

MINUTES OF REGULAR MEETING OF
THE CITY COMMISSION, CITY OF
HALLANDALE BEACH, FLORIDA, HELD
ON WEDNESDAY, OCTOBER 20, 2010 AT
1:30 P.M., CITY COMMISSION
CHAMBERS 400 S. FEDERAL HIGHWAY
HALLANDALE BEACH, FL 33009

1. CALL TO ORDER

Mayor Cooper called the meeting to order at 1:36 P.M.

2. ROLL CALL

Commissioners London, Ross and Sanders, Vice Mayor Julian, Mayor Cooper, City Manager Antonio, and City Attorney Jove – All Present.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC PARTICIPATION (to be heard at 1:35 P.M.)

Sheldon Schwartz, 400-504 SW 11th St., Hallandale Beach, spoke on issues regarding code compliance and maintenance of his property.

Rachel Kreiger, 250 Layne Blvd., Hallandale Beach, gave suggestions on litter control and submitted same in writing to the City Clerk. These were also provided to the Director of Public Works and to the Senior Code Compliance Specialist.

5. PRESENTATIONS AND REPORTS

A. Parks and Recreation Summary Report

Rebecca Munden-Correa, Director of Parks and Recreation Department, presented the report.

James Simmons, Sanitation Superintendent, updated the City Commission and the Public on the Cans for Cash Program.

B. Presentation of Appreciation Plaque by Bishop Joseph Lee of The Lord's House to the Sanitation Division

TO BE HEARD AT 1:30 P.M.

Appreciation Plaque presented to the Sanitation Division and received on the Division's behalf by James Simmons, Sanitation Superintendent, Randy Thompson, Assistant Superintendent of Sanitation, and Virginia Daniels, AOA I, Sanitation Division.

6. CONSENT AGENDA

A. Approval of Draft Minutes - Special City Commission Meetings of July 8, 2010 and July 22, 2010

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPROVE THE CONSENT AGENDA. The Motion carried on a 4/1 Voice vote (Commissioner London voted No).

Commissioner London stated that he will not approve Minutes older than three months.

7. CITY BUSINESS

A. Discussion and Final Approval of Scope of Services (Agreed Upon Procedures) for the Internal Control Review Engagement (Staff: Director of Finance) (See Backup) CAD#015/10

TO BE HEARD AT 7:30 P.M.

TO BE HEARD IN CONJUNCTION WITH HALLANDALE BEACH
COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM #3.B.

City Manager Antonio provided background information on the Item, including the estimated costs to complete the Internal Control Review for the City Manager's Office, and requested further direction on the Scope of Services for the Community Redevelopment Agency portion.

Susan Fran, Partner with Marcum Rachlin, the City's consultant, explained the process to be followed to complete the Internal Control Review.

The City Commission discussed the proposed Scope of Services and estimated costs.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO AUTHORIZE THE CITY MANAGER TO FINALIZE THE SCOPE OF SERVICES AS DISCUSSED BY THE CITY COMMISSION; TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARCUM RACHLIN TO PERFORM THE INTERNAL CONTROL REVIEW ACCORDING TO SUCH FINAL SCOPE OF SERVICES IN AN AMOUNT NOT TO EXCEED \$120,000.00 AND TO EXECUTE ALL PERTINENT DOCUMENTS TO IMPLEMENT THE PROJECT; AND TO AUTHORIZE THE CITY MANAGER TO ESTABLISH ACCOUNTS AND MAKE BUDGET TRANSFERS AS MIGHT BE NECESSARY TO IMPLEMENT THE PROJECT. The Motion carried on a 4/1 Voice vote (Commissioner Ross voted No).

Mayor Cooper recessed the Regular Meeting of the City Commission at 11:04 P.M. and opened the Special Meeting of the Community Redevelopment Agency Board of Directors.

Mayor Cooper reconvened the Regular Meeting of the City Commission at 11:06 P.M.

B. Consideration of a Request by Mardi Gras Racetrack and Casino for Mitigation of a Payment of \$75,000. (Staff: Director of Development Services) (See Backup) CAD#007/05

TO BE HEARD AT 1:45 P.M.

City Manager Antonio provided background information on the Item and turned the presentation to Dan Adkins, Mardi Gras Racetrack and Casino.

Dan Adkins, Mardi Gras Racetrack and Casino, gave his presentation and requested the City Commission support the request for Mitigation.

Mayor Cooper spoke in support of the mitigation request citing the City's long time partnership with Mardi Gras Racetrack and Casino and its continuous support of the Community.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO AUTHORIZE THE CITY MANAGER TO MITIGATE THE \$75,000.00 PAYMENT THROUGH A CREDIT FOR MARDI GRAS' NIGHT CLUB LICENSE FEE.

After further discussion by the City Commission, Vice Mayor Julian Called the Question.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO CALL THE QUESTION. The Motion carried on a 4/1 Voice vote (Commissioner London voted No).

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO AUTHORIZE THE CITY MANAGER TO MITIGATE THE \$75,000.00 PAYMENT THROUGH A CREDIT FOR MARDI GRAS' NIGHT CLUB LICENSE FEE. The Motion carried on a 5/0 Voice vote.

Commissioner London left the dais at 2:10 P.M.

Commissioner London returned to the dais at 2:15 P.M.

C. Consideration of Short Term Solutions for Solid Waste Services (Staff: Director of Public Works) (See Backup)CAD#018/10

City Manager Antonio provided background information on the Item indicating that due to savings afforded through the Short Term Solutions, staff will be able to expand services to the residents by implementing the following: 1) Providing On-demand pickup of yard waste, and 2) Providing additional scheduled bulk sweeps.

Don Ross, Project Manager, Kessler Consulting, Inc., described the Short Term Solutions.

After discussion by the City Commission, Mayor Cooper recommended addressing staff's recommendations 1 and 2 under one Motion, and addressing recommendation 3 separate. Regarding staff's recommendation No. 3, Mayor Cooper spoke in favor of retaining a consultant; however, she expressed her concerns with the proposed cost.

City Manager Antonio explained the proposed contract is based on Time and Materials and requested authorization to enter into an agreement for a cost not to exceed \$50,000.00.

MOTION BY COMMISSIONER ROSS, SECONDED BY VICE MAYOR JULIAN, TO CONSIDER THE CITY'S SHORT-TERM DISPOSAL OPTIONS FOR MUNICIPAL SOLID WASTE AND RECYCLING AND AUTHORIZE THE CITY MANAGER TO EXECUTE A SHORT-TERM AGREEMENT WITH EACH RECOMMENDED VENDOR IN THE BEST INTEREST OF THE CITY; AND TO CONSIDER STAFF'S PROPOSED YARD WASTE COLLECTION AND DISPOSAL PROGRAM AND AUTHORIZE THE CITY MANAGER TO INSTITUTE THE PROGRAM, INCLUDING THE ESTABLISHMENT OF APPROPRIATE ACCOUNTS AND BUDGET TRANSFERS AS MIGHT BE NEEDED. The Motion carried on a 5/0 Voice vote.

Regarding staff's recommendation No. 3, Mayor Cooper recommended to set the contract's amount not to exceed \$25,000.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KESSLER CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO ASSIST THE CITY WITH THE DEVELOPMENT AND EVALUATION OF EITHER A REQUEST FOR PROPOSAL (RFP) OR REQUEST FOR BID (RFB) FOR LONG-TERM MUNICIPAL SOLID WASTE DISPOSAL AND RECYCLING.

Answering questions from the City Commission, City Manager Antonio explained the consultant is developing the Scope of Services for the proposed agreement, which will include assistance in the development of either a request for proposal or request for bid for the City's solid waste management and assistance/consulting services for other solid waste management/recycling-related issues, as well as local/regional partnerships for the City.

Mayor Cooper Called the Question.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KESSLER CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO ASSIST THE CITY WITH THE DEVELOPMENT AND EVALUATION OF EITHER A REQUEST FOR PROPOSAL (RFP) OR REQUEST FOR BID (RFB) FOR LONG-TERM MUNICIPAL SOLID WASTE DISPOSAL AND RECYCLING. The Motion carried on a 5/0 Voice vote.

D. Discussion of the City Manager's Employment Agreement (City Commission)(See Backup) CAD#017/10

The draft employment agreement, as discussed and modified by the City Commission during the September 27, 2010 Special City Commission Meeting, was discussed and the following Motions made:

Section 1. Employment, Paragraph B:

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO AMEND THE LANGUAGE TO INDICATE THAT THE EMPLOYMENT AGREEMENT WILL BE REVIEWED AND RENEWED ANNUALLY DURING THE CITY MANAGER'S ANNUAL REVIEW. The Motion carried on a 5/0 Voice vote.

Section 3. Duties and Obligations

MOTION BY COMMISSIONER ROSS, SECONDED BY COMMISSIONER SANDERS, TO AMEND THE LANGUAGE ON OTHER EMPLOYMENT ACTIVITIES TO REFLECT HIS ABILITY TO ENGAGE IN EDUCATIONAL AND PROFESSIONAL ACTIVITIES. The Motion carried on a 5/0 Voice vote.

Section 10. Job Related Expenses

MOTION BY COMMISSIONER LONDON THAT THE CITY MANAGER'S JOB RELATED EXPENSES BE REPORTED TO THE CITY COMMISSION ON A MONTHLY BASIS.

After further discussion, it was recommended that the expense report be provided on a quarterly basis. Commissioner London amended his Motion as follows:

MOTION BY COMMISSIONER LONDON, SECONDED BY VICE MAYOR SANDERS, THAT THE CITY MANAGER'S JOB RELATED EXPENSES BE REPORTED TO THE CITY COMMISSION ON A QUARTERLY BASIS. The Motion carried on a 5/0 Voice vote.

NOTE: CITY MANAGER'S JOB RELATED EXPENSES WILL BE REPORTED QUARTERLY UNDER RECURRING REPORT NUMBER 1210006.

Section 13. Disability

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO AMEND SECTION 13 BY INCLUDING THE FOLLOWING LANGUAGE WITHIN THE FIRST SENTENCE: "...INCLUDED BUT NOT LIMITED TO..." The Motion carried on a 5/0 Voice vote (Commissioner London was absent from the dais during the vote).

Mayor Cooper opened the floor for Public Comments.

Csaba Kulin, 600 NE 14th Ave. #220, Hallandale Beach, spoke on the City Manager's hiring process.

Seeing no other speakers, Mayor Cooper called for final deliberation by the City Commission.

MOTION BY COMMISSIONER ROSS, SECONDED BY COMMISSIONER SANDERS, TO APPROVE THE EMPLOYMENT AGREEMENT AS DISCUSSED. The Motion carried on a 3/2 Voice vote (Commissioner London and Vice Mayor Julian voted No).

8. COMMISSIONER REPORTS

Vice Mayor Julian and Commissioner London left the dais at 3:40 P.M.

Commissioner London returned to the dais at 3:43 P.M.

Mayor Cooper discussed the new state rules requiring family members who are the primary caregivers of an elderly member of the family to have a background check, including fingerprinting. Mayor Cooper requested, and there was consensus by the City Commission, for the Police Department to review its policy on fingerprinting and work with the City Manager to verify if the City could waive the fingerprinting fees to residents who are the principal caregivers of their immediate elderly family member.

The City Commission discussed other meetings and events that they have attended as representatives of the City.

Vice Mayor Julian returned to the dais at 3:50 P.M.

9. OTHER

Speaking on water conservation issues, Mayor Cooper requested staff to place the issue of Retrofitting of Water Towers on the City's Legislative Package to be tracked during next Legislative Session.

Vice Mayor Julian requested staff to research the costs of adding life guards to those areas within Hallandale Beach's beach which are not staffed by life guards but which do have beach access from the streets.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPOINT JOSEPHINE ALONGI TO THE EDUCATION ADVISORY COMMITTEE. The Motion carried on a 5/0 Voice vote.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPOINT HARRIET GINSBERG TO THE MARINE ADVISORY COMMITTEE. The Motion carried on a 5/0 Voice vote.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPOINT MARY LOU ROSEN TO THE CODE AND PERMITTING ADVISORY COMMITTEE. The Motion carried on a 5/0 Voice vote.

Mayor Cooper recessed the Meeting at 4:35 P.M.

10. PUBLIC PARTICIPATION (to be heard at 7:00 P.M.)

Mayor Cooper, reconvened the Meeting at the Commission Chambers at 7:13 P.M.

Michael Weinberg, property owner at Hallandale Beach, spoke on the difficulties of attracting tenants to Hallandale Beach.

Anna Wells, 1004 SW 7th Ter., Hallandale Beach, spoke against the proposed Adult Entertainment Ordinance.

Csaba Kulin, 600 NE 14th Ave. #220, Hallandale Beach, commented on Mardi Gras' Racetrack and Casino request for Mitigation.

Kay Anderson, 757 NW 3rd Ct., Hallandale Beach, commented on the City Commission's October 06, 2010, Regular Meeting.

11. CONSENT AGENDA

A. Summary of City Commission Action Taken During the Afternoon Portion of the Meeting

City Clerk Buschman provided a summary of the City Commission action taken during the afternoon portion of the meeting.

12. PUBLIC HEARINGS (to be heard at 7:30 P.M.)

A. An Ordinance of the City of Hallandale Beach, Florida, Amending Chapter 32 of the Code of Ordinances to Update the Adult Entertainment Business Regulations; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date. (First Reading) (Staff: Development Services Director) (See Backup) CAD #016/08

THIS ITEM IS QUASI JUDICIAL

Mayor Cooper clarified that the Item is not Quasi-Judicial but rather an Administrative Hearing on an Ordinance.

City Manager Antonio provided a brief introduction on the Item and turned it over to the City Attorney, and the City's Counsel/Consultant, Susan Trevarthan, for a brief description of the changes to the proposed ordinance.

Mayor Cooper opened the Public Hearing.

Michael Weinberg, property owner at Hallandale Beach, spoke against the proposed revisions to the ordinance.

Teddy Cohen, property owner at Hallandale Beach, spoke against the proposed revisions to the ordinance.

Luke Leriott, 2240 Bellaire Rd., Clearwater, Florida, Counsel representing the Set, owners and operators of the Cheetah, and RIX, business owner which has applied for a business license to operate an off-premises adult entertainment business, spoke against the proposed ordinance.

Seeing no more speakers, Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO ADOPT ON FIRST READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES TO UPDATE THE ADULT ENTERTAINMENT BUSINESS REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND TO SET SECOND READING FOR NOVEMBER 3, 2010. The Motion carried on a Roll Call vote as follows:

AYES: Commissioners London, Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: None

B. An Ordinance of the City of Hallandale Beach, Florida, Adopting Corrections, Updates and Modifications to the Capital Improvements Element of the Hallandale Beach Comprehensive Plan to Reflect the City's Fiscal Year 2010-2011 Budget; Providing for Conflict and Severability. (City of Hallandale Beach Application # 71-10-PA (Second Reading) (Staff: Director of Development Services) (See Back Up)

THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL OF THIS ORDINANCE ON SEPTEMBER 22, 2010 BY A ROLL CALL VOTE OF 5/0.

THE CITY COMMISSION ADOPTED THE ORDINANCE ON FIRST READING BY A ROLL CALL VOTE OF SEPTEMBER 15, 2010 BY A ROLL CALL VOTE OF 4/1 (LONDON, NO).

City Manager Antonio provided background information on the Item and recommended approval.

Mayor Cooper opened the Public Hearing, seeing no speakers Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO ADOPT ON SECOND READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, ADOPTING CORRECTIONS, UPDATES AND MODIFICATIONS TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE HALLANDALE BEACH COMPREHENSIVE PLAN TO REFLECT THE CITY'S FISCAL YEAR 2010-2011 BUDGET; PROVIDING FOR CONFLICT AND SEVERABILITY. The Motion carried on a 4/1 Roll Call vote as follows:

AYES: Commissioners Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: Commissioner London

There being no further business before the Commission, Mayor Cooper adjourned the meeting at 11:47 P.M.

RESPECTFULLY SUBMITTED,

Mayor

ATTEST:

City Clerk

RECORDING SECRETARY:

Sheena James, Deputy City Clerk

APPROVED BY COMMISSION:

March 2, 2011