

AGENDA
DANIA BEACH CITY COMMISSION
REGULAR MEETING
TUESDAY, JUNE 13, 2023 - 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. Years of Service Award – Captain Marks - *City Manager*
- 2. Sheriff Tony Swearing in of Dania Beach District Chief Jason Tarala
- 3. Dania Beach Property Values - Broward County Property Appraiser

4. Discussion of Interlocal Agreement for Solid Waste Disposal and Recycling Material Process Authority by Broward League of Cities President, Bob Mayersohn - *Public Services*
5. Presentation of the FY2021-22 Annual Comprehensive Financial Report (ACFR) by Chief Financial Officer Frank DiPaolo and Keefe McCullough CPAs - *Finance*
6. Special Event request from Panther Fireworks LLC to host "Panther Fireworks" everyday beginning Monday, June 19th, through Tuesday, July 4th, 2023, to be held at 4650 SW 30th Ave, from 10:00 a.m. - 10:00 p.m. - *Community Development*
7. Special Event request from Neptune (TNT) Fireworks to host "TNT Fireworks Sale" everyday beginning Sunday, June 25th through Tuesday, July 11th, 2023, to be held at 768 E. Dania Beach Blvd, from 9:00 a.m. - 9:00 p.m. - *Community Development*
8. Special Event Request - 2nd Annual Juneteenth Freedom Day Celebration 2023 - *Parks and Recreation*
9. Special Event Request - Men of Honor Kickball Tournament - *Parks and Recreation*

4. PROCLAMATIONS

1. Proclamation to Mundi's Italian Restaurant for their 30th Anniversary - *Sponsored by Commissioner Davis*
2. Retroactive Approval of Expression of Sympathy - Evelyn Williams - Homegoing Service - June 10, 2023 - *Sponsored by Commissioner James*

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:
2. Travel Requests:
3. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR A SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

4. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING EXECUTION OF A DRINKING WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE C-51 RESERVOIR REGIONAL PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

5. RESOLUTION 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO CHAPTER 27 OF THE CITY’S CODE, ENTITLED “WATER AND SEWERS”; ARTICLE I. ENTITLED “WATER AND SEWER UTILITIES”, AT SECTION 27-5, ENTITLED “COMMENCEMENT OF CHARGES,” AUTHORIZES THE AMENDMENT OF WATER AND SEWER RATES BY RESOLUTION, IN ORDER TO UPDATE THE RESIDENTIAL AND COMMERCIAL COMPONENT OF THE WATER RATE STRUCTURE AND TO UPDATE THE WATER AND SEWER RATES FOR THE NEXT FIVE YEARS (2024 THROUGH 2028); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE *(Finance)*

6. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, FOR SURTAX-FUNDED MUNICIPAL TRANSPORTATION PROJECT: STORMWATER IMPROVEMENTS-DRAINAGE/RESILIENCY CONSTRUCTION (DANI-017) TO BE IMPLEMENTED BY THE CITY OF DANIA BEACH, AND FUNDED WITH TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF SEVEN MILLION TWO HUNDRED TWELVE THOUSAND DOLLARS (\$7,212,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

7. ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 12.5, ENTITLED “FORTUNETELLERS, PALMISTS, CLAIRVOYANTS AND ASTROLOGERS”; BY AMENDING SECTIONS 12.5-2. ENTITLED “ISSUANCE AND REVOCATION OF BUSINESS TAX RECEIPT”; AND SECTION 12.5-3, ENTITLED “JUDICIAL REMEDY BY CIRCUIT COURT”; AND AMENDING CHAPTER 21 ENTITLED “SALES AND AUCTIONS; AT ARTICLE IV ENTITLED “AUCTIONS AND AUCTIONEERS”; AT SECTION 21-52 ENTITLED “ISSUANCE AND REVOCATION OF LICENSE” TO REQUIRE ALL THE FOLLOWING USES: FORTUNETELLERS, PALMISTS, CLAIRVOYANTS, ASTROLOGERS, AND AUCTIONEERS ADHERE TO SPECIAL BUSINESS TAX RECEIPT REQUIREMENTS; WHICH REQUIREMENTS ARE AMENDED TO PROVIDE ADMINISTRATIVE REVIEW BY STAFF AND DE NOVO APPEAL TO THE CITY COMMISSION, AFTER PUBLIC HEARING, AND AN APPEAL TO COURT OF THE CITY COMMISSION DECISION; SALES AND AUCTIONS”;; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(City Attorney)*

8. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO WAIVE THE CITY’S FORMAL BID PROCESS AND AUTHORIZE THE PROPER CITY OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL FOR THE CREATION OF A VULNERABILITY ASSESSMENT IN AN AMOUNT NOT TO EXCEED NINETY-FIVE THOUSAND FIVE HUNDRED DOLLARS (\$95,500.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

9. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AGREEMENTS WITH THE SEVEN (7) FIRMS THAT SUBMITTED RESPONSES TO THE CITY’S REQUEST FOR QUALIFICATIONS (“RFQ”) NO. 22-031 ENTITLED, “OUTSIDE LEGAL COUNSEL IN VARIOUS PRACTICE AREAS”; WHICH MAY EXCEED AN ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Reconsideration) (City Attorney)*

8. BIDS AND REQUESTS FOR PROPOSALS

1. RESOLUTION NO.2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE AWARD OF INVITATION TO BID NO. 2023-001, ENTITLED “INFILTRATION AND INFLOW REMOVAL PHASE II - MAINLINE REPAIRS” TO VEIT NATIONAL CORPORATION IN AN AMOUNT NOT TO EXCEED TWO MILLION FORTY ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$2,041,450.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

9. PUBLIC HEARINGS

1. ORDINANCE 2023-_____

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 TWO MILLION FORTY-ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$2,041,450.00) APPROVED BY THE CITY COMMISSION, TO FUND THE INFILTRATION AND INFLOW REMOVAL PHASE II - MAINLINE REPAIRS PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(SECOND READING)(Public Services)*

2. ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE RIGHT-OF-WAY VACATION REQUEST (VC-095-22) SUBMITTED BY PROPERTY OWNER THE CITY OF DANIA BEACH, FOR THE PROPERTY (PORTION OF SW 2ND TERRACE OF SW 2ND PLACE) GENERALLY LOCATED NORTH AND SOUTH OF MULLIKIN PARK AT 230 SW 1ST COURT, AND IS LOCATED WITHIN THE CITY OF DANIA BEACH, FLORIDA, WHICH RIGHT-OF-WAY IS LEGALLY DESCRIBED IN EXHIBIT A, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)*(Community Development)*

3. ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 ENTITLED “LAND DEVELOPMENT CODE”, PART 8 ENTITLED “TECHNICAL APPENDIX”, ARTICLE 811, ENTITLED “PUBLIC ART PROGRAM” AT SECTIONS 811-15”,

AND SECTION 811-70 ENTITLED “BUILDING PERMITS” TO CLARIFY THAT FOR A DEVELOPER TO PLACE PUBLIC ART ON DEVELOPER’S PROPERTY THE DEVELOPER IS TO (1) PAY .25% TOWARDS THE ART FUND, AND (2) PAY AN ADDITIONAL .25% TO ESCROW TO ENSURE THE CONSTRUCTION AND TIMELY PLACEMENT OF THE PUBLIC ART ON THE DEVELOPER’S PROPERTY IN COMPLIANCE WITH THE PUBLIC ART PROGRAM, AND (3) CLARIFYING THAT THE ESCROW FUNDS ARE RETURNED TO THE DEVELOPER IF COMPLIANCE IS ACHIEVED, OTHERWISE THE ESCROW FUNDS ARE DEPOSITED INTO THE CITY’S ART FUND FOR USE IN THE CITY’S PUBLIC ART PROGRAM; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING) *(Community Development)*

10. DISCUSSION AND POSSIBLE ACTION

1. RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO SECTION 811-140, OF THE LAND DEVELOPMENT CODE, THE APPLICANT, PRONTO PIZZA, REQUESTS APPROVAL OF ITS MURAL LOCATED AT 300 S. FEDERAL HIGHWAY, DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A,” A COPY OF WHICH IS ATTACHED TO AND INCORPORATED BY REFERENCE INTO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

2. Art on the Beach - *Sponsored by Commissioner James*
3. Volunteer Policy - *Sponsored by Commissioner James*
4. Explore Partnership with Dan Marino Foundation in the City of Dania Beach - *Sponsored by Commissioner Davis*
5. Historical Structure 158 North Federal Highway - *Sponsored by Mayor Ryan*

11. COMMISSION COMMENTS

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

5. Mayor Ryan

12. APPOINTMENTS

1.
 1. Planning and Zoning Board - 1 Alternate Appointment
 2. Charter Review Board - 1 At-Large Alternate

13. ADMINISTRATIVE REPORTS

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

14. ADJOURNMENT