

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, JUNE 13, 2023 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Ryan called the meeting to order at 7:02 p.m.

Present:

Mayor:	A. J. Ryan IV
Vice-Mayor:	Lori Lewellen
Commissioners:	Joyce L. Davis
	Tamara James
	Marco A. Salvino, Sr.
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Eve Boutsis
City Clerk:	Elora Riera, MMC

2. Moment of Silence and Pledge of Allegiance

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

Mayor Ryan recognized dignitaries in the audience; Mayor of Pembroke Pines Frank Ortis, County Commissioner Beam Furr, Property Appraiser Marty Kiar and many members of the Broward Sheriff's office.

3. Presentations and Special Event Approvals

3.1 Years of Service Award – Captain Marks - *City Manager*

City Manager Garcia presented Captain Marks with a token of appreciation for his years of service with the City of Dania Beach.

3.2 Sheriff Tony Swearing in of Dania Beach District Chief Jason Tarala

Broward Sheriff's Office Colonel Nicole Anderson explained their process of change in staff.

City Clerk Riera provided the oath of office to District Chief Jason Tarala.

The Mayor and Commission thanked Captain Marks for his years of service and dedication to the City of Dania Beach and welcomed Chief Tarala into his new position and look forward to working closely with him.

3.3 Dania Beach Property Values - Broward County Property Appraiser

Marty Kiar spoke and informed residents on different exemptions that are available to homeowners. He also provided information on property values and fraud protection.

3.4 Discussion of Interlocal Agreement for Solid Waste Disposal and Recycling Material Process Authority by Broward League of Cities President, Bob Mayersohn - *Public Services*

Commissioner Beam Furr spoke about the interlocal agreement for solid waste disposal and recycling materials.

3.5 Presentation of the FY2021-22 Annual Comprehensive Financial Report (ACFR) by Chief Financial Officer Frank DiPaolo and Keefe McCullough CPAs - *Finance*

Chief Financial Officer Frank DiPaolo provided a presentation of the FY2021-22 Annual Comprehensive Financial Report.

3.6 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*

Commissioner James made a motion to approve items 3.6, 3.7, 3.8 and 3.9. Vice Mayor Lewellen seconded the motion which carried unanimously on voice vote.

3.7 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*

This item was taken and approved under item 3.7.

3.8 Special Event Request - 2nd Annual Juneteenth Freedom Day Celebration 2023 - *Parks and Recreation*

This item was taken and approved under item 3.7.

3.9 Special Event Request - Men of Honor Kickball Tournament - *Parks and Recreation*

This item was taken and approved under item 3.7.

4. Proclamations

4.1 Proclamation to Mundi's Italian Restaurant for their 30th Anniversary - *Sponsored by Commissioner Davis*

Commissioner Davis read the proclamation into the record.

- 4.2 Retroactive Approval of Expression of Sympathy - Evelyn Williams - Homegoing Service - June 10, 2023 - *Sponsored by Commissioner James*

Vice Mayor Lewellen made a motion to approve the item. Commissioner Salvino seconded the motion which carried 4-0 on voice vote. Commissioner Davis was absent for the vote.

5. Citizens' Comments

The following citizen's spoke:

- Joanna Granett of 450 SE 7th Street, #251
- Polly Jones Moseley of 701 W. Dania Beach Blvd., #306
- Michael Sartin of 746 SW 3rd Street
- Stephanie Jofe of 5880 SW 37th Terrace

6. Public Safety Reports

Captain Tarala reported on arrests, incidents, and upcoming events.

Fire Chief Pellecer reported on fire and rescue incidents, call volumes, busiest zones in the City and the push-in ceremony for the new fire truck and rescue truck.

7. Consent Agenda

Commissioner James made a motion to adopt the consent agenda minus item 7.9. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

- 7.1 Minutes: None.

- 7.2 Travel Requests: City Attorney Eve Boutsis to Attend Florida Municipal Attorneys Association Annual Seminar, July 6-8, 2023, Boca Raton

Approved under consent agenda.

- 7.3 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*)

Approved under consent agenda.

7.4 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)*

Approved under consent agenda.

7.5 RESOLUTION NO. 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)*

Approved under consent agenda.

7.6 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)*

Approved under consent agenda.

7.7 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)*

City Attorney Boutsis read the title of the ordinance into the record prior to approval.

Approved under consent agenda.

7.8 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)*

Approved under consent agenda.

7.9 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)*

City Attorney Boutsis read the title of the resolution into the record.

Mayor Ryan recused himself from this item.

Commissioner James made a motion to approve the resolution. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

8. Bids and Requests for Proposals

8.1 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)

City Attorney Boutsis read the title of the resolution into the record.

Commissioner James made a motion to approve the resolution. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

9. Public Hearings

9.1 ORDINANCE NO. 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)

City Attorney Boutsis read the title of the ordinance into the record.

Mayor Ryan opened the public hearing. Seeing as there was no one to speak in favor or opposition, he closed the public hearing.

Vice Mayor Lewellen made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner James which carried unanimously on voice vote.

9.2 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*)

City Attorney Boutsis read the title of the ordinance into the record.

Deputy Director of Community Development Corinne Lajoie presented the application to the Commission.

Mayor Ryan opened the public hearing. Seeing as there was no one to speak in favor or opposition, he closed the public hearing.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

9.3 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*)

City Attorney Boutsis read the title of the ordinance into the record.

Deputy Director of Community Development Corinne Lajoie gave a brief overview of the ordinance.

Mayor Ryan opened the public hearing. Seeing as there was no one to speak in favor or opposition, he closed the public hearing.

Vice Mayor Lewellen made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner James which carried unanimously on voice vote.

10. Discussion and Possible Action

10.1 RESOLUTIO 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*)

City Attorney Boutsis read the title of the resolution into the record.

Deputy Director of Community Development Corinne presented the after-the-fact application.

Commissioner Salvino made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

10.2 Art on the Beach - *Sponsored by Commissioner James*

Commissioner James commented that there has been some interest in art on the beach such as wrapping the pier and requested if the Art in Public Places Board could look further into this process.

Commissioner Davis explained the process in place for anyone interested in art in public places within the City.

Community Development Director Eleanor Norena commented that the Commission approved a public art plan.

Discussion ensued on the process for Commissioners who bring forward an art project and the process that needs to be taken.

There was consensus for Commissioner Davis as the Liaison to the Public Art Advisory Board to take the wrapping of the pier interest to the Public Art Advisory Board.

10.3 Volunteer Policy - *Sponsored by Commissioner James*

Commissioner James explained that there is a gentleman who formerly coached little league within the City who already had a record. She believes that if someone has been on a straight track that they should be given another opportunity, however, the volunteer policy states otherwise. She would like to know if the Commission can revisit the policy.

City Manager Garcia commented that she wanted to align words with actions to ensure that the City can be as safe as possible. What occurred in the past was prior to this policy being in place and there is a list of violent crimes in which staff would not recommend individuals to work with children who possess these violent crimes listed within the policy.

City Attorney Boutsis clarified that there are certain automatic disqualifying offenses such as sex offenders and felonies involving violence.

Vice Mayor Lewellen commented that she is in favor of giving people second chances, however, when talking about children, there are safety and trauma issues and there could be potential liability and she feels that the current policy should remain.

To answer Commissioner Davis's question, City Attorney Boutsis stated that she is not allowed to give the Commission the disclosure of the information but that this person would qualify as a as an automatic disqualifying offense.

Commissioner Davis commented that her background is working with children and in the interest in having the safest environment for children overall, she would not want to open up that door in order to have to allow that to be a precedent for how the City has volunteers to work at the Parks.

Discussion ensued regarding the volunteer policy.

Mayor Ryan commented that he does not want to make this an isolated incident and lower the standards for coaching youth. If someone has a record and does not qualify, then they cannot coach children in the City. He understands that some people receive second chances, but he is not willing to accept that liability for the City. This is a policy set by Administration and he agrees with the policy in place.

No action was taken on this item.

10.4 Explore Partnership with Dan Marino Foundation in the City of Dania Beach - *Sponsored by Commissioner Davis*

Commissioner Davis commented that the CEO is seeking a new location for the Dan Marino Foundation.

There was consensus from the Commission for staff to have conversations with the foundation to find a location within Dania Beach.

10.5 Historical Structure 158 North Federal Highway - *Sponsored by Mayor Ryan*

Mayor Ryan commented that the owner of the property is willing to work with the City on acquiring the land. He is seeking consensus from the Commission for staff to engage in conversations with the owner on possible options.

There was consensus from the Commission for staff to have conversations with the owner.

11. Commission Comments

11.1 Commissioner Davis

Commissioner Davis commented that the City had a great Memorial Day service and Post 209 had a wonderful celebration.

Post 304 needs an air conditioner. She is seeking support to help them with their air condition system which would cost \$6,500.00.

After discussions, the Commission agreed to provide \$6,500.00 from the Commission contingency to Post 304 for air conditioning. Mayor Ryan is requesting to see three quotes.

Commissioner Davis commented on the Parks and Recreation Creation Station arts program.

Commissioner Davis commented on the junior lifeguard program and how successful it has been thus far. She gave kudos to the lifeguards and parks and recreation staff for their hard work on this program. She also would like to see a CPR training or program provided to the residents.

There was consensus from the Commission for the CPR training or program for the residents.

11.2 Commissioner James

Commissioner James sent her condolences to the family of Evelyn Williams. She commented on the Taste of Dania Beach event and advised the Commission that Principal Harris at Olsen Middle School is moving on to another opportunity. She is asking for consensus to utilize funds from her contingency to cover the permit fees for the Juneteenth Celebration as she was advised that they cannot be waived.

There was consensus from the Commission to allow the funds to be taken from her contingency.

11.3 Commissioner Salvino

Commissioner Salvino had nothing to report.

11.4 Vice-Mayor Lewellen

Vice Mayor Lewellen commented that every year she sponsors children for the Parks and Recreation Summer Camp. She is requesting permission to use funds from her contingency to sponsor five kids.

Discussion ensued regarding remaining funds in the Commission contingency. There was consensus to use funds from the Commission contingency to sponsor the remaining 20 spots. The total cost would be \$7,300.00.

Vice Mayor Lewellen commented that the City also has a program for teenagers that begins in July. She requested consensus from the Commission for \$1,000.00 her contingency to help with the cost for the field trips. Vice Mayor Lewellen, Commissioner James, Commissioner Davis, Commissioner Salvino and City Manager Garcia all agreed to each use \$1,000.00 from their contingency for teen field trips.

11.5 Mayor Ryan

Mayor Ryan commented that he attended the U.S. Conference of Mayors in Ohio and spoke about the upcoming Fishing Tournament being held by the Improvement Committee.

12. Appointments

12.1 Planning and Zoning Board - 1 Alternate Appointment

Mayor Ryan requested to appoint Joanna Granett.

12.2 Charter Review Board - 1 At-Large Alternate

Vice Mayor Lewellen requested to appoint Joanna Granett.

Commissioner James made a motion to approve the appointments for the Planning and Zoning Board and the Charter Review Board. Vice Mayor Lewellen seconded the motion which carried unanimously on voice vote.

13. Administrative Reports

13.1 City Manager

City Manager Garcia introduced Director of Marketing and Communications, Nannette Rodriguez and discussed her report which was provided to the Commission in their packets. She touched on the City's 120th Birthday Celebration, the upcoming Career Fair, the unveiling of Totor, the Fiscal Year 2024 budget and upcoming ribbon cutting ceremonies.

13.2 City Attorney

City Attorney Boutsis commented on the annex on City of Hollywood is official.

13.3 City Clerk - Reminders

City Clerk Riera commented that the next regular meeting is scheduled for June 27, 2023 at 7:00 p.m.

14. Adjournment

Mayor Ryan adjourned the meeting at 10:16 p.m.

ATTEST:



ELORA RIERA, MMC
CITY CLERK



CITY OF DANIA BEACH



ARCHIBALD J. RYAN IV
MAYOR

Approved: July 11, 2023