MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, DECEMBER 12, 2023 – 7:00 P.M.

1. **CALL TO ORDER/ROLL CALL**

Mayor Ryan called the meeting to order at 7:04 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.

3. **PRESENTATIONS AND SPECIAL EVENT APPROVALS**

3.1 Principal Dr. Tracy D. Jackson, Collins Elementary - *Sponsored by Mayor Ryan*

Principal Dr. Tracy D. Jackson thanked the Commission for their ongoing support of Collins Elementary School.

City Manager Garcia gave a $1,000.00 donation from her contingency funds to Collins Elementary School.

3.2 Autism Certified City Presentation by Meridith Tekin - *Sponsored by Commissioner Davis*

Commissioner Davis introduced the item.

Meridith Tekin spoke and provided a presentation on how the city can become an autism certified city.

3.3 American Legion Post 304 Update by Gunny Savage - *City Manager's Office*

Gunny Savage provided an update on the American Legion Post 304. He presented a plaque, sign and flag to the City.

3.4 Florida American Legion Boys State Program Update - *Sponsored by Mayor Ryan*

Mayor Ryan provided an update on Boys State.

John Serrao and Samuel Vaknin spoke about their experience with Boys State and Commander Anderson thanked the Commission for their support.

3.5 Recognition to Commissioner Salvino for Sponsoring the Employee Picnic - *Human Resources*

City Manager Garcia and Chief Human Resources Officer, Linda Gonzalez presented Commissioner Salvino with a token of appreciation and thanked him for sponsoring the Employee Picnic.

Commissioner Salvino thanked City Manager Garcia, Chief Human Resources Officer Linda Gonzalez and City staff.

3.6 Parks & Recreation Teen Summer Camp Video - *Parks and Recreation*

Deputy Parks and Recreation Director Cassi Waren introduced the item and presented a video of the summer camp activities.

Elijah Damus, Vice President of the Youth Advisory Council spoke about his experience at the Teen Summer Camp.

3.7 Update on the Nyberg Swanson Renovation - *Public Services*

This item was heard after item 3.8.

Director of Public Services Fernando Rodriguez provided an update on the Nyberg Swanson renovation.

3.8 Special Event Application - Dania Pointe 2024 Events - *Parks and Recreation*

This item was heard after item 3.6.

City Manager Garcia commented that these have been reviewed and approved by all departments.

Consensus to approve items 3.8, 3.9, 3.10 and 3.11.

3.9 Special Event Application - 2024 MLK Event & Parade - *Parks and Recreation*

This item was heard under item 3.8.

3.10 Special Event Application - Mr. Green Fruit & Vegetable Sales - *Parks and Recreation*

This item was heard under item 3.8.

3.11 Special Event Application - Panther Fireworks - *Parks and Recreation*

This item was heard under item 3.8.

4. PROCLAMATIONS

None.

5. ADMINISTRATIVE REPORTS

5.1 City Manager

City Manager Garcia said the City has been monitoring the weather and it is anticipated that the City will receive heavy rainfall over the next few days. The City is prepared for the coming rains. She thanked the City Commission for their support on the budget to allow Dania Beach to move forward. She reviewed the upcoming Dania After Dark events and encouraged all residents to come out. She gave an update on the electric vehicle charging stations at City Hall and noted that Code Compliance is inspecting all businesses in the City for Business Tax Receipts. The City is very proud of the historic Nyberg Swanson House and she is looking forward to the ribbon cutting at the end of the year. She wished everyone happy holidays.

Commissioner James asked what was done to the electric vehicle charging stations and how the City is going to manage the parking lot. City Manager Garcia responded that a Request for Proposal was put out to upgrade the City's electric vehicle charging stations to allow for faster charging. The City's goal is to improve the service for the residents and those that visit the City.

5.2 City Attorney

- Discussion Regarding the PATCH

City Attorney Boutsis noted it was raised during the CRA meeting that the City would like to hold a workshop between the CRA, Commission and City Staff regarding what to do with the PATCH. The City Clerk will be contacting everyone to coordinate a meeting in January.

5.3 City Clerk - Reminders

City Clerk Riera reminded the Commission of the following upcoming meetings:

- January 9, 2024 - CRA Board Meeting -5:30 p.m.
- January 9, 2024 - City Commission Meeting - 7:00 p.m.
- January 23, 2024 - Commission Workshop on Social Media - 5:00 p.m.
- January 23, 2024 - City Commission Meeting - 7:00 p.m.

City Attorney Boutsis commented that she sent an email to the Commission to seek direction about a workshop on the Form 6 for February 27, 2023, and inquired if the Commission would be interested in a workshop by Robert Myers for assistance. The Commission agreed to hold a workshop on February 27, 2023.

City Manager Garcia noted that the City is working on a Request for Proposal for the audio at City Hall.

City Clerk Riera commented that she will be in touch with the Commission once the date and time for the workshop has been confirmed.

6. **PUBLIC SAFETY REPORTS**

Captain Tarala provided an update on recent arrests, criminal activity in the City and a Federal Firearms Investigation on one of the residents. He informed the Commission that all speed trailers and LPR trailers are out in the City for the holiday season. He spoke about upcoming events the Sheriff's office will be holding in the community and gave an update on homeless outreach.

Fire Chief Pellecer thanked Dania Pointe for allowing the firefighters to train at their buildings. He thanked the City Manager, Deputy City Manager Sosa-Cruz, the Mayor, and Commissioners for their support over the last year and for putting a 3rd rescue truck in service. This could not have been accomplished without their support. He thanked the City and the Commission for their support of the 9/11 commemoration. He is proud that the City's fire department took part in flying the flag at the Dania After Dark Veteran's Day event and commented that Dania After Dark has been taken to a new level. The department has been meeting with the seniors in the community and they recently handed out the File of Life card for citizens to put on their refrigerator listing what medications and medical history. He anticipates a lot of milestones in 2024.

7. **CITIZENS' COMMENTS**

The following spoke under public comments:

- Polly Jones Mosley – 701 W. Dania Beach Blvd.
- Kim Watkins – 217 NW 6th Avenue
- William Dunaske – 4464 SW 37th Avenue

8. **CONSENT AGENDA**

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

8.1 Minutes: November 14, 2023 City Commission Meeting

Approved under consent agenda.

8.2 Travel Requests: None.

8.3 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE A CHANGE ORDER WITH TEAM CONTRACTING, INC. FOR MATERIALS AND LABOR FOR THE "SIDEWALK DEMOLITION AND INSTALLATION, TIER I" PROJECT AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF ONE HUNDRED THIRTEEN THOUSAND ONE HUNDRED SEVENTY FIVE DOLLARS AND FIFTY-ONE CENTS ($113,175.51) THAT IS WITHIN THE APPROVED CONTRACTED AMOUNT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.4 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE RANKING OF CONSULTING FIRMS THAT RESPONDED TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 23-020, "CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE SOUTHEST DRAINAGE PROJECT", AND SELECTING ALLY ENGINEERING SERVICES, INC. AS THE FIRST RANKED FIRM; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.5 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A ONE (1) YEAR RENEWAL OF THE EXISTING AGREEMENT WITH BEACH RAKER, LLC, FOR BEACH CLEANING SERVICES WHICH SERVICES SHALL NOT EXCEED THE ANNUAL AMOUNT OF ONE HUNDRED SIX THOUSAND TWO HUNDRED DOLLARS ($106,200.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks and Recreation)*

Approved under consent agenda.

8.6 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ALLOCATING ADDITIONAL AMERICAN RESCUE PLAN ACT STATE

AND LOCAL FISCAL RECOVERY FUND PROCEEDS TO THE CITY'S RESIDENTIAL STORM PROTECTION PROGRAM; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.7 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING A DRINKING WATER STATE REVOLVING FUND PLANNING LOAN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE DESIGN OF AN ADVANCED WATER METER READING SYSTEM (AMR) AND AUTOMATED METER INFRASTRUCTURE SYSTEM (AMI); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Finance)*

Approved under consent agenda.

8.8 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF ADMINISTRATIVE IMPACT FEES FOR THE DESIGN OF CITY HALL EXPANSION INSIDE THE ATRIUM AND THE MODERNIZATION OF THE ATRIUM AND CITY COMMISSION CHAMBER. *(Finance)*

Approved under consent agenda.

8.9 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE TWO CHANGE ORDERS TO MODIFY THE SCOPE OF THE AGREEMENT WITH INDUSTRIAL MAINTENANCE SERVICES, INC. FOR CONCRETE CRACK REPAIRS AND ELECTRICAL PANEL REWIRING AND IMPROVEMENTS FOR THE DANIA BEACH PIER REPAIR PROJECT; AUTHORIZING THE USE OF PREVIOUSLY AUTHORIZED FUNDS IN THE AMOUNT OF FIFTY THOUSAND TWO HUNDRED ELEVEN DOLLARS AND TWENTY-SIX CENTS ($50,211.26) THAT IS WITHIN THE APPROVED CONTINGENCY FOR THE UNDERLYING CONTRACT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.10 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING ADDITIONAL FUNDING FOR THE PURCHASE OF SEVEN (7) PREVIOUSLY APPROVED FORD MAVERICK VEHICLES, DUE TO

UNAVAILABILITY OF THE APPROVED MODEL AND THE AVAILABILITY OF A SLIGHTLY DIFFERENT MODEL, IN AN AMOUNT NOT TO EXCEED TWENTY THREE THOUSAND THREE HUNDRED TEN DOLLARS ($23,310.00) FROM BACHRODT FT (DBA PALMETTO FORD), WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, BY UTILIZING THE PRICING UNDER THE FLORIDA SHERIFFS ASSOCIATION ("FSA") CONTRACT FSA23-VEL31.0; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.11 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING A PROGRAM FOR PUBLIC INFORMATION (PPI) DOCUMENT WHICH INCLUDES THE FLOOD INSURANCE COVERAGE IMPROVEMENT PLAN, AND THE FLOOD RESPONSE PREPARATION PLAN TO EDUCATE THE COMMUNITY PERTAINING TO FLOODPLAIN MANAGEMENT AND REGULATION; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

Approved under consent agenda.

8.12 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING CYBERSECURITY STANDARDS IN COMPLIANCE WITH FLORIDA STATUTES SECTION 282.3185(4)(A), DELEGATING ALL CYBERSECURITY AUTHORITY TO THE CITY MANAGER, AND AUTHORIZING THE CITY MANAGER TO RESPOND TO CYBER THREATS AND TAKE APPROPRIATE ACTION AS NEEDED; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.13 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RETROACTIVE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE CITY OF DANIA BEACH, PROVIDING FOR MUTUAL AID EMERGENCY SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.14 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMENDED THE

AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND WSP USA, INC., IN ORDER TO CHANGE OF SCOPE OF THE AN EXISTING AGREEMENT FOR THE SOUTHEAST DRAINAGE PROJECT TO ELIMINATE CONSTRUCTION ENGINEERING INSPECTION (CEI), AND ADDING IN THE FOLLOWING SERVICES: POST ENGINEERING SERVICES INCLUDING ADDRESSING REQUESTS FOR INFORMATION (RFI) SUBMITTALS, REVIEWING DESIGN CHANGES FOR UNFORESEEN CONDITIONS, AND PREPARING RECORD DRAWINGS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.15 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE AGREEMENT EXISTING BETWEEN THE CITY AND WESTREC MARINA MANAGEMENT, INC. ("WESTREC") TO EXTEND THE MONTH TO MONTH SERVICES FOR UP TO AN ADDITIONAL NINETY (90) DAYS THROUGH MARCH 31, 2024, UNDER THE EXISTING PRICING, TERMS, AND CONDITIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

Approved under consent agenda.

8.16 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AMEND THE AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND BURKHARDT CONSTRUCTION, INC., INCREASING THE TIME PERIOD FOR PRECONSTRUCTION SERVICES BY UP TO 120 DAYS, UNDER THE CONSTRUCTION MANAGER AT RISK AGREEMENT FOR C.W. THOMAS PARK IMPROVEMENTS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

Approved under consent agenda.

8.17 RESOLUTION NO. 2023-______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE USE OF A SOLE SOURCE VENDOR, CIVICPLUS LLC, FOR PURCHASING CIVICENGAGE EVOLVE MUNICIPAL WEBSITE, IMPLEMENTATION, AND TRAINING SERVICES UNDER A THREE YEAR AGREEMENT; AND TO EXCEED THE CITY'S ANNUAL VENDOR PURCHASING THRESHOLD AMOUNT OF FIFTY THOUSAND ($50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Information Technology)*

Approved under consent agenda.

9. **BIDS AND REQUESTS FOR PROPOSALS**

None.

10. **QUASI-JUDICIAL HEARINGS**

10.1 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE PLAT NOTE AMENDMENT (DR-082-23) FOR "THE NCL PLAT"; OF APPLICANT, FLL AIRPORT LODGING, LLC, FOR PROPERTY LOCATED AT GULFSTREAM WAY, WITHIN THE CITY OF DANIA BEACH, FLORIDA; AS LEGALLY DESCRIBED IN EXHIBIT "A" ("PROPERTY"), A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the resolutions for items 10.1 and 10.2 into the record and swore in anyone who may be speaking on the item. She also asked for any disclosures as to the application and Vice Mayor Lewellen and Commissioner James stated that they spoke with the attorney for the developer and can remain impartial.

Senior Planning and Zoning Manager Claudia V. Batista introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Vice Mayor Lewellen made a motion to approve items 10.1 and 10.2. The motion was seconded by Commissioner Davis which carried 5-0 on roll call vote.

10.2 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN (SP-040-23) AND VARIANCES (VA-065-23, VA-066-23, VA-067-23 AND VA-076-23) OF APPLICANT, FLL AIRPORT LODGING, LLC, FOR PROPERTY LOCATED AT GULFSTREAM WAY, WITHIN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A" ("PROPERTY"), A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

This item was taken with item 10.1.

10.3 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN (SP-019-09 MOD) AND VARIANCE (VA-039-23) APPLICATIONS, SUBMITTED BY THE PROPERTY OWNER, 4300 RAVENSWOOD LLC, FOR PROPERTY LOCATED AT 4300 RAVENSWOOD ROAD 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; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the resolution into the record and swore in anyone who may be speaking on the item. She also asked for any disclosures as to the application and both Commissioner James and Commissioner Salvino stated that they spoke with someone and can remain impartial.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments and the following spoke:

- Dave Reich – 4161 SW 22nd Avenue
- William Dunaske – 4464 SW 37th Avenue

Public comments were closed.

Attorney Richard Coker for the applicant, spoke to provide a response on the public comment and discussion ensued about the use of the building and the public's concern of the possibility of hazardous waste runoff.

General Manager, James Obrien of NexTran explained the use of the accessory building.

Director of Community Development Eleanor Norena spoke on the matter.

Commissioner Salvino made a motion to approve the resolution. The motion was seconded by Vice Mayor Lewellen which carried 4-1 on roll call vote with Commissioner Davis voting no.

10.4 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION (SP-023-23MOD), OF APPLICANT, FRANMAR PROPERTIES OF SOUTH FLORIDA LLC, FOR PROPERTY LOCATED AT 2181 SW 42nd 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; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the resolution into the record and swore in anyone who may be speaking on the item. She also asked for any disclosures as to the application and there were none.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments and the following spoke:

- Dave Reich – 4161 SW 22nd Avenue

- Derrick Hankerson – 746 SW 3rd Street
- Leigh Kerr - 808 East Las Olas Blvd.

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

FIRST READING ORDINANCES

11.1 ORDINANCE NO. 2023-____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING ORDINANCE 2022-031 AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS ($1,000,000.00), WHICH EXPENDITURE WAS PROPOSED TO NOT TO EXCEED THE PROJECT ESTIMATE OF FOUR MILLION EIGHT HUNDRED TWENTY-ONE THOUSAND FIVE HUNDRED TWENTY DOLLARS ($4,821,520.00); TO NOW REFLECT THE BID COSTS OF NINE MILLION SEVEN HUNDRED SEVENTY FOUR THOUSAND FIVE HUNDRED NINETY FIVE DOLLARS ($9,774,595.00), WHICH EXCEEDS THE MONETARY COST ESTIMATE FROM ORDINANCE 2022-031, TO FUND BID ITB NO. 2023-010 "REHABILITATION OF LIFT STATIONS 1, 2 AND 3 (RE-BID)" PROJECT; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

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

Deputy Director of Public Services Dincer Ozaydin introduced the item.

Vice Mayor Lewellen made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Davis which carried 3-0 on voice vote with Commissioner James and Commissioner Salvino absent for the vote.

11. **SECOND READING ORDINANCES**

12.1 ORDINANCE NO. 2023-______

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED "OFFENSES – MISCELLANEOUS"; AT ARTICLE IV ENTITLED "NOISE"; AMENDING SECTIONS 17-80 ENTITLED "DEFINITIONS"; SECTION 17-81 ENTITLED UNREASONABLY LOUD NOISE PROHIBITED"; SECTION 17-85 ENTITLED "EXEMPTIONS"; TO UPDATE THE CITY'S CODE RELATING TO UNNECESSARY AND EXCESSIVE NOISE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Manager & Community Development)*

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

City Manager Garcia introduced the item and presented an amendment to the Ordinance proposed by Commissioner Salvino to implement a City-wide quiet time between the hours of 11 p.m. to 7 a.m. Monday through Sunday and to provide a monthly report to the Commission.

Deputy City Manager Sosa-Cruz provided additional information and clarification on the 100 feet distance and time allowance.

Commissioner James said she appreciates the diligence, but quiet zone still says 100 feet. The City needs to be careful as we have places on the beach and at Dania Pointe where the City needs to be careful of their own ordinances. The ordinance concerns her, and she thinks they can find a compromise.

Deputy City Manager Sosa-Cruz responded that the beach and Dania Pointe have a different process. The City is trying to be fair and transparent and have our residents understand the law and allow the officers to enforce it.

Commissioner James said she would be comfortable with changing the times to find a balance.

Commissioner Salvino commented that he has received a lot of phone calls from residents, and this is a tough subject. He said most people get along with their neighbors and questioned how many complaints the City has received over the last year.

City Attorney Boutsis responded that the City has 35,000 residents and the City had 711 noise complaints in 2023.

Commissioner Salvino said most complaints probably came from the same person or are from Airbnb's. The City will not cure the problem but needs to start somewhere and adjust if needed. People are respectful in most cases, and he is in favor of starting someplace. We have to trust our staff and administration.

Deputy City Manager Sosa-Cruz responded that the City will be putting it on the agenda every month. BSO will be adding it to their safety report and there will be a line item every month for noise complaints. The City will revisit it as needed.

Commissioner Davis thanked staff and the City administration for trying to find a balance. She does believe noise is personal to one's quality of life. She has done her due diligence within her neighborhood, and she believes that the 11 p.m. time is not a good quiet time for someone with children or elderly people. She is concerned with the time frame and distance.

Deputy City Manager Sosa Cruz asked for a distance and time she is comfortable with, and Commissioner Davis responded 50 feet and maybe 10 p.m.

Mayor Ryan opened the floor to public comments and the following spoke:

- Bobbie H. Grace – 110 NW 8th Avenue
- Andre Dessureault – 306 SE 3rd Street
- Rhonda Bachmann – 306 SE 3rd Street
- Gerald Campbell – 1118 SE 6th Avenue

- Ronald Koenig – 360 SE 6th Street
- Denise Koenig – 360 SE 6th Street
- Bob Adams – 330 SE 3rd Terrace
- Derrick Hankerson – 746 SW 3rd Street
- Shawn DeRosa – 408 SE 5th Street
- Rae Lair – 5650 SW 32nd Terrace
- Betty Sokol – 609 NW 10th Street
- Christopher Johnston – 745 NW 12th Avenue
- Brenda Lee Chalifour – 814 NW 10th Avenue

Deputy City Manager Sosa-Cruz thanked the residents for coming out to express their opinions and stated everything the City does is to protect residents' property rights, business property rights and increase the quality of life for all residents.

Vice Mayor Lewellen thanked the residents for being patient tonight and thanked Commissioner Salvino for his suggestions as they are thoughtful and reasonable. She said she has received numerous communications in support of this ordinance, and this is an ordinance that is reasonable and enforceable. She made note of the complaints received over the last year and said most were from the same resident and presented emails sent to the City by the resident complaining about his neighbors. She reiterated that the City will continue to monitor the noise issues and it will be brought back at each meeting. She said this ordinance is a step in the right direction and thanked the City staff for putting this together and trying to work with the community and do what is best for the City.

City Attorney Boutsis noted the recommendation from Commissioner Salvino about the quiet zone would involve the property line and that property line definition would remain in the Code. She explained this change came about due to a resident not being satisfied with how the ordinance was being administered. She noted that the City hired outside counsel and the resident has not been satisfied with the response, saying that the Sheriff's office is not doing their job. She clarified that the issue is not about the Sheriff's office not doing their job, but that they are interpreting the code differently from the resident. The City is seeking to clarify the code so that there are no further concerns. She addressed the issue of sound decibel meters and explained the issues involved.

Mayor Ryan said he sympathizes with the residents. The City's prior code was hard to enforce by our Code Officers and BSO. The City has reviewed 30-40 ordinances within the state to come to this. This gives the City a parameter to make it enforceable and these changes will make it better for both Code Enforcement and BSO to enforce.

Commissioner James made a motion to approve the resolution with the amendment of 9 p.m. on weekdays and 11 p.m. on weekends with a 50 ft. distance. The motion was seconded by Commissioner Davis which failed 3-2 with Commissioner Davis and Commissioner James voting yes and Commissioner Salvino, Vice Mayor Lewellen and Mayor Ryan voting no.

Vice Mayor Lewellen made a motion to approve the ordinance on second reading with the amendment proposed by Commissioner Salvino. The motion was seconded by Commissioner Salvino which carried 3-2 with Commissioner Davis and Commissioner

James voting no and Commissioner Salvino, Vice Mayor Lewellen and Mayor Ryan voting yes.

12.2 ORDINANCE NO. 2023-______

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 2, OF THE CITY CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" AT ARTICLE V, ENTITLED "RESERVED" BY AMENDING SECTION 2-101, ENTITLED "NAMING OF CITY OWNED FACILITIES" TO MODIFY THE BACKGROUND CHECK CRITERIA OF THE CODE, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Attorney)*

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

Vice Mayor Lewellen made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Salvino which carried 5-0 on voice vote.

12. **DISCUSSION AND POSSIBLE ACTION**

13.1 Discussion and Presentation by Island Syndicate for Commemorative Publication and Visioning Process - *Commissioner Davis / City Manager (Marketing)*

Commissioner Davis introduced the item.

David Muir and Calibe Thompson of Island Syndicate explained the process and the services they provide to produce a keepsake book for the City.

Mayor Ryan said this will be a challenge and there is a lot that needs to be incorporated into this.

Discussion ensued regarding the length of the book, cost and where to obtain additional funding not previously budgeted.

Mr. Muir stated the 84-page book would cost $84,000.00 to include production and printing of 1000 copies of the book.

City Manager Garcia recommended a mid-year budget adjustment to cover the additional $24,000.00.

Vice Mayor Lewellen inquired if a digital copy would also be made available. Mr. Muir and Ms. Thompson responded they could provide a digital copy with the ADA remediation so that it is ADA accessible as well.

Commissioner Salvino made a motion to approve the additional $24,000 as a mid-year budget amendment. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

Mr. Muir inquired about a primary liaison for the project and City Manager Garcia said Marketing and Communications Director Nannette Rodriguez would be the primary contact.

13.2 Selection of a constituent communication email platform - *City Manager / Finance*

Marketing and Communications Director Nannette Rodriguez said the City has a contract with Constant Contact and she will coordinate with Maxine on who needs an account set up.

13. **APPOINTMENTS**

14.1 - Planning and Zoning Board Vacancy (1) - *Commissioner James*
- Dania Beach Housing Authority Vacancy (1) - *Mayor Ryan*

Commissioner James deferred her appointment for the Planning and Zoning Board to the next meeting.

Mayor Ryan reappointed Ivie Cure to the Dania Beach Housing Authority Board.

Commissioner James made a motion to approve the appointment. The motion was seconded by Commissioner Salvino which carried unanimously on voice vote.

14. **COMMISSION COMMENTS**

15.1 Commissioner Davis

Commissioner Davis will save her comments for her newsletter.

15.2 Commissioner James

Commissioner James provided a handout for a key proposal to be given to Dania Pointe. She is seeking authorization for the key, plaque, and a base. She is requesting for the funds to come from the Commission continency as it would be from the entire Commission, not to exceed $5,000.

Commissioner Salvino suggested the City get permission from Dania Pointe and then they could pick and approve the funding and Commissioner James responded that the Commission needs to approve the funding now.

Commissioner Salvino made a motion to accept the request from Commissioner James using option #1 of the proposal. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

Commissioner James thanked everyone for the phenomenal job on the annual Thanksgiving drive. The MLK organization is having financial difficulties, and she is asking for a contribution from her personal contingency for the upcoming events, a prayer breakfast, a banquet, a parade and peace in the park. She is requesting $5,000 from her contingency for the event. Consensus was received.