACE HOUSING DEVELOPMENT BY CITY PLACE APARTMENTS, LTD.; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE LEASE AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of Resolution #2022-048.

Mayor James said she does not believe the Commission should consent to this item or item #7.7 until the public hearing is held for item #9.5.

The Commission consensus was to hold the vote on item #7.6 and #7.7 until after item 9.5 was heard.

7.7 RESOLUTION #2022-049 (Taken up after item #9.5)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, EXPRESSING CONTINUED SUPPORT FOR A CONDITIONAL LOAN COMMITMENT OF ONE MILLION DOLLARS (\$1,000,000.00) TO PARTIALLY FINANCE DEVELOPMENT OF THE CITY PLACE HOUSING DEVELOPMENT BY CITY PLACE APARTMENTS, LTD.; AUTHORIZING THE CITY MANAGER TO EXECUTE A FLORIDA HOUSING FINANCE CORPORATION (FHFC) LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION LOAN FORM; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

8. Bids and Requests for Proposals

8.1 RESOLUTION #2022-054

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE AWARD OF REQUEST FOR QUALIFICATIONS ("RFQ") NO. 22-002 ENTITLED, "PROFESSIONAL ENGINEERING SERVICES FOR WIND PROTECTION AND BACKUP POWER TO CITY HALL", AND AUTHORIZING THE RANKING OF THE CONSULTANTS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

City Attorney Boutsis read the title of Resolution #2022-054.

Vice-Mayor Salvino motioned to adopt Resolution #2022-054; seconded by Commissioner Lewellen. The motion carried unanimously.

9. Public Hearings and Site Plans

9.1 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. **(SECOND READING)** *(Community Development)*

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

Eleanor Norena, Director of Community Development, gave a re-cap 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 second reading; seconded by Commissioner Davis. The motion carried unanimously.

9.2 ORDINANCE #2022-013

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 USE AND WATER SHORTAGE REGULATIONS," AMENDING SECTION 27-38, ENTITLED "DEFINITIONS," AMENDING SECTION 27-39 ENTITLED "APPLICABILITY; INTENT AND PURPOSE", AND AMENDING SECTION 27-43, ENTITLED "PERMANENT RESTRICTIONS FOR LAWN AND LANDSCAPING IRRIGATION", PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Public Services)*

City Attorney Boutsis read the title of Ordinance #2022-013 and noted this amendment is necessary to conform with SFWMD and Broward County regulations.

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 #2022-013, on second reading; seconded by Commissioner Lewellen. The motion carried unanimously.

9.3 ORDINANCE #2022-014

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 OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00) TO FUND THE CITYWIDE STORMWATER MASTER PLAN PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Public Services)*

City Attorney Boutsis read the title of Ordinance #2022-014.

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 #2022-014, on second reading; seconded by Vice-Mayor Salvino. The motion carried unanimously.

9.4 ORDINANCE #2022-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CREATING THE PUBLIC ART ADVISORY BOARD, BY AMENDING CHAPTER 28, ENTITLED THE "LAND DEVELOPMENT CODE", ARTICLE 811 ENTITLED "PUBLIC ART PROGRAM," BY CREATING SECTION 811-130, ENTITLED "PUBLIC ART ADVISORY BOARD," AND BY REMOVING ALL REFERENCE IN SECTIONS 811-20 AND 811-30 TO THE CREATIVE ARTS COUNCIL ADVISORY BOARD ("CACAB") AS THE CACAB HAS BEEN DISSOLVED; PROVIDING FOR THE APPOINTMENT AND TERMS OF MEMBERS, AS WELL AS DUTIES AND RESPONSIBILITIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Boutsis read the title of Ordinance #2022-016.

Eleanor Norena, Director of Community Development, gave a presentation on the LDC amendment creating the Public Art Advisory Board.

Commissioner Odman asked if the people that applied must have or is it recommended that they have some sort of art history background.

Community Development Director Norena responded that it is recommended; we are not going to do a background check for education, but we would want them to have an interest in art.

Commissioner Odman said we want this board to be different, either through their profession or education, with something other than just an inherent interest in the arts.

Community Development Director Norena noted the first four board members are required to have that, and the three residents are not required to have knowledge or experience.

Linda Flynn, Partner, Cultural Planning Group, LLC, explained we do want the members of the board to have professional qualifications in design, arts, architecture, or planning. The three Dania Beach members we would hope would have knowledge or interest as well. This provides a different perspective with the members.

Commissioner Odman said her concern is a lot of times, we fall into whether it is good art or bad art; she does not want this board to get caught up in the minutia. She questioned whether there would be value in having any criteria for the residents beyond just interest in art. She understands that we want this to be a board with many different perspectives and not just a professional perspective.

Ms. Flynn noted they are basing the membership of the board on national best practices and the Broward County Public Art Committee. Different perspectives are beneficial to the projects and to the City.

Vice-Mayor Salvino asked who is selecting the board.

Community Development Director Norena responded prospective members would apply.

Vice-Mayor Salvino asked if the Commission could review the applications first. He felt that if something goes wrong, we do not want to be responsible since it was not our choice.

City Attorney Boutsis noted the Commission is entitled to see everyone who applies and if we do that, we will have to advise if there is someone who does not qualify.

Commissioner Davis said she is a verbiage and words person, and reviewed the qualifications as listed in the ordinance. For her, that was a great composition of people bringing different perspectives. She is okay with the original plan and is not sure why it is changed to the new version.

Ms. Flynn explained it is very unusual to have a city commissioner sit and be a voting member of a board; it could be a conflict of interest. Instead, they would act as a liaison. We wanted to ensure we had at least four board members with specific professional qualifications.

City Attorney Boutsis clarified that it might be a problem with dual office holding. State law does not allow Commissioners to wear more than one hat and it may cause problems with the State.

Mayor James said she would like to see more teeth in the qualifications of the people who will serve. A big issue we have in government is a lot of people making decisions who do not have experience. She would ask that the residents also have relatable experience.

City Attorney Boutsis noted if the Commission would like to make that change, we could do so.

Commissioner Odman said like the pension boards, members do have to have something on their resume that is related to finance and not just an interest in finance. She does not believe it has to be a degree but something that indicates it is someone who does not just have a fleeting interest.

Commissioner Lewellen commented we can make that amendment here and move forward. She asked about a timeline for when this board can be filled.

Community Development Director Norena responded it is coming back for second reading in April. We could bring it to the Commission in May for board appointments.

Commissioner Lewellen also agreed to adding the criteria.

City Attorney Boutsis confirmed the change in the language in the ordinance. The first sentence will be changed from three city residents with a strong interest. We would strike with a strong interest and change it to, shall have relatable experience and knowledge.

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 #2022-016, on first reading, as amended; seconded by Commissioner Lewellen. The motion carried unanimously.

9.5 RESOLUTION #2022-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUESTS SUBMITTED BY CITY PLACE APARTMENTS, LTD., ON BEHALF OF THE PROPERTY OWNER PALMIERS INVESTMENTS, LLC, FOR A SITE PLAN (SP-078-21), DESIGN VARIATIONS (OT-100-21, OT-101-21 AND OT-102-21) AND VARIANCES (VA-103-21, VA-104-21, VA-004-22 AND VA-020-22) FOR THE PROPERTIES LOCATED AT 59-65 SW 3 AVENUE, 114-122, 128, 130 AND 134 MONROE UDELL STREET, IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from March 8, 2022) (Community Development)*

City Attorney Boutsis read the title of Resolution #2022-043, Resolution #2022-048 and Resolution #2022-049 as they are associated with the same applicant. She advised item 9.5 was a quasi-judicial hearing and swore-in those who would speak.

Richard Lorber, Planning & Zoning Manager, gave an overview of the site plan, design variations, and variances requests for City Place Apartments.

City Attorney Boutsis explained the required parking on the 4th variance.

Planning & Zoning Manager Lorber continued with the overview.

Vice-Mayor Salvino asked to re-review the slide for the four variances requested. He is trying to figure out how many feet from one end of the property to the other.

Planning and Zoning Manager Lorber said they are not reducing the setbacks at all.

Vice-Mayor Salvino noted he was confused on the size of the lot.

Dennis Mele, Greenspoon Marder LLP, representing the applicant, explained they are meeting the setbacks in the code at ground level. The reason for the variance is that they have one building that is longer than 150 feet.

Vice-Mayor Salvino asked what the price of the units would be for low income and the sizes of the apartments.

Attorney Mele reviewed the sizes and corresponding prices. For 10 market rate units, one-bedrooms would be \$1,450.00 a month and the two-bedrooms would be about \$1,750.00 a month. For the 60% of the Area Median Income (AMI), the one-bedroom units would be \$920.00 a month and the two-bedroom units would be about \$1,110.00 a month. For the 30% of

AMI, the one-bedroom would be around \$430.00 a month and two-bedroom would be just over \$500.00 a month.

Vice-Mayor Salvino asked who is subsidizing the difference on these units.

Discussion ensued regarding AMI and rates.

Vice-Mayor Salvino questioned who is helping pay for the building.

Attorney Mele said his client is building it with conventional financing but also applying for Florida Housing Finance and the Broward County program.

Vice-Mayor Salvino asked what restricts our parking garage to 10 spaces. We have gates that do not work and no card access. Our City needs to step up and fix the gates with card access to ensure only the people we are renting to are using the garage. Right now, we are leasing our parking spaces but have no control over who is going in there.

Attorney Mele noted the amount the applicant is paying per space per year is the standard rate. They are not getting a special deal.

Vice-Mayor Salvino said he just wants to know how we control our parking garage.

City Attorney Boutsis explained we did include in the language that they must have identifying stickers on the vehicles. Regarding Item 7.7 relating to the million-dollar loan, this project was not funded by the Florida Housing Finance Corporation previously. They are applying for it this time; it is basically a 17-year loan, and this would help them in their ranking to get the funding from the FHFC.

City Manager Garcia added staff met with the Finance Director and financial advisors to look at viability of the loan and have recommended this based on the benefits and based on return of investment to the community. Two years ago, they were not successful for state funding. By turning our loan from \$643,000.00 to \$1,000,000.00, it better positions them for the Broward County loan. Everything that we are doing is to align this project with the need in our community and better position this project to move forward.

Deputy City Manager Sosa-Cruz noted the reason for 17 years duration is to allow for two years to construct the project.

Vice-Mayor Salvino said regarding the million-dollar loan, we are going to have a tax base coming from the property that we will be collecting the property tax on.

City Manager Garcia explained when we had one-on-ones about the \$16.2 million from ARPA, \$6.2 million dollars of it have certain restrictions, and affordable housing and workforce housing is one of those that we could use that for.

Deputy City Manager Sosa-Cruz addressed the parking spaces for this project, noting the spaces would be marked. We have to allow the public to park in our parking garage. The Beach Rangers inspect the garage multiple times a day; if vehicles are parked where they are not supposed to be, they are being ticketed.

Mayor James asked if we could do like the hospital does and have parking tickets validated. She knows we must have public access but questioned if we could do a validation process.

Deputy City Manager Sosa-Cruz noted the goal is to start charging once the spaces start to become limited.

Mayor James asked what the terms of the affordable units are.

Attorney Mele responded it is a 50-year commitment based on the State and County funds requirements.

Mayor James asked why we are going from 36 to 11 trees.

Attorney Mele addressed the trees and street trees.

Mayor James questioned if there is a requirement that in lieu of, you pay into a fund when it comes down to this.

Attorney Mele said when you remove trees, you must replace them. They have to do that anyway; there is a tree disposition plan if they are short and a tree mitigation fee that they pay.

Mayor James opened the Public Hearing.

Elizabeth Bryan, 722 NW 8th Street, commented she sees that affordable housing is necessary and she now understands the need for the variances. She thinks the project would benefit the City but is sorry to lose the trees and the beautification to the City. She expressed concern about a lack of notification sent to the residents and traffic and impacts caused by the density.

At Mayor James' request, City Attorney Boutsis addressed the notification requirements.

Vice-Mayor Salvino noted we do not send notices to everyone in the City, but Ms. Bryan can contact the City to stay abreast of projects in the works.

Mayor James referenced the garbage dumpster enclosure and said she is unsure why we are willing to allow the dumpster to be closer to the street.

Attorney Mele explained the dumpster is located inside the building and is not visible. On garbage day, it is rolled out and then taken back in.

Commissioner Lewellen said our notice area of 1,000 feet is one of the largest in Broward County; we really do try to inform people.

Ms. Bryan questioned where notices are advertised, how far in advance they are published and if they can be published in the Dania Press.

City Attorney Boutsis responded the notices are released two weeks in advance and published in the Sun Sentinel.

Mayor James said she loves the idea but does not think it would work as the timing of the Dania Press does not line up with our notices as we are bi-weekly, and they are monthly. The Sun Sentinel has daily postings.

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

Mayor James commented over the last three years, we have seen many changes in the City. We had Ralph Stone come in and talk about the unaffordability in the nation, let alone Broward County and Dania Beach. We see projects come to the dais that we could not afford to live in ourselves. Understanding the affordability that this project gives our residents is something that is gravely needed right here. She does think this is a worthwhile project. The numbers really changed her mind.

Vice-Mayor Salvino motioned to adopt Resolution #2022-043; 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		

7.6 RESOLUTION #2022-048

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING A LEASE OF PARKING SPACES AT THE CITY HALL GARAGE TO CITY PLACE HOUSING DEVELOPMENT BY CITY PLACE APARTMENTS, LTD.; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE LEASE AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

Vice-Mayor Salvino motioned to adopt Resolution #2022-048; seconded by Commissioner Lewellen. The motion carried unanimously.

7.7 RESOLUTION #2022-049

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, EXPRESSING CONTINUED SUPPORT FOR A CONDITIONAL LOAN COMMITMENT OF ONE MILLION DOLLARS (\$1,000,000.00) TO PARTIALLY FINANCE DEVELOPMENT OF THE CITY PLACE HOUSING DEVELOPMENT BY CITY PLACE APARTMENTS, LTD.; AUTHORIZING THE CITY MANAGER TO EXECUTE A FLORIDA HOUSING FINANCE CORPORATION (FHFC) LOCAL GOVERNMENT

VERIFICATION OF CONTRIBUTION LOAN FORM; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

Vice-Mayor Salvino motioned to adopt Resolution #2022-049; seconded by Commissioner Lewellen. The motion carried unanimously.

9.6 RESOLUTION #2022-055

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION (SP-035-13MOD2), SUBMITTED BY J. MILTON AND ASSOCIATES, FOR THE PROPERTY LOCATED AT 801 EAST DANIA BEACH BOULEVARD IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of Resolution #2022-055 and advised the item was a quasi-judicial hearing and swore-in those who would speak.

Mayor James asked City Attorney Boutsis to read the other requirements that were sent over to her.

City Attorney Boutsis read the law as it relates to a public hearing on a quasi-judicial application. A City cannot dictate the former ownership of a project (rental or private ownership) and that competent substantial evidence is needed in the record for any decision.

Richard Lorber, Planning & Zoning Manager, gave a presentation on the site plan modification request for Seaview II.

City Attorney Boutsis noted a letter from Linda Barber, President of Sea Oaks Condominium, was distributed to the Commission, and she read it aloud. A copy of the letter is attached to and incorporated into these minutes.

Joseph Milton, J. Milton and Associates, representing the developer, gave a presentation on the proposed development.

Vice-Mayor Salvino said the drainage is important. He has had phone calls and said Mr. Milton mentioned the deep water fresh well that the drainage was going to go into was going to be fresh water.

Mr. Milton responded he did, but the issue Vice-Mayor Salvino brought up was the issue of the King Tide which he had not taken into account. Once you go past 80 feet, it is salt water.

Vice-Mayor Salvino noted he saw something about a public/private partnership; when we talk about our drainage systems, he thinks we should put a seawall in there somewhere along Gulfstream Road. He felt while it is under construction, the City should work with him on it as it would benefit the area.

Mr. Milton said yes, he thinks it is a great idea and thinks it will work.

Commissioner Lewellen noted she spoke to Mr. Milton about the commercial space and asked him to explain the reason for its removal.

Mr. Milton explained for commercial space to be successful, you need an anchor tenant. Without an anchor tenant and parking, businesses do not last. There is space to create commercial, but he is not willing to do it because it will fail. The only place commercial has survived is within a development above the 800-unit mark. Secondly, it is a security issue as he cannot park the cars. Commercial needs to be where commercial is.

Commissioner Lewellen commented on the drainage and that it was something he was looking at with the first project.

Mr. Milton said he was looking at it for the first project. He had huge concerns and he shared it with the City, but he did not have the opportunity then to do it. Now, with this property and the extra density, they can invest the money to put in the drainage and streetlights.

Commissioner Lewellen asked about the people who have been living in the Weiner Mobile Home Park.

Mr. Milton responded a lot of them are transient and currently month to month, but they know that it is coming.

Commissioner Lewellen asked if he has people working with them.

Mr. Milton said absolutely, they are working with them individually.

Commissioner Davis commented she lives near the area and sees the drainage issues; she is glad this project addresses the drainage problems. She hears about traffic the most from the residents and asked Mr. Milton to expound on what he has been able to do about traffic between Gulfstream and Dania Beach Boulevard.

Mr. Milton responded that the Florida Department of Transportation controls that road. He will take on the study and the signal, and he is waiting for this approval to go see FDOT. He is willing to take on all of it; the study, the signal, the street improvements, and the drainage. They are going to figure it out. He cannot find a reason why they have to delay the corner light. If they start the process now and FDOT approves it, there is no reason not to install it.

Mayor James asked what would happen if the drainage does not work.

Mr. Milton said drainage has to work. It is not a matter of it failing; it is a matter of what do you need to make it work.

Mayor James asked as the years grow and we continue to battle sea level rise, what ability we have to continue to increase the capacity of the drainage.

Mr. Milton explained the time frame that we would have that issue would be beyond the five years, but they would create a levee system on the east side of Gulfstream Road that would prevent the King Tide from flowing onto the street. The issue now is that nothing drains; a levee system would not allow it to go over.

Mayor James questioned how adding more units and getting rid of commercial lowers traffic.

Mr. Milton noted commercial brings a lot more people, while the residents are there already. His traffic engineer can explain it with numbers. The amount of traffic is substantially different from when you run commercial.

Mayor James said she is happy they reached out to Sea Oaks residents. She does not want to see more density; however, our code needs to be changed.

Dincer Ozaydin, Deputy Director of Public Services, referenced the stormwater discussion and noted the Commission approved the Stormwater Master Plan. When it comes to the traffic study of Dania Beach Boulevard and Gulfstream Road, we do not have enough traffic now, according to the Florida Department of Transportation. Adding units now would make it qualify.

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 #2022-055; 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		

10. Discussion and Possible Action

10.1 Mural proposal for restroom building at beach - Commissioner Davis

Commissioner Davis said she gathered City staff and there was a conversation on how to make the Earth Day event bigger and better this year. They brainstormed and Deputy City Manager Sosa-Cruz suggested a mural on the beach bathroom. She stated we all have our contingency funds; she spoke with the City Manager, Deputy City Manager, Finance Director, and City Attorney to see what we would need to bring this in alignment with our Strategic Plan and unveil it on Earth Day. She is seeking approval from the Commission to move forward. The project will not exceed \$2,500.00 and that would come from her contingency funds. She is seeking consensus to move the proposal forward and bring back the design prior to anything being implemented.

The Commission consensus was to move forward with the mural proposal for the restroom building at the beach.

11. Commission Comments

11.1 Commissioner Davis

Commissioner Davis said she just came back from a trip to Orlando for the Florida Black Caucus of Local Elected Officials. This was a wonderful educational opportunity, and she appreciates having these professional development opportunities and encourages all to continue professional development.

11.2 Commissioner Lewellen

Commissioner Lewellen had no comments.

11.3 Commissioner Odman

Commissioner Odman had no comments.

11.4 Vice-Mayor Salvino

Vice-Mayor Salvino spoke about attending a function sponsored by the Prestige Club for Collins Elementary School children held at Tropical Acres Restaurant. Another event is coming up on March 31st and he urges the Commissioners to attend.

11.5 Mayor James

Mayor James said a lot of this development is uncomfortable and a lot of us adhere to rules that we did not make. There are going to be projects that will come up and we have to take our feelings out of it and go by the facts. She is sure that all their phones are going to be bombarded about decisions that are being made, but we have rules that we have to follow. Sometimes change is uncomfortable; she is hoping with the changes being made in the City that it is something we can all benefit from.

12. Appointments

12.1 General Employees Pension Board

There were no appointments at this meeting.

13. Administrative Reports

13.1 City Manager

City Manager Garcia noted as we are evolving as a community, projects are coming forward for approval. This afternoon, we signed off on an unanimously approved park investment. There will be an investment of over \$50 million in our parks and greens spaces to go along with the \$50 million we have already invested in the infrastructure. This is more than \$100 million for our community.

City Manager Garcia reported as follows:

Our objective regarding Union negotiations has always been, be prepared, start early, make ourselves available, negotiate in good faith, and negotiate a solid and fair contract. Additionally, what we have done to set a good tone is to give benefits that were not negotiated, such as increasing life insurance from \$50,000.00 maximum to two times employee salary up to \$200,000.00. We have also added City-paid long-term disability, lowered health insurance costs, and provided an additional tier of employee +1 health care coverage plan. The aforementioned are some examples of what the City has given. At the conclusion of the initial meeting the week of March 7th, the City offered March 18th as the next possible meeting date to continue the dialogue. Union representatives offered May as the earliest time they would be prepared to meet.

As of the first week of March, we completed the total renovations of the employee breakroom. We are currently working on the plans for the first and second floor restrooms. These areas are part of our image, as employees (existing and future), and residents/guests will have access and use of these areas. We are grateful for the Commission's budgetary support of all these areas at City Hall.

We started with Phase I of our Dania Beach products store in the atrium, and we are looking forward to working with the CRA for a storefront on US-1.

The prep work for the Art Mural project at NW 1st Street Bridge has commenced. The Art Mural project on the Federal Highway corridor will commence in April. Weather is a factor regarding these dates. Additionally, because we are working with FDOT, there may be some delays with the Federal Highway project, yet we will do our part to keep it moving forward.

As we begin to take the steps to design the CW Thomas Park, and work on some of the key details, both Parks & Recreation Director Brown and she will be visiting Community Centers/Parks in the South Florida area. This past week she visited the Coral Gables War Memorial Recreation Community Center. While she attended the ribbon-cutting event back in 1997, and was extremely impressed, she wanted to visit again and do a full assessment. An extreme amount of maintenance, security, professional personnel, good design, and variety of programming (indoors and outdoors) is what impressed her the most. The PAL program is operated out of this facility for the City of Coral Gables, further augmenting the security.

This past week, we concluded the ARPA one-on-one meetings with the Commission and her designated team members, that included our Deputy City Manager, our CFO, and herself. We now have a solid game plan for the \$16 million award from the Federal government that we will bring forward for the Commission's official approval at the first meeting in April.

13.2 City Attorney

City Attorney Boutsis had no comments.

13.3 City Clerk - Reminders

Tuesday, April 12, 2022 - 5:30 p.m.

Tuesday, April 12, 2022 - 7:00 p.m.

Tuesday, April 26, 2022 - 7:00 p.m.

CRA Board Meeting

City Commission Meeting

City Commission Meeting

14. Adjournment

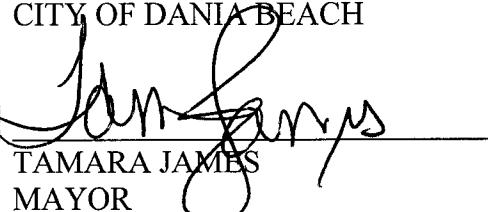
Mayor James adjourned the meeting at 9:29 p.m.

ATTEST:

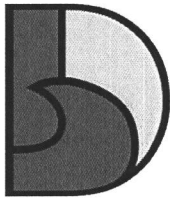

THOMAS SCHNEIDER, CMC
CITY CLERK



CITY OF DANIA BEACH


TAMARA JAMES
MAYOR

Approved: April 26, 2022



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

The City is required by state law to keep minutes of City Commission meetings. To properly identify persons who address the City Commission in those minutes, the City requests that this form be completed and provided to the City Clerk, before the meeting begins.

DATE OF COMMISSION MEETING: March 22, 2022

PRINT NAME: PATRICIA TYRA

ADDRESS: 2912 SW 54 ST

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) ☒ CITIZEN COMMENTS:

Comments by Dania Beach citizens or interested parties that are not part of the regular printed agenda may be made during each Commission meeting during the period set aside for "Citizen Comments." A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters not scheduled on that day's agenda. Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the City Clerk immediately prior to the beginning of the meeting of their intention to speak. If more than 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.

PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Water supply out West - Broward County

2) ☐ PUBLIC HEARINGS - ITEM # _____ (AS PRINTED ON AGENDA)

PLEASE NOTE: IF YOU WISH TO SPEAK ON AN ITEM THAT PERTAINS TO A "ZONING" TYPE OF MATTER (FOR EXAMPLE, A SITE PLAN, VARIANCE, SPECIAL EXCEPTION OR SIMILAR TYPE OF ITEM KNOWN AS A "QUASI-JUDICIAL" MATTER, YOU ARE SUBJECT TO BEING ASKED TO SWEAR OR AFFIRM THAT YOU WILL BE TRUTHFUL AS TO YOUR COMMENTS OR TESTIMONY. YOU MAY ALSO BE SUBJECT TO QUESTIONS ASKED OF YOU BY AN APPLICANT OR AN APPLICANT'S REPRESENTATIVE OR ATTORNEY WHICH RELATE TO THE ITEM.

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 ONE HUNDRED DOLLARS (\$100.00) REGISTRATION FEE FOR EACH PRINCIPAL OR EMPLOYER. REGISTRATION FORMS ARE AVAILABLE ON THE CITY WEBSITE: WWW.DANIABEACHFL.GOV. (ORDINANCE #2012-019)

ITEM 9.6

From: Linda Barber <linda.barber1103@gmail.com>

Sent: Tuesday, March 15, 2022 11:29 AM

To: Lorber, Richard <rlorber@daniabeachfl.gov>

Cc: Lewellen, Lori <llewellen@daniabeachfl.gov>

Subject: Community Meeting - Milton & Sea Oaks

The Sea Oaks Community met with J Milton & Associates on Friday, March 4th to review plans for their new property, Ocean View, off Gulfstream Road (trailer park). Mr. Milton himself conducted the majority of the meeting and answered a lot of questions posed to him by Sea Oaks owners.

During the construction of their current building, Sea View, which is on the south side of our property, their construction team has been professional and have handled issues that have occurred quickly. They have certainly put their best foot forward as a good neighbor.

As everyone is aware, another high-rise building is not something we are looking forward to in such a small neighborhood and the issue of traffic flow in and out of our community is a big concern. We were happy to hear that Ocean View residents would be entering and exiting their building off Dania Beach Blvd.

We are thrilled to hear that Mr. Milton's team will be working with the city to fix Gulfstream Road and the drainage issues that are faced from heavy storms and the King Tide. This is a big plus for the future of that area.

We were also happy to hear that Mr. Milton has some connections at the State level to help move along getting a traffic light at Gulfstream Road & Dania Beach Blvd. This will assist in the traffic flow for those trying to go east to the beaches. We all know that corner will be an accident waiting to happen, so having that light put in. sooner than later, will save lives.

We do feel confident that J Milton & Associates will continue to be the good neighbor they have been as they continue their current construction (Sea View) and move on to their new construction (Ocean View).

Linda Barber
President
Sea Oaks Condominium