

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: August 6, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: August 6, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the August 6, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): August 6, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 6, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Pastor Andy Fernandez discussed the middle school/high school youth programs of Firewall Ministries, based in Palma Nova Mobile Home Park.

Jason Medina stated that his Grade Point Average had gone from 1.1 to 3.5 since his enrollment in the Firewall youth program.

Another participant described how the Firewall youth program had helped him keep his focus on school.

Juan Rodriguez stated that Firewall had provided him leadership opportunities and helped him to do well in school.

Jeff Dudley expressed his objection to Planned Parenthood's obtaining public funding. He said this was a "bad political decision, a bad business decision and an overall just bad decision for Davie."

Danielle Farrell also opposed any funding for Planned Parenthood. She indicated that Planned Parenthood supported "programs that lead to the following, but is not limited to what I believe could be racism or child pornography, discrimination, community division and children engaged in sexual activity..."

Susan Alter also opposed any donation to Planned Parenthood, because she believed the organization encouraged "irresponsibility among our middle and high school children."

Donna Evans informed Council that the Police Athletic League had never been paid by Home Depot for the permits to sell Christmas trees in 2007. Mayor Truex asked Ms. Evans to phone him at his office regarding this. Ms. Evans expressed frustration at the length of time the permitting process took, which seemed to lengthen each year.

Cindy Taylor, Janice Murray and Sarah Edmonds objected to any donations being made to Planned Parenthood.

Judy Paul announced that the Davie Area Land Trust had completed work at the 8th Street Park. She congratulated the Police Explorers for their performance at the national level. Ms. Paul reported that she had attended the grand opening of the Veteran's Multipurpose Center.

Michelle Giordano opposed the donation request from Planned Parenthood.

Charlotte Tallant, Justin Taylor, Talia Forbes, and Travis Steary also objected to the request.

Joyce Steward, Chair of the Open Space Committee, asked that item 6.1 be tabled until the minutes of the Board's last meeting became available for Council to review.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 6.1. In a voice vote, all voted in favor. (Motion carried 5-0)

John Wilson announced his support for Rick Lemack for Broward County Sheriff and provided a brief biography of Mr. Lemack.

Jessica Dail, Nicole Kehrt, and Donna Fernandez, opposed the donation request from Planned Parenthood.

Jessica Harrison thanked Council for helping to fund Teen Challenge last year and opposed the funding request from Planned Parenthood.

Rick Fernandez, Maria Shore, Sharon Conklin, and Gregory Taylor opposed the donation request from Planned Parenthood.

Richard Myers presented letters from residents of Park City and asked that Council's receipt of the letters be acknowledged.

Arlene Elias, Stephen Forbis, Susan Dudley, Frederick Newbold and Elisa Dilbert opposed the donation request from Planned Parenthood.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to remove Planned Parenthood from the list. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Mayor Truex advised item 4.19 had been withdrawn by the applicant. Mr. Shimun confirmed that the resolution needed a correction.

Mayor Truex announced item 4.34 needed to be added.

Councilmember Caletka made a motion, seconded by Mayor Truex, to add item 4.34. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex requested a motion to add item 7.2.3.

Councilmember Crowley made a motion, seconded by Mayor Truex, to add item 7.2.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Luis made a motion, seconded by Councilmember Caletka, to add item 9.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Mayor Truex, to add item 10, to schedule discussion of an Oaks Road feasibility study. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey requested item 4.29 be tabled to the next meeting.

Councilmember Caletka made a motion, seconded by Mayor Truex, to table item 4.29 to Council's next meeting [August 20, 2008]. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 July 2, 2008 (Special Executive Session)
- 4.2 June 19, 2008 (Workshop Meeting)
- 4.3 June 20, 2008 (Workshop Meeting)
- 4.4 July 2, 2008 (Regular Meeting)
- 4.5 July 10, 2008 (Workshop Meeting)

Business Tax Receipt

- 4.6 Performance Lawn Service, 4001 SW 111 Avenue

Resolutions

- 4.7 **ADOPTION** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE LOCAL ROAD MASTER PLAN FOR THE TOWN OF DAVIE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 2, 2008)
R-2008-153
- 4.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID SUBMITTED BY GOVERNOR CONSTRUCTION, INC. FOR THE REHABILITATION OF TOWN OF DAVIE LIFT STATION #11. (\$223,460.75)
R-2008-154
- 4.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA UNDER CONTRACT NUMBER 070-7000-134 TO ORVILLE BECKFORD FOR TRUCKS. (\$54,757)
R-2008-155
- 4.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE FLORIDA SHERIFFS ASSOCIATION UNDER BID NUMBER 07-15-0827 SPECIFICATION NUMBER 53 TO CREEL TRACTOR COMPANY FOR A NEW HOLLAND SKID STEER LOADER. (\$30,630)
R-2008-156
- 4.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA UNDER CONTRACT NUMBER 515-630-06-1 TO WESCO TURF SUPPLY FOR LAWN EQUIPMENT. (\$45,455.81)
R-2008-157

- 4.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING THE
R-2008-158 EXTENSION OF THE EXISTING HEAVY EQUIPMENT BID FOR
HEAVY EQUIPMENT RENTAL WITH OPERATOR AND
WITHOUT OPERATOR.
- 4.13 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, AUTHORIZING THE PARKS & RECREATION
DEPARTMENT TO PURCHASE A MODULAR OFFICE BUILDING
FROM ADVANCED MODULAR STRUCTURES, INC. PER TOWN
BID #B-07-114. (\$153,822) [see related item 4.33]
- 4.14 **LEASE PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA,
R-2008-159 APPROVING LEASE PURCHASE SCHEDULE NO. 810-6449382-
001 FROM DELL FINANCIAL SERVICES L.P. (\$105,826.90 over 5
years)
- 4.15 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, AUTHORIZING THE EXPENDITURE OF NO MORE
THAN \$88,000 FROM THE DISTRICT FOUR GENERAL
OBLIGATION PARKS OPEN SPACE BOND FOR DEVELOPMENT
OF GOVERNOR LEROY COLLINS PARK.
- 4.16 **AGREEMENT RATIFICATION** - A RESOLUTION OF THE
TOWN OF DAVIE,
R-2008-160 FLORIDA, AUTHORIZING THE MAYOR TO RATIFY THE
AGREEMENT BETWEEN THE TOWN OF DAVIE COMMUNITY
REDEVELOPMENT AGENCY AND CRAVEN THOMPSON &
ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR
THE EASTSIDE DRAINAGE AND INFRASTRUCTURE
IMPROVEMENT PROJECT FOR PHASES II AND III, AND
PROVIDING FOR AN EFFECTIVE DATE. (\$589,000)
- 4.17 **CONTRACT RATIFICATION** - A RESOLUTION OF THE TOWN
OF DAVIE,
R-2008-161 FLORIDA RATIFYING THE CONTRACT FOR SALE AND
PURCHASE OF REAL ESTATE BY AND BETWEEN CHARLES
BARNETTE (“SELLER”) AND THE DAVIE COMMUNITY
REDEVELOPMENT AGENCY (“BUYER”) FOR PROPERTY AT
6361 SW 41 PLACE ALSO KNOWN AS LOT 1 OF WHITE PARK
SUBDIVISION ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 48, PAGE 42 OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA, AUTHORIZING
THE MAYOR TO EXECUTE THE RESOLUTION, AND
PROVIDING FOR AN EFFECTIVE DATE. (\$187,500)

- 4.18 **RENEWAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-162 FLORIDA RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE DAVIE SCHOOL FOUNDATION, INC.; AND PROVIDING AN EFFECTIVE DATE. (\$28,286 for first year plus 2.5% COLA for remaining 4 years)
- 4.19 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FPL AND THE TOWN OF DAVIE FOR AN ENERGY AND MAINTENANCE AGREEMENT FOR ONE HUNDRED FORTY EIGHT (148) STREETLIGHTS IN REXMERE VILLAGE. (not budgeted - \$31,776.14)
- 4.20 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-163 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FPL AND THE TOWN OF DAVIE FOR AN ENERGY AND MAINTENANCE AGREEMENT FOR THREE (3) STREETLIGHTS ON SW 9 STREET FOR ORANGE PARK. (not budgeted - \$511.50)
- 4.21 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-164 AUTHORIZING THE MAYOR TO EXECUTE THE TEMPORARY LEASE AGREEMENT FOR LIVESTOCK GRAZING SERVICES AT GOVERNOR LEROY COLLINS PARK.
- 4.22 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-165 SELECTING JOSEPH KELLJCHIAN TO PROVIDE KARATE INSTRUCTOR SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MR. KELLJCHIAN FOR SAID SERVICE. (\$11,250)
- 4.23 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-166 FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACTS WITH VARIOUS PROFESSIONAL CONSULTING FIRMS FOR A VARIETY OF PROFESSIONAL SERVICES.
- 4.24 **HOLIDAYS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-167 APPROVING THE HOLIDAY SCHEDULE AND OTHER OBSERVED DAYS FOR THE TOWN OF DAVIE NON-

REPRESENTED EMPLOYEES DURING FISCAL YEAR 2008-2009;
AND PROVIDING AN EFFECTIVE DATE.

- 4.25 **WARRANTY DEED** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA,
R-2008-168 AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY
DEED FROM WARREN HENRY AUTOMOBILES, INC. WHICH
CONVEYS CERTAIN PROPERTY FOR USE AS A PUBLIC PARK
KNOWN AS CHELSEA PARK, AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.26 **POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
ADOPTING A
R-2008-169 PERSONNEL POLICY RELATED TO HARASSMENT AND
PROVIDING FOR AN EFFECTIVE DATE.
- 4.27 **POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
ADOPTING A
R-2008-170 PERSONNEL POLICY RELATED TO SEXUAL HARASSMENT
AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.28 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF
DAVIE,
R-2008-171 FLORIDA, SELECTING THE FIRM OF CALVIN GIORDANO &
ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR
WASTEWATER TRANSMISSION MAIN IMPROVEMENTS AND
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS
DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH
SERVICES.
- 4.29 **DONATION** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, AUTHORIZING THE DONATION OF FIRE AND
PERSONAL PROTECTIVE EQUIPMENT THAT NO LONGER
MEETS NATIONAL AND LOCAL FIRE STANDARDS, TO THE
FLORIDA ASSOCIATION FOR VOLUNTEER ACTION OF THE
CARIBBEAN AND THE AMERICAS (FAVACA).
- 4.30 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE
SUPPORTING THE
R-2008-172 EFFORTS OF GOVERNOR CHARLIE CRIST AND THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT TO ACQUIRE
LAND SOUTH OF LAKE OKEECHOBEE FOR THE PROTECTION
AND RESTORATION OF AMERICA'S EVERGLADES AND
FLORIDA'S COASTAL ESTUARIES; AND PROVIDING FOR AN
EFFECTIVE DATE.

- 4.31 **AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-173 **AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007 - 2011. [see related item 6.4]**

Quasi-Judicial Consent Agenda

- 4.32 SPM 6-3-08, Pine Island Montessori, 5499 SW 82 Avenue (CF) *Site Plan Committee recommended approval based on staff's comments and additionally 1) to add a sidewalk between the buildings that would exit out to the parking area; therefore, the parking spaces would have to be redistributed differently in order to accomplish that; and 2) that the landscape plan be brought back to the Committee – that the site plan could advance to Council, however, the landscape plan should come back to the Committee prior to issuance of a permit*
- 4.33 SPM 6-4-08, Pine Island Park, generally located on the westside of Pine Island Road, 2,000 feet north of Orange Drive (RS) *Site Plan Committee recommended denial [see related item 4.13]*

Item to be added

- 4.34 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2008-174 TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE AMERICAN BLACK CAUCUS AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A VOTERS MOBILIZATION BARBEQUE (arena rental - \$1,000)

Vice-Mayor Luis pulled item 4.15 from the Consent Agenda. Councilmember Starkey pulled items 4.21 and 4.31. Councilmember Crowley pulled items 4.7 and 4.32. Councilmember Caletka pulled item 4.23. Mayor Truex pulled items 4.13 and 4.33.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda less items 4.7, 4.13, 4.15, 4.21, 4.23, 4.31, 4.32, 4.33 and 4.34. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.32 Mr. Rayson read the request by title and swore in the witnesses. Deputy Planning & Zoning Manager David Abramson summarized the Planning report.

Hope Calhoun, representing the applicant, explained that the applicant wanted to replace the single modular unit with four. She advised that they agreed with the Site Plan Committee's recommendation regarding the pathway and landscaping plans, and with staff recommendations 1 through 5. Regarding the Certificate of Occupancy and the removal of all invasive exotic species, Ms. Calhoun stated that the applicant wanted to retain the invasives, but would agree to a phased removal plan if the Council insisted. Regarding the 55 Court adjacent landscaping, the applicant wished to plant Areca palms

instead of native species to provide quick, efficient screening. Ms. Calhoun presented a rendering of the new modular unit.

Councilmember Starkey wanted a phased plan to slowly replace the invasives with new plantings. Mr. Abramson agreed that staff would work with the applicant regarding this issue. Ms. Calhoun confirmed the applicant would return to the Site Plan Committee.

Councilmember Crowley wanted the buffered landscaping expedited. Ms. Calhoun stated that they had already located the Arecas and would proceed as quickly as possible after receiving approval. She confirmed that the sidewalk had already been removed and sodded and was in compliance with the consent agreement. Councilmember Crowley asked staff to investigate any conditions approved from the original approval regarding the church property's south side entrance, which he believed was supposed to be temporary. Ms. Calhoun said that the church had researched this, but had not found any related documentation. Councilmember Crowley agreed with the use of Areca palm for screening landscape.

Ms. Calhoun confirmed that the modulars would be used for approximately seven years, until a permanent facility was built. She agreed to provide a status report to Council if the modulars remained after ten years.

Mr. Rayson opened the public hearing portion of the meeting.

Robert Harris did not believe the Areca palms would provide sufficient buffer, and felt an area must be filled to provide space for a buffer. He did not object to expansion of the school, but said that everything that was approved over the past 25 years had never been accomplished. Mr. Harris stated that the previous owner was supposed to install a berm on 55th Court but never had.

Councilmember Crowley asked Ms. Calhoun about building up the berm prior to planting, and she agreed to discuss this with the landscape architect.

Pat Gallagher, landscape architect representing Nancy Lord, said most residents supported the school, but wanted to be sure the buffer was provided. He asked that the berm be installed to plant the buffer.

Mrs. Lovette said the church and homeowner's association had a troubled relationship because the neighborhood had watched the church remove shrubs and dig up the property without consulting the association. The relationship had improved, but Mrs. Lovette wanted the boundary restored to its condition prior to Hurricane Wilma.

Ms. Calhoun had consulted with the landscape architect and reported that the hedge they were discussing would be located on SW 55 Court. She explained that there was a drop off behind the planting bed, but the hedges would provide a five to six foot buffer right away and would mature to 20 to 25 feet. Ms. Calhoun agreed to have the plantings completed prior to obtaining a building permit. She confirmed that the plantings would be the length of the school property, not the church property.

Bill Garfinkle, church member, agreed to plant the palms "all the way."

Ms. Calhoun reiterated that the church wanted to keep the Bischofia trees for as long as possible, until the church filed a final site plan. She feared that any permanent replacements installed sooner might need to be removed later on. Mr. Abramson reminded Council that the Code required that all invasives and exotics must be removed from the site. Mayor Truex suggested replacing a third of the trees every four years.

As no one else spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Crowley wanted to allow the Bischofias to stay on the property as long as possible. Mr. Rayson said the applicant might need a variance to allow that. Mr. Shimun thought there might be a County or State issue. Mr. Rayson advised Council to make their motion with a condition to remove the Bischofias by a certain date.

Councilmember Crowley suggested that the motion indicate that the trees must be removed when the applicant's master site plan was submitted. Councilmember Caletka and Vice-Mayor Luis agreed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve, with the following conditions: applicant agreed to landscape the entire length of 55th Court, from SW 82 Avenue to Pine Island Road with Areca palms; the Areca palms would be installed prior to the issuance of a building permit for tonight's proposal; the Bischofias would be allowed to remain until the applicant's master site plan was submitted; the applicant would return to the Site Plan Committee for approval of the landscaping plan; and the applicant agreed to all five staff recommendations.

Mr. Abramson included the following conditions of approval: maintenance of landscape buffer regarding the power lines and clarification of the SW 55 Court access. Mayor Truex noted that the 55th Court access research would be conducted by staff and was not part of the motion.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.7 Councilmember Crowley believed Council had pulled items 66 and 32 from the list, but they were still on the list and the maps. Planning & Zoning Manager David Quigley agreed to correct this.

Later in the meeting, Mr. Quigley reported that staff had not found any negative discussion by Council related to project 66, the SW 148 Avenue extension. Councilmember Crowley said he had been concerned that this was an area where the right-of-way had been vacated. Vice-Mayor Luis and Councilmember Caletka said they opposed this as well. Mr. Quigley agreed to remove project 66 from the list.

Regarding project 32, the SW 76 Avenue extension, Mr. Quigley agreed this should have been removed from the list and map.

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to remove projects 32 and 66.

Councilmember Starkey asked if projects 27, 30 and 40 would be removed. Regarding project 30, she said that the residents had indicated at the public hearings that they did not want the street to go through, and it should be a stabilized trail for emergency vehicle access.

Bill Laystrom confirmed he had represented Provence Development and recalled that 14th Street on their site plan had a stabilized base and the residents did not want 14th Street to go through west of Flamingo Road.

Councilmember Crowley agreed to include the removal of project 30 in his motion. He requested that figure 1 be amended to show the fire station location.

Councilmember Crowley reiterated that his motion was to approve, with the following changes: delete projects 66, 32 and 30; amend figure 1 to make the fire station visible; and to include the staff recommendation for the 61st Street connection. Councilmember Caletka agreed to the amendments.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 and 4.33 Mr. Rayson read the resolutions by title and swore in witnesses. Mr. Abramson summarized the Planning report.

Parks & Recreation Director Dennis Andresky described the evolution of the project and remarked on the cost savings associated with using modulars. He admitted they should have sought approval from the Site Plan Committee first.

Vice-Mayor Luis wanted to see better representations of the unit.

Mr. Andresky confirmed that employees were having problems with mold at the existing building. He added that when the Public Works compound had been expanded and the Fire Safety building had been constructed, they planned to remove the Public Works trailer and convert to a modular unit. Mr. Andresky described the location for the unit, and stated that the area would also be landscaped.

Councilmember Starkey did not want to locate the modular in the proposed area because batting cages and parking would be lost. She felt the unit should be next to the Multipurpose Center. Mr. Andresky advised that the batting cages would not be removed. He explained that the cost to install the modular unit was approximately \$275,000; however, building an addition on the Multipurpose Center would cost \$400,000 to \$425,000. Mr. Andresky pointed out that the modular would provide 3,000 square feet of space and the addition would only provide 1,600 square feet.

Mr. Andresky explained that the unit met Miami-Dade Category 4 Hurricane standards and had a life expectancy of over 30 years.

Councilmember Caletka stated that he supported this as a fast, less expensive solution to relocate employees.

Vice-Mayor Luis asked if another location was possible. Mr. Andresky explained that staff had considered a different site, but the proposed site had a pre-existing slab. Public Works Director Manny Diez felt locating the modular next to the Multipurpose Center would detract from the Center. He stated that locating the modular elsewhere in the park was possible, but would cost perhaps \$100,000 more to extend water, sewer and electricity to the site.

Councilmember Caletka suggested the Covenant House site and Mr. Andresky agreed this location would not require the additional utility costs, but it had the disadvantage of not being close to staff.

Councilmember Starkey suggested that some employees may not need a lot of office space and some personnel could be located in other parks. Mr. Andresky reminded Council that two years ago, the idea was to consolidate staff to provide better service to the residents.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to deny 4.13.

Councilmember Crowley wanted this to be presented to the Site Plan Committee with a different location and landscaping to meet requirements.

Mr. Andresky confirmed for Mayor Truex that the public would use this building for customer service. Mayor Truex felt this should be a permanent building, not a modular one.

Vice-Mayor Luis agreed the project should be re-presented to the Site Plan Committee.

Councilmember Caletka pointed out that if this were denied, they would not be able to afford a permanent building and the employees would continue to suffer.

Councilmember Starkey suggested that if employees must be moved, they could be temporarily relocated to the Multipurpose Center.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Starkey made a motion, seconded by Mayor Truex, to deny 4.33. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.15 Vice-Mayor Luis stated that he was considering two properties in District 4, and if this money were used for Governor Leroy Collins Park, there would be insufficient funds left for either property. He requested that funds from reserves be used for Governor Leroy Collins Park.

Councilmember Starkey opposed using reserve funds and Mayor Truex agreed. Councilmember Crowley pointed out that \$88,000 could be designated but not spent.

Program Manager Phil Holste indicated that the improvements included site clearing and fencing that would surround the perimeter. He advised that the Town had a conceptual site plan but would defer to Parks and Recreation and Public Works regarding the tree site plan process. Mayor Truex suggested this item not be discussed until there was a site plan.

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to table this item to Council's next meeting [August 20, 2008]. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.21 Councilmember Starkey desired an RFQ on this item to be certain the criteria fit what they were seeking. She also wanted additional notice time and suggested six months instead of month-to-month.

Councilmember Caletka did not object to the 30-day notice, noting that he had received no calls regarding this and no one had attended the meeting to express concern.

Councilmember Crowley wanted to move forward with an RFP.

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to approve.

Councilmember Starkey was concerned about number 6 on the contract indicating the LCC was responsible for all real estate taxes, and number 15, which exempted the Town from protecting the property. She asked that these be corrected. Mr. Andresky reported that the vendor had already agreed to this contract language. Mr. Rayson said

the provision for the lessee to pay the taxes was common. Councilmember Starkey pointed out there were no taxes on the Farm Park because the Town owned it.

Councilmember Crowley stated that his motion included Mr. Rayson's review of the item to address Councilmember Starkey's comments. Councilmember Caletka agreed to the amendment.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Councilmember Caletka did not see the wisdom of renewing a contract they had not used in the past nine months. Public Works Director Manny Diez confirmed the Town had used some of the companies and they needed to continue using at least one company. He reported that staff was currently interviewing firms and should have contracts in place in less than 120 days.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.31 Councilmember Starkey was concerned about the bond funding for capital projects. Mr. Quigley explained that this proposal was only to clear up the "not in compliance" finding based on something submitted two years ago, which would overcome DCA objection and resolve the administrative hearing process. He stated that this was the best way for the Town to resolve this issue and move on to the future planning of the capital projects. He assured Councilmember Starkey that all of the utility projects would go "right back in."

Mr. Rayson confirmed that if Council passed this item, the Town would be in compliance and this would be accepted by DCA. A settlement agreement regarding the administrative case was awaiting the passage of this by Council to close that case.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.34 Councilmember Starkey asked if the amount was similar to what had been charged to other organizations. Staff confirmed that this was the standard rental rate for 501-C3 organizations.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

6.1 **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2009-2013. (tabled from July 16, 2008)**

This item was tabled earlier in the meeting.

Ordinance - Second and Final Reading

6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE**

2008-27

TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, CREATING SECTION 7-51, OF THE DAVIE CODE, TO PROVIDE FOR A COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM; INCLUDING PROVIDING FOR DEFINITION FOR AUTOMATIC EXTERNAL DEFIBRILLATORS; REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS IN CERTAIN OCCUPANCIES; PROVIDING FOR INSTALLATION AND OPERATION; PROVIDING FOR A INSTALLATION FEE AND PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 16, 2008) **{Approved on First Reading July 2, 2008. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Fire Chief John Montopoli advised that the ordinance was amended based on Council's direction.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held August 20, 2008)

6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE VIII. SIGNS, LIGHTING, DIVISION 1. SIGNS, SECTION 12-238 (C) BUILDING PERMITS REQUIRED EXCEPTIONS; PROVIDING FOR BANNERS AND SIMILAR TEMPORARY SIGNS ON TOWN PROPERTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
Local Planning Agency recommended approval subject to a change in the title to read "Town-owned property"

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the August 20, 2008 meeting.

Mr. Quigley summarized the staff report.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex wanted to add "*and pursuant to guidelines established by resolution of the Town Council*" after the language: 'with approval of Town Administrator or his/her designee.' This would obviate the need to return to Council for approval of a temporary sign.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve, subject to Mayor Truex's comments. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.4 **ADOPTION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING REVISED APPLICATION LA(TXT) 4-3-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT WITH THE REVISED ADOPTED 5-YEAR CAPITAL PROJECTS PROGRAM FOR FY 2007-2011 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [see related item 4.31]**

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the August 20, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mr. Quigley announced that members of the public could sign up to receive notifications regarding actions of the Department of Community Affairs.

Councilmember Crowley mad a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.5 **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2008.**

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the August 20, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial Item

6.6 V 4-1-08, Ford, 12702 SW 26 Street (A-1) (to reduce the required side setback from 30 feet to 25 feet along the western property line) *Planning and Zoning recommended approval*

Earlier in the meeting, Mr. Rayson read the request by title and swore in witnesses. Mr. Abramson summarized the planning report.

William Ford, the applicant, advised that he wished to extend his patio overhang, which was on an existing foundation 25 feet from the property line.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis – out of the room; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Luis

7.2.1 Planning and Zoning Board/Local Planning Agency (one exclusive - term May 28, 2008 to May 26, 2009) (member must be a resident and qualified voter; nomination requires Council approval)

Vice-Mayor Luis appointed Ken DeArmas to the Planning and Zoning Board. In a voice vote, all voted in favor. (Motion carried 5-0)

7.2.2 Open Space Advisory Committee Agency (one exclusive appointment; term expires April 2010)

No appointment was made.

7.2.3 South Broward Utility Advisory Board (two exclusive appointments from District 4; must be a former water and sewer user within the service area of the former South Broward Utility)

No appointments were made.

7.3 Councilmember Crowley

7.3.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.4 Councilmember Starkey

- 7.4.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.4.2 Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

Councilmember Caletka nominated Jim Inklebarger to the Unsafe Structures Board. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey advised that she had met with staff regarding the location of a crosswalk at a McDonald's on Hiatus and Mr. Laystrom had provided a letter regarding this. Because this was a time sensitive issue, Councilmember Starkey wanted Council to discuss the matter this evening.

Mr. Laystrom explained that clarification was needed on the motion to indicate staff would work to install the crosswalk, but not to tie it to the Certificate of Occupancy. As an alternative, they wanted to be able to bond the project. If the County denied the crosswalk, they could connect to the crosswalk at 84 and Hiatus.

Assistant Town Engineer Mike Mungal agreed to work with the applicant to conduct a study to submit to Broward County. He suggested that Council recommend that the study and plans be submitted prior to release of the Certificate of Occupancy. The project could then be bonded and built later. Council agreed.

8. OLD BUSINESS

8.1 Charter Review Board Recommendations

Town Clerk Muniz stated that this item was on the agenda to allow members of the Charter Review Board to explain some of their recommendations. As none of the Boardmembers were present, Mayor Truex suggested putting this item on a future meeting and hearing the item earlier in the meeting.

Councilmember Caletka indicated that Council had not approved the fund changes from \$1,000 to \$10,000 that now required Council approval; however, he now

fully understood this request which he now supported. Councilmember Crowley said he would not object to bringing this up during his individual budget meeting prior.

9. NEW BUSINESS

9.1 Naming of Parks

Mr. Andresky advised that names were needed for several parks, particularly for the Math Iglar parcel. Councilmember Starkey wanted people who had worked on this project to have a vote on the naming and indicated that she would submit a list of suggestions she had received. She thought it would be more fun to involve the community, which could be done at the opening. Councilmember Crowley did not have any objections. Mayor Truex felt that Council should make the ultimate decision and added that a Name the Park contest could be held. Councilmember Starkey agreed and indicated that she would bring the top three back to Council.

Mr. Andresky explained the Van Kirk improvements.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to name the Van Kirk parcel Davie Wetland Preserve. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to name the SW 8 Street site Liberty Park. In a voice vote, all voted in favor. (Motion carried 5-0)

9.2 Bus Contract

Earlier in the meeting, Program Manager Susan Dean asked if it was possible to extend a contract with changes.

Mark Levitt explained the need to add a fuel surcharge. He added that the transportation component of the CPI had increased in the past year as well.

Ms. Dean acknowledged that any company bidding on this contract would include a fuel surcharge. Mr. Rayson informed Council that if the contract had extensions, Mr. Levitt could request a modification without having to re-bid.

Procurement Manager Herb Hyman explained that the current contract did not provide for any price relief and the Town had always operated believing that if the contract was silent on the issue; if the term was extended the contract could not be modified, but should be re-bid.

Ms. Dean stated that Broward County provided \$20 per hour in funding for the operation of the busses and the Town paid the remainder, approximately \$12 to \$13.

Mayor Truex felt the contract should be re-bid if the terms could not continue.

Councilmember Crowley did not object to the modification, effective October 1st.

Councilmember Caletka acknowledged that any new bids would be higher and remarked that complaints were currently very low, so he favored extending the contract with the modification. Vice-Mayor Luis agreed. Mr. Shimun said there was time to modify the budget to make up the difference.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve the contract modification, to be brought back as a resolution for Council approval. In a voice vote, all voted in favor. (Motion carried 5-0)

9.3 Naming of Farm Park Corral (Vice-Mayor Luis)

Vice-Mayor Luis read the plaque that would be placed on the corral naming the corral JP which recognized the Friends of Davie Farm Park, Inc. Councilmember Starkey questioned where this came from as she did not recall the issue coming before Council. Vice-Mayor Luis advised that he had received this information just before tonight's meeting. Mayor Truex did not think the information was correct.

Special Projects Director Bonnie Stafiej distributed a rendering depicting a plaque for a corral to be called the JP Corral in honor of Judy Paul. Mayor Truex and Councilmember Starkey did not agree and Mayor Truex said this was contrary to Town policy. Councilmember Caletka stated that Ms. Paul obtained the funding and he was fine with the suggestion. Councilmember Crowley stated that he wanted to recognize all that Ms. Paul had done on this and other sites in west Davie. Mayor Truex stated that three Councilmembers agreed with naming the corral.

10. SCHEDULE OF NEXT MEETING

10.1 Oakes Road Feasibility Study (staff recommendation - October 1, 2008 at 5:30 p.m.)

Mr. Quigley requested that the consultant be provided the opportunity to make a presentation to Council on October 1st at 5:30 p.m. regarding a feasibility study. Councilmember Caletka objected to holding this workshop prior to the feasibility study being retained in the budget. Mayor Truex advised that the meeting could be cancelled. Council agreed to the meeting date and time.

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

DECORATIVE LIGHTS ON DAVIE ROAD. Councilmember Caletka said that these lights were too bright and he had received complaints. He requested that staff ask the Community Redevelopment Agency to resolve this issue.

YOUTUBE VIDEO REGARDING THE AIRPORT EXPANSION. Councilmember Caletka felt this video should be aired on the Davie TV channel and asked for Council approval. He agreed to provide the link to Mr. Rayson for review.

MICHAEL MUNGAL. Councilmember Caletka thanked Mr. Mungal for his service to the Town.

COUNCILMEMBER STARKEY

NIGHT SKY ORDINANCE. Councilmember Starkey distributed a draft copy of the night sky ordinance and asked Mr. Rayson to review it and place on Council's agenda.

LETTER REGARDING STATE FUNDING. Councilmember Starkey referred to a resolution passed by the Miami Board of Commissioners regarding South Florida receiving its fair share of State funding. She requested that something similar be placed on Council's next agenda.

MR. CALETKA'S CAMPAIGN CONTRIBUTIONS. Councilmember Starkey noticed that Councilmember Caletka's campaign listed a check to Vinnie Grande, the Town's lobbyist, for consulting activities. She felt this presented a conflict and stated her intention to solicit an opinion from the Ethics Commission. Councilmember Caletka said

he had run this by Mr. Rayson. Mr. Rayson did not believe Councilmember Caletka had done anything wrong.

VICE-MAYOR LUIS

SOUTHERN HOMES PROJECT. Vice-Mayor Luis said members of Southern Homes had approached him regarding landscaping for their project at 26th and Boy Scout. Councilmember Crowley advised they could apply for a variance, but it was unlikely it would be approved.

WATERFORD PARK BATHROOMS. Vice-Mayor Luis had heard from another resident complaining that the bathrooms were locked at Waterford Park. Mr. Andresky explained that the restrooms had been locked in response to vandalism. He noted that the summer camp personnel had keys to the bathrooms.

IVANHOE HOMEOWNERS MEETING. Vice-Mayor Luis reported that Ivanhoe homeowners asked if Southwest Ranches had inquired about sending notifications for the presentation regarding the trail. Mr. Shimun had heard nothing regarding this and agreed to contact them.

OPENING OF GOVERNOR LEROY COLLINS PARK. Vice-Mayor Luis announced that the opening of Governor LeRoy Collins Park would take place on August 9th.

MAYOR TRUEX

I-75 MEETING. Mayor Truex announced that the Florida Department of Transportation would hold a meeting regarding I-75 on October 14th at the Southwest Regional Library.

SOUTH BROWARD UTILITY ADVISORY BOARD. Mayor Truex reported the South Broward Utility Advisory Board would meet on August 14th in Nob Hill Hall at Soccer Club Park in Sunrise. The meeting was to discuss the proposed rate increase and to prepare a report for the Sunrise City Commission. Mayor Truex asked that a staff member attend this meeting.

Councilmember Caletka reported that someone had been fraudulently sending letters to residents and signing his name. The letter was asking for a mini-park and a small sewage treatment facility which was contrary to what had been discussed in the past.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided

13. TOWN ATTORNEY'S COMMENTS

DEVINE PARCELS. Mr. Rayson reported that the Town would be closing on the Devine parcels on August 7th.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:01 a.m.

Approved _____

Town Clerk

Mayor/Councilmember