

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

SUBJECT: November 7, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: November 7, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the November 7, 2007 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): November 7, 2007 minutes

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 7, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. and was followed by the Pledge of Allegiance. Boy Scout Troop 128 led the Presentation of Colors.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

Mayor Truex opened the open public meeting.

Dan Pignato asked that Council contact the Police Athletic League assistant director or a board member prior to the next meeting if they had questions regarding the request for funding.

Mitchell Chester remarked on the work being done by the Mobile Home Task Force and encouraged Council to hold a workshop as soon as possible, since the moratorium would expire in the spring. He also asked Council to advocate for changes to Section 723.

Frank Serra concurred with Mr. Chester that Council “get the ball rolling” and he hoped there would be a solution presented for the Town to vote on by the end of the year.

John Pisula advised that Toys for Tots was coming soon and reminded everyone that donated toys should be unwrapped.

Peter Dunne, representing Davie Lacrosse, said the program generated funds for the Town and helped relieve the over-crowded baseball program. He pointed out that this was the fastest growing youth sport in the United States. Mr. Dunne requested a fee reduction for the field rental, noting that he rented it for 250 hours. He said he had arranged for \$4,000 worth of equipment to be donated to this program. Parks & Recreation Director Dennis Andresky advised that he had followed the established fee schedule to arrive at the \$7,500 fee. He had explained to Mr. Dunne that he could not lower the fee.

Councilmember Starkey felt Mr. Dunne had gone “above and beyond” in his efforts to establish the program and questioned why this had not come before Council as an agenda item. Mr. Shimun said he had advised Mr. Andresky to inform Mr. Dunne that if he were willing to operate the program “at the price that the normal city operations would do it at,” the Town did not object to going forward. He indicated that he had never heard a rejection of this proposal.

Mr. Dunne stressed that this would not impact the budget as he would bring in funding over and above the incurred costs. Councilmember Starkey suggested this be placed on Council’s next agenda.

Councilmember Starkey made a motion to reduce the lease to \$5,000. Mayor Truex wanted to put the item on their next agenda for discussion. Councilmember Luis

seconded Councilmember Starkey's motion. Mr. Dunne requested that the fee be reduced to \$4,000. Councilmember Starkey restated her motion to reduce the fee to \$4,000.

Councilmember Crowley felt he did not have enough information to make a decision and asked that the item be placed on their agenda. Vice-Mayor Caletka agreed, stating he would like to examine the backup documentation. Mayor Truex agreed it was not good policy to approve items in this manner. He suggested the program be approved this evening with the understanding that the full fee would be paid, and Mr. Dunne could return to request a fee reduction.

Councilmember Starkey amended her motion to add this item to their agenda for November 27. Councilmember Luis agreed to this amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

Michael Bartlett reminded Council that the Parks and Recreation Advisory Board "unanimously and enthusiastically" supported the lacrosse program. He especially appreciated the fact that this was a net profit proposal.

Rose Anderson invited everyone to the Davie Historical Society on Saturday mornings to volunteer in the Walsh House restoration. She announced that the Old Davie Christmas program would be held on December 2nd at the Old Davie School.

Michael Illes said he had begun sending letters to the Town in October 2006 regarding the fact he had not been notified about the wall at Tijuana Taxi. He indicated that he had made a public records request regarding the notification in September 2007, and had not yet received a response. Town Clerk Muniz advised that he had spoken to Acting Deputy Planning and Zoning Manager David Abramson regarding this because his office did not have those records. Mayor Truex stated this was unacceptable and indicated that Mr. Illes should receive an answer to his request.

Mr. Rayson stated that he had met with Mr. Abramson, Acting Planning and Zoning Manager Marcie Nolan and Code Compliance Official Danny Stallone and was seeking to set up a meeting with the affected residents to resolve the issue. He anticipated that the meeting would take place within the next week.

Nelly Murray said she had the notification document Mr. Illes sought. She explained why she wanted a higher wall than what Mr. Illes wanted.

John Pickett stated that Ivanhoe had formed a civic association to address their concerns. He hoped Council and Town staff would help them to cooperate with area cities to deal with their issues.

Michael Davenport discussed the Daniel Wultz basketball court dedication and thanked Special Projects Director Bonnie Stafiej for her work on this project. Mr. Davenport thanked Police Chief John George for his years of service to the Town and remarked he would be missed.

Lloyd Phillips described problems he experienced with a neighbor, and claimed that Davie Police Department personnel had been paid to provide security for at least one of this neighbor's "unlawful" parties. He concluded that this constituted commission of a felony by Police Chief George. Mr. Phillips said Chief George was now arrested.

Mayor Truex advised that item 8.2 needed to be added.

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

Council agreed to move item 8.2 up on the agenda, as well as item 9.1.

Mayor Truex advised that the applicant for item 6.7 had requested this item be tabled to November 27, 2007.

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

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 September 19, 2007 (Regular Meeting)

4.2 October 3, 2007 (Regular Meeting)

Home Business Tax Receipt

4.3 Jennifer Johns Lawn Care, 2700 SW 155 Lane

Parade Permit

4.4 Forest Ridge Holly Day Committee (December 1, 2007)

Resolutions

- 4.5 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE BID BETWEEN THE TOWN AND ELAN LAWN SERVICE, KEEP-IT-CUT, INC., AND EDJ LAWN SERVICE FOR LAWN MAINTENANCE SERVICES. (\$344,925)
- R-2007-302 4.6 **BID RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RENEWAL OF THE BID AWARDED TO H&H LIQUID SLUDGE DISPOSAL, INC., RESOLUTION #R-2005-4, FOR SEWER SLUDGE HAULING SERVICES. (\$130,783.60/year)
- R-2007-303 4.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID RECOMMENDATION FOR THE EAST SIDE LIGHTING CONDUIT AND PULL BOX INSTALLATION. (\$317,000)
- R-2007-304 4.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID SUBMITTED BY ADVANCED MODULAR STRUCTURES, INC. FOR A MODULAR OFFICE BUILDING FOR THE UTILITIES DEPARTMENT. (\$153,822)
- 4.9 **WAIVING FORMAL BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNGARD H.T.E. INC FOR THE PURCHASE OF THE CONSTITUENT RELATIONSHIP MANAGEMENT SOFTWARE (CRM). (\$51,385.50)
- R-2007-305 4.10 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$29,723.00 FOR THE PURCHASE OF EQUIPMENT AND HARDWARE TO UPGRADE THE NON-FUNCTIONAL ACCESS CONTROL SYSTEM FOR THE POLICE DEPARTMENT FROM THE SINGLE SOURCE DISTRIBUTOR SIMPLEX GRINNELL.
- R-2007-306 4.11 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF FIRST VEHICLE SERVICES, INC. TO PROVIDE FLEET MAINTENANCE SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

- 4.12 **ESTABLISHING POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SURVEILLANCE POLICY TO INCLUDE DEFINITIONS, DIRECTION, EXCEPTIONS AND IMPLEMENTATION.
- 4.13 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-307 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT TO PROVIDE SUPPORT AND MAINTENANCE SERVICES OF PREMIER MDC LAPTOP COMPUTER SOFTWARE. (\$43,900)
- 4.14 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-308 APPROVING A CONTRACT BETWEEN THE TOWN AND KITTELSON AND ASSOCIATES, INC. FOR PREPARATION OF THE LOCAL ROAD MASTER PLAN, PROVIDING FOR THE MAYOR'S SIGNATURE, AND PROVIDING FOR AN EFFECTIVE DATE. (\$125,000 with a \$35,000 contingency)
- 4.15 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-309 FLORIDA AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH CARRAS COMMUNITY INVESTMENT, INC., IN AN AMOUNT NOT TO EXCEED \$6,000 TO SERVE AS THE TOWN'S FACILITATOR FOR DAVIE'S MOBILE HOME TASK FORCE (MHTF), UNDERTAKE PLANNING, RESEARCH, AND POLICY DEVELOPMENT, RELATED TO THE TOWN'S AFFORDABLE HOUSING CRISIS AND THE IMPACT OF MOBILE HOME REDEVELOPMENT ON DAVIE'S RESIDENTS.
- 4.16 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-310 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR FOR A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF DAVIE AND EDSA FOR THE REGIONAL ACTIVITY CENTER (RAC) MASTER PLAN; PROVIDING FOR AN AMENDED SCOPE OF SERVICE TO COMPLETE SAID MASTER PLAN; PROVIDING FOR A REVISED FEE FOR REIMBURSABLE EXPENSES; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.17 **COLLECTIVE BARGAINING AGREEMENT** - A RESOLUTION OF THE
R-207-311 TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE

AND THE FRATERNAL ORDER OF POLICE, DAVIE LODGE #100; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- 4.18 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-312 ENTERING INTO AN AGREEMENT WITH THE FORT LAUDERDALE DOG CLUB FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO HOLD AN AMERICAN KENNEL CLUB DOG SHOW. (\$2,255)
- 4.19 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING
R-2007-313 THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FPL AND THE TOWN OF DAVIE FOR AN ENERGY AND MAINTENANCE AGREEMENT FOR FIVE (5) STREETLIGHTS FOR REESE ROAD. (not budgeted - \$97.22/monthly)
- 4.20 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2007-314 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AGREEMENTS BETWEEN THE TOWN OF DAVIE AND STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND BETWEEN THE TOWN OF DAVIE AND GRIFFIN LANDMARK, LLC. FOR THE INSTALLATION AND MAINTENANCE OF CERTAIN LANDSCAPE AND OTHER IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF GRIFFIN ROAD (STATE ROAD 818); AND PROVIDING FOR AN EFFECTIVE DATE. (DA 5-1-07, Griffin Landmark Building, generally located on the north side of Griffin Road between the Florida Turnpike and State Road 7-US 441)
- 4.21 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-315 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "SUMMIT QUESTA," AND PROVIDING AN EFFECTIVE DATE. (DG 6-3-07, Summit Questa Montessori School, 5451 SW 64 Avenue)
- 4.22 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-316 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "DAVIE 64th"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 8-1-07, Parc 64 Plaza, 4120, 4100, and 4110 Davie Road Extension)

Temporary Use Permits

- 4.23 TU 10-1-07, Nova Southeastern University Blues Festival (Blues festival)
- 4.24 TU 10-2-07, Harvest Fellowship/Holiday Charities (sparklers)
- 4.25 TU 10-3-07, Davie Merchants Industrial Association Inc. (Christmas tree sales)
- 4.26 TU 10-5-07, Davie Police Athletic League/Home Depot (Christmas tree sales)

Quasi-Judicial Consent Agenda

- 4.27 SPM 2-6-06, Russell Commons, 7800 Davie Road Extension (B-2) (tabled from October 3, 2007) [see related item 6.8] *Site Plan Committee recommended to approve subject to the following changes to the staff's recommendations: 1) recommendation one and recommendation three are deleted; 2) in lieu of numbers one and three, the applicant shall modify the truck loading dock to open up the entrance to a wider radius opening and review the change with staff prior to submitting for building plans; and 3) the staff modification number two shall be modified to read - Staff recommends that the petitioner place a note on the site plan indicating that both medical office and beauty salon use ~~would~~ may not allow the proposed site plan to meet the minimum parking requirements as per the Land Development Code, Section 12-208 (A)(29)(a)*

Councilmember Luis pulled items 4.5 and 4.12 from the Consent Agenda. Vice-Mayor Caletka pulled item 4.26. Councilmember Starkey pulled item 4.14. Mayor Truex pulled items 4.3, 4.9, 4.17 and 4.27.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.3, 4.5, 4.9, 4.12, 4.14, 4.17, 4.26 and 4.27. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Mayor Truex asked where equipment would be kept and where workers would meet. Ms. Nolan explained the logistics and stated that to date, there were no Code violations on the site.

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

4.5 Councilmember Luis advised that he had received calls regarding this inquiring why this service was not being put out to bid. Mr. Diez informed him that these prices were a few years old and with current gas prices, new bids would probably be higher.

Councilmember Crowley wanted to put these out to re-bid.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to deny the extension and bid it out. Mr. Cohen recommended adding the stipulation that the contracts could be extended for the short term if a new contractor were not in place

when the contracts expired. Councilmember Luis and Councilmember Crowley accepted this amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Mayor Truex asked if the prior contractor had breached their contract. Information Systems Director Frank Apicella responded that the contractor had notified the Town in July that they no longer wanted to perform this function. Mayor Truex asked if \$51,000 was the annual price. Mr. Apicella explained that \$39,583 was for license fees and \$8,200 was for annual maintenance.

Mayor Truex stated that some residents had complained to him when the system was not available. Mr. Cohen advised that this was a much larger company and their service should be more stable. Mr. Apicella added that this software was capable of interfacing with the Town's existing software as well.

Councilmember Starkey was upset with the disruption with the CRS system and residents had expressed frustration to her regarding things. She was concerned that there would be no system in place until February and wondered why there had been such short notice when the previous vendor provided notice to the Town in June. Mr. Apicella stated that staff was taking steps to transfer the existing information temporarily. He described problems with the old system, and additional features offered with the new system.

Mayor Truex felt if the old system could be reinstated, this should be re-bid.

Town Clerk Muniz advised that if this were put out to bid, the Town might encounter the same problems they had experienced with the first product: support for the product might be unavailable in years to come. He reminded Council that the Town had a long history with this company and they had been very responsive to the Town's needs.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to deny this item and send it out to bid.

Vice-Mayor Caletka suggested that staff request proposals instead of bids, as a bid would concentrate too much on the dollar amount. Councilmember Crowley and Councilmember Starkey agreed to this amendment to the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Luis was concerned with this resolution and worried it would prevent filming someone involved in a worker's compensation case or a lawsuit. He supported an agreement not to film in Town Hall. Mayor Truex advised that his intention had been to prohibit surveillance by Town employees with the exceptions of police and fire. He believed the filming that concerned Councilmember Luis was done by insurance companies, not Town employees. Mayor Truex felt that "any time you admit this use of cameras, then it makes the next use easier."

Mr. Cohen drew Council's attention to the section of the resolution stating "...by the Town of Davie, and its agents, employees and representatives..." and noted that this might prevent an insurance company investigator, acting as an agent of the Town in a claim, from filming. Mr. Cohen stated that this could be added as an exception.

Mr. Rayson confirmed that this resolution would not impede the police. Police Chief John George stated that he had concerns with the following language in the resolution: "This exception does not, however, approve police surveillance not in direct connection with a specific crime or event." Chief George said that there were

circumstances under which they would want to monitor a “general threat” situation. Mayor Truex felt this was an “extremely dangerous” line of thinking, and cautioned that there was “no place in this Town where you couldn’t justify putting a camera under that very same line of thought...”

Councilmember Starkey believed it was a good idea to prohibit cameras in Town Hall, but felt that in the event of a crime or fraud, this should be an option.

Mr. Cohen recommended adding an exception for the Homeland Security requirement for cameras at utilities.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to table this item until November 27, 2007, to allow staff to make amendments to the resolution. In a voice vote, with Vice-Mayor Caletka and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

Vice-Mayor Caletka favored tabling the item to December 5th when the agenda would be lighter. Mr. Rayson preferred this date as well. Council agreed to reschedule to December 5, 2007.

4.14 Councilmember Starkey wanted to incorporate some of the findings from the traffic studies into this. She did not want the consultant to think the Town wanted “gridded connectivity” for all the Town’s roads, and pointed out that they wanted to preserve their scenic corridors and rural roads. Mr. Cohen stated staff would provide the consultant with this information.

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

4.17 Mayor Truex advised that he would vote against this contract because in light of the tax cuts the Town was likely to have, he did not “agree with the level of this contract.”

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

4.26 Vice-Mayor Caletka had been made aware of a clerical error; a Home Depot site on Stirling and University had been omitted. Ms. Nolan stated this could be amended.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve, with the inclusion that the second site go through the process. In a voice vote, all voted in favor. (Motion carried 5-0)

Council agreed to hear items 4.27 and 6.8 together.

4.27 and 6.8 Mr. Rayson swore in the witnesses. Acting Planning & Zoning Deputy Manager David Abramson summarized the planning report.

The applicant’s representative said that they had worked with staff to ensure they complied with all Code regulations. He presented photos of the existing building.

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 Crowley made a motion, seconded by Councilmember Luis, to approve 4.27. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve 6.8. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

6.1 **ISSUANCE OF BONDS - A RESOLUTION OF THE TOWN COUNCIL OF**
R-2007-317 THE TOWN OF DAVIE, FLORIDA (THE "TOWN") PERTAINING TO THE ISSUANCE BY THE TOWN OF ITS TOWN OF DAVIE, FLORIDA EDUCATIONAL FACILITIES REVENUE BONDS, SERIES 2007 (PARKWAY CHRISTIAN SCHOOL PROJECT), IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$2,500,000, FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO PARKWAY CHRISTIAN CHURCH, INC. (THE "BORROWER") FOR CERTAIN CAPITAL EXPENDITURES PREVIOUSLY MADE BY THE BORROWER WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES LOCATED IN THE TOWN; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT TO PROVIDE SECURITY FOR SUCH BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE WITH THE BANK OF NEW YORK TRUST COMPANY, N.A., AS TRUSTEE; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AUTHORIZING THE FORM AND DISTRIBUTION OF THE OFFERING CIRCULAR; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS WITH FIFTH THIRD SECURITIES, INC. AND APPROVING THE CONDITIONS OF SUCH SALE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING IDENTIFICATIONS OF HEDGE AGREEMENTS FOR FEDERAL TAX PURPOSES; APPOINTING AUTHORIZED OFFICERS AND AUTHORIZING TOWN OFFICIALS AND OFFICERS TO TAKE ALL ACTIONS IN CONNECTION WITH THE DELIVERY OF THE BONDS AND

OTHER RELATED MATTERS; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH.

Mr. Rayson read the resolution by title.

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 asked about risk to the Town. Mr. Cohen explained that the Town's bond attorney had examined this in depth and suggested clauses to incorporate to indemnify the Town. Mr. Rayson agreed there would be no risk or expense to the Town.

Councilmember Starkey asked if the existing bond issue similar to this was working. Mr. Cohen assured her that it was.

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

Ordinances - Second and Final Reading

6.2 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN**

2007-33 OF DAVIE, FLORIDA, ADOPTING APPLICATIONS LA 08-01-06 AND LA 08-02-06, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP BOUNDARIES TO DEPICT THE PINE ISLAND RIDGE AND UNITED RANCHES AREAS THAT WERE ANNEXED INTO THE TOWN OF DAVIE IN 2006; ASSIGNING TOWN OF DAVIE LAND USE PLAN DESIGNATIONS TO THE ANNEXED AREAS CONSISTENT WITH THEIR BROWARD COUNTY LAND USE PLAN DESIGNATIONS PRIOR TO ANNEXATION; BY SPECIFICALLY INCORPORATING THE PRIOR BROWARD COUNTY LAND USE PLAN DESIGNATIONS OF RESIDENTIAL-IRREGULAR 6.380, AND RECREATION AND OPEN SPACE FOR THE PINE ISLAND RIDGE AREA TO TOWN OF DAVIE LAND USE PLAN DESIGNATIONS OF RESIDENTIAL-IRREGULAR 6.380, AND RECREATION AND OPEN SPACE; BY SPECIFICALLY INCORPORATING THE PRIOR BROWARD COUNTY LAND USE PLAN DESIGNATIONS OF ESTATE RESIDENTIAL AND LOW THREE (3) RESIDENTIAL FOR THE UNITED RANCHES AREA TO TOWN OF DAVIE LAND USE PLAN DESIGNATIONS OF ESTATE RESIDENTIAL AND LOW THREE (3) RESIDENTIAL; ALL AREAS ARE MORE PARTICULARLY DESCRIBED ON THE LEGAL DESCRIPTIONS INDICATED IN APPLICATIONS LA 08-01-06 AND LA 08-02-06; TRANSMITTING THE ADOPTED AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading July 17, 2007 - all voted in favor}** *Local Planning Agency approved*

Mr. Rayson read the ordinance by title.

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

6.3 **TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-34 ADOPTING APPLICATION LA(TXT) 4-2-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A POLICY TO THE FUTURE LAND USE ELEMENT (POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE) TO INCREASE THE THRESHOLDS AT WHICH PROJECTS WOULD HAVE TO GO UNDER REVIEW AS A DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading July 17, 2007 subject to the recommendations from staff and the Planning and Zoning Board’s recommendation about affordable housing thresholds - all voted in favor}** *Local Planning Agency approved subject to additional language to be added to Policy 10-14 ...Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town*

Mr. Rayson read the ordinance by title.

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

Ms. Nolan explained that the additional language added by the Local Planning Agency ensured that there was still an affordable housing component.

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

6.4 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-35 APPROVING VACATION APPLICATION, VA 12-1-06 “FORD,” VACATING PORTIONS OF SOUTHWEST 127TH AVENUE RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-06, Ford, 12702 SW 26 Street) **{Approved on First Reading October 17, 2007 - all voted in favor}** *Planning and Zoning Board recommended approval*

Mr. Rayson read the ordinance by title.

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

6.5 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-32 APPROVING REZONING APPLICATION ZB 5-4-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-4-07, Coker & Feiner/Equity One (Florida Portfolio) Inc., 6505 Nova Drive) **{Approved on First Reading October 17, 2007 - all voted in favor}**
Planning and Zoning Board recommended approval

Mr. Rayson read the ordinance by title.

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

Ordinances - First Reading (Second and Final Reading to be held November 27, 2007)

6.6 **PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO COMPLY WITH CHAPTER 185, FLORIDA STATUTES; AMENDING THE DEFINITION OF COMPENSATION IN SECTION 1.7 TO INCLUDE UP TO 150 HOURS OF OVERTIME; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE**

Mr. Rayson read the ordinance by title and stated the second reading on the ordinance would be held on November 27, 2007.

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

6.7 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D), TOWN OF DAVIE CODE OF ORDINANCES;**

DESCRIBING THE LAND AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE.

This item was tabled earlier in the meeting.

Quasi-Judicial Item

6.8 **VARIANCE** - V 5-2-07, Russell Commons, 7800 Davie Road Extension (B-2) (to reduce the side setback from 20 feet to 1.15 feet along the western property line (this condition is existing) [**see related item 4.27**] *Local Planning Agency recommended approval*

This item was approved earlier in the meeting.

7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (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 2008) (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 Caletka

- 7.2.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (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.

7.3 Councilmember Crowley

- 7.3.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made.

- 7.3.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.3.3 Davie Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.4 Councilmember Luis

- 7.4.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

7.5 Councilmember Starkey

7.5.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

7.5.2 Davie Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

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

No appointments were made.

8. OLD BUSINESS

8.1 Relocation of Asphalt Trail on Hiatus Road at SW 29 Court (not budgeted - \$78,100)

Councilmember Starkey felt this was “an awful lot of money to spend.” She could not justify relocating the entire path, since it would benefit just one individual. Mr. Cohen explained that relocating the trail would not resolve the problem. Council agreed to take no action on this item now.

8.2 Potential High School Sites

Earlier in the meeting, Jonathan Peservich, Director of Real Estate and Environmental Planning, Broward County School Board, confirmed that the School Board was considering two sites for a high school within the Town: the Marsh property and the Weekly Brothers property. Mr. Peservich explained that Cypress Bay and Western High Schools were critically overcrowded and the School Board requested the Town pass a resolution to support efforts to locate a high school in Davie. Mr. Peservich announced that on November 19th, the Site Review Committee would meet to consider the four sites.

Mayor Truex advised that the Town did not move ahead with plans that dramatically affected neighborhoods without giving residents the opportunity to be heard.

Councilmember Starkey expressed frustration that the School Board had been unable to choose a site yet and said she had worked to ensure that the school would be located “where the kids are.” She felt it was clear that another school was needed in Weston, and the School Board should move ahead with a Weston site. Councilmember Starkey believed Western High School was serving Davie residents very well. She stated that Davie had an existing resolution to support building another high school in Weston to accommodate Weston kids.

Vice-Mayor Caletka felt Davie had “disproportionately contributed to the school system as it is” through County schools and the universities. He did not believe adding a school in Town would provide a direct benefit to the Town’s residents.

Councilmember Luis wanted to hear from Ivanhoe residents, noting that they had been moved around quite a bit and had concerns. Vice-Mayor Caletka objected to opening this item to public comment.

Mayor Truex opened the public comment portion of the meeting.

Mr. Pickett explained that there was a deadline for implementing the class size amendment. He described expansions at Weston and Pembroke Pines, and said there was a fear that MMM would not be built at all, which would result in overcrowding at the three existing high schools. Mr. Pickett stated that Ivanhoe Middle School students had been moved five times, and their high school students had been moved twice. Mr. Pickett said, “we need a school built somewhere; we need it built quickly.” He said the quickest sites were those located in Davie.

Mr. Pickett confirmed for Councilmember Luis that Ivanhoe students preferred to stay at Cypress Bay. He said they had considered proximity, distance, and what was best for the kids, and noted that all the high, middle and elementary schools were all great.

Karen Stenzel-Nowicki asked the addresses of the proposed Davie site. Mayor Truex replied that the first was at Flamingo Road and SW 26th Street and the other was at Orange Drive and Flamingo Road. Ms. Stenzel-Nowicki remembered that the Town had worked for years to protect Flamingo Road and Orange Drive as scenic corridors, to preserve their semi-rural lifestyle, and asked why they would consider putting a high school on a scenic corridor. She wanted the School Board to honor the community’s notice policy and include property owners in the discussions prior to making any proposals.

Councilmember Crowley agreed that the School Board should give the public the opportunity to provide input on this subject.

Mr. Shimun asked Council to give Mr. Cohen direction for the upcoming Site Review Committee meeting, which he would attend. Councilmember Starkey reiterated her belief that the school should be sited near the students it was intended to serve. Council agreed that public participation meetings should be held regarding the sites. Mayor Truex said he would be adamantly opposed until this took place.

Vice-Mayor Caletka asked Mr. Rayson if the Town had legal recourse if the Town did not condone the site for the school, but the School Board decided to go ahead. Mr. Rayson believed they did, and acknowledged the School Board was not “looking to make enemies” and hopefully issues would be resolved through the public input process.

Mr. Peservich announced that the Site Review Committee meeting was scheduled for November 19th, at the Sunrise Technology Center and indicated that the public was invited to observe at this meeting.

9. NEW BUSINESS

9.1 Debris and Trees on the SW 67 Avenue Right-of-Way (not budgeted \$45,900)

Earlier in the meeting, Public Works Director Manny Diez explained that this issue concerned removal of some Australian Pines and debris behind some homes. He

believed that the best course would be clear the entire area of the trees now, instead of removing some now and waiting for the same problem to occur at nearby properties.

Mr. Diez informed Councilmember Crowley that “a couple hundred” trees would be removed to clear the entire right-of-way and the \$45,900 included clearing all trees. Councilmember Crowley was concerned that some residents would object to the removal, as the trees provided some sound buffering.

Mr. Cohen stated that a roadway would be built someday by Nova, and he asked Council to authorize staff to negotiate with Nova to pay for this.

Councilmember Starkey was not sure they should remove all of the trees, and felt they could top off the pines and remove the dead trees and debris.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the clearing of the 67th Avenue right-of-way at the price of \$45,900.

Vice-Mayor Caletka suggested amending the motion to authorize staff to negotiate with Nova to recoup some of that cost. Councilmember Crowley agreed to this amendment.

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

9.2 Skateboard Park - Vice-Mayor Caletka

Vice-Mayor Caletka stated that he had received an email from a resident suggesting that one of the roller hockey rinks be made into a skateboard rink, as the rinks were currently underutilized. Mr. Andresky explained that Pine Island Park had an in-line hockey program that used two of the rinks. He stated that it would cost \$75,000 to \$100,000 to convert this to a skateboard rink.

Councilmember Starkey advised Vice-Mayor Caletka to seek a place for this within his district that would not compromise existing programs. She pointed out they could not use the bond money for this conversion.

Vice-Mayor Caletka stated that he would consult with the Parks and Recreation Advisory Board and seek corporate sponsorship.

10. MAYOR/COUNCILMEMBER’S COMMENTS

VICE MAYOR CALETKA

CONGRATULATIONS. Vice-Mayor Caletka congratulated Ms. Nolan on her new position.

CENTRAL RUNWAY PROPOSAL. Vice-Mayor Caletka requested that information on the central runway proposal the Broward County Commission heard in August be presented to Council.

POLICE ATHLETIC LEAGUE CONTRIBUTION. Vice-Mayor Caletka asked that this be added to the Council’s next agenda.

POLICE PENSION PLAN SHORTFALL. Vice-Mayor Caletka requested information about the Police pension plan shortfall for the year.

CHARTER REVIEW RECOMMENDATIONS. Vice-Mayor Caletka asked if there was a timetable established for this. Town Clerk Muniz stated that since Council had recommended they not proceed with the presidential preference primary, staff was considering the August timeline, which had a May deadline.

TOWN ADMINISTRATOR REVIEW. Vice-Mayor Caletka noted that it was time for Mr. Shimun’s yearly review. Mayor Truex asked that the surveys be distributed to Council within the next few days.

PROCLAMATION FOR COUNTY COMMISSIONER LOIS WEXLER. Vice-Mayor Caletka listed the number of issues Commissioner Wexler had supported in favor of Davie. Councilmember Starkey favored this, but wanted a proclamation for Chief George first.

COUNCILMEMBER STARKEY

MIAMI DADE COMMUNITY COLLEGE BOOK FAIR. Councilmember Starkey reported that she had attended this event and remarked on Jenna Bush’s book that discussed a South American AIDS victim. Councilmember Starkey wanted to promote awareness and accurate information in Davie regarding AIDS.

FLORIDA LEAGUE OF CITIES URBAN POLICY COUNCIL MEETING. Councilmember Starkey stated that she was attending this meeting on November 8th and one issue to be discussed was the mobile home crisis. She agreed to report to Council.

COUNCILMEMBER LUIS

ANNUAL TRAIL RIDE. Councilmember Luis reported this year’s event in October had 59 riders.

PROJECT STABLE DINNER. Councilmember Luis thanked Sheldon and Sandy McCarthy for their work to put the dinner together. He also thanked everyone involved in Project Stable.

148TH STREET SPEEDERS. Councilmember Luis thought traffic calming devices had been included in the site plan and asked staff to look into this issue. Mayor Truex felt it was “highly doubtful” that any speed bumps had been included.

CAR BREAK-INS. Councilmember Luis advised that numerous cars had been broken into in his district on the previous Friday night. He advised all citizens to keep their eyes and ears open and contact the police regarding any suspicious activity.

MAYOR TRUEX

COUNTY COMMISSION AIRPORT MITIGATION MEETING. Mayor Truex advised that he had attended this meeting on November 6th and he believed the County Commission was now “attempting to distance themselves” from the 60 DNL they had promised now that they realized the price tag. He felt the County Commission was “just glossing over” the mobile home park issue.

SCHOOL BOARD ISSUES. Mayor Truex asked Mr. Shimun to advise Council regarding the school site selection after he attended meetings. Mr. Shimun stated that at the previous meeting, staff had indicated the Orange Drive/Flamingo Road site was inappropriate and the Committee had never mentioned the other Davie site.

11. TOWN ADMINISTRATOR’S COMMENTS

No comments were provided.

12. TOWN ATTORNEY’S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Rayson requested an Executive Session on December 5, 2007 at 6:00 p.m. regarding the Eden Club vs. Davie and Wal-Mart vs. Davie. He believed one hour would be sufficient time. Mr. Rayson announced that those in attendance would be Council, Mr. Shimun, Ms. Nolan, Mr. Burke, himself and the clerk. Councilmember Starkey suggested that Mr. Stallone be invited.

NOVEMBER 27TH MEETING. Mr. Rayson advised that he was unable to attend the November 27th meeting but his associate, Thomas Moss, would attend.

13. SCHEDULE OF NEXT MEETING

With the exception of the Special Executive Session scheduled for December 5th, no other meetings were scheduled.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:42 p.m.

Approved _____

Mayor/Councilmember

Town Clerk