

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: September 17, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: September 17, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the September 17, 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): September 17, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 17, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:08 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. PUBLIC HEARING - BUDGET

Resolution

3.1 **DEBT SERVICE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009.**

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.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the voter-approved debt service of .7075. 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 - Second and Final Reading

3.2 **MILLAGE RATE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009. {Approved on First Reading September 3, 2008. The vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no}**

Mr. Rayson read the ordinance by title.

Mayor Truex announced that the Town's final operating millage rate to be levied for fiscal year 2009 would be 4.2456, which was 2.91% less than the rolled back rate of 4.3729. The final voted debt service millage for fiscal year 2009 was .7075.

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

Vice-Mayor Luis made a motion, seconded by Councilmember Caletka, to approve.

Mayor Truex stated he would vote the same way he had in the past for the same reason. Councilmember Starkey said she could not support this millage rate and would vote against it.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion carried 3-2)

3.3 **BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2009. {Approved on First Reading September 3, 2008. The vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no}**

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 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 - no. (Motion carried 4-1)

Mayor Truex recessed the meeting at 7:14 p.m. and reconvened at 7:22 p.m.

Mayor Truex announced the Planning and Zoning Board had recommended Council table item 6.10 to October 1st.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 6.10 to October 1, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 4.10 and 4.11 needed to be added to the Consent Agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add items 4.10 and 4.11 to the Consent Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex requested adding item 8.2, Discussion of Mobile Home Task Force, to New Business.

Councilmember Crowley made a motion, seconded by Mayor Truex, to add item 8.2 to New Business. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka and Councilmember Starkey requested tabling item 6.3 to Council's next meeting to obtain additional information. Mayor Truex asked Dr. Hanbury's feeling on tabling the item. Dr. Hanbury said that the request had been deferred by the County for three months and assured Council that the Town would have no liability.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to defer this item to the next meeting [October 1, 2008]. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Resolutions

- 4.1 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT \$262,706.00 FOR THE PURCHASE OF HARDWARE AND SOFTWARE FROM SUNGARD PUBLIC SECTOR, INC. FOR OPERATION OF THE OSSI COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEMS FOR THE TOWN OF DAVIE POLICE DEPARTMENT.
- 4.2 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE WESTERN STATES CONTRACTING ALLIANCE CONTRACT # A63307 FOR THE PURCHASE OF TWO INTERNET PROTOCOL SMALL COMPUTER SYSTEM INTERFACE STORAGE AREA NETWORK (ISCSI SAN). (\$69,998)
- 4.3 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO ACCEPT THE BID FROM FISCHER SCIENTIFIC COMPANY CO, LLC TO PURCHASE SELF CONTAINED BREATHING APPARATUS (SCBA) AIRPAKS. (\$46,073.04)
- 4.4 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATED TO THE DESIGN OF THE WASTEWATER TRANSMISSION MAIN IMPROVEMENTS. (\$208,385)
- 4.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE.
- 4.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF HEALTH, BROWARD COUNTY HEALTH DEPARTMENT TO BE A CLOSED POINT OF DISPENSING (POD) TO DISPENSE MEDICATION/ANTIDOTES TO ALL TOWN OF DAVIE EMPLOYEES AND THEIR FAMILIES

IN THE EVENT OF A DECLARED NUCLEAR, BIOLOGICAL OR CHEMICAL (NBC) EMERGENCY.

- 4.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE FIRE RESCUE TO RENEW AN AGREEMENT WITH CITY COLLEGE (CC) TO ALLOW ADULT STUDENTS TO PARTICIPATE IN EMERGENCY MEDICAL SERVICES (EMS) FIELD CLINICALS.
- 4.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT WITH GOVERNOR CONSTRUCTION, INC. FOR THE REHABILITATION OF TOWN OF DAVIE LIFT STATION #11. (\$223,460.75)
- 4.9 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPLICATION FOR A \$112,500 GRANT FROM THE FLORIDA RECREATION DEVELOPMENT AND ASSISTANCE PROGRAM FOR THE RENOVATION OF RECREATIONAL FACILITIES AT DRIFTWOOD PARK AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT. (not budgeted - \$37,500 Town match)

Items to be added

- 4.10 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR COMMUNITY BUS SERVICES; AND PROVIDING AN EFFECTIVE DATE.
- 4.11 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF TO TRANSFER AN ADDITIONAL \$30,000.00 FROM VARIOUS PUBLIC WORKS ACCOUNTS TO THE "TRANSFER TO CAPITAL PROJECT ACCOUNT" 001-9810-581-9930 FOR THE REPLACEMENT OF THE REMAINING TEN WINDOWS AT OLD DAVIE SCHOOL.

Councilmember Caletka pulled items 4.10 and 4.11 from the Consent Agenda. Councilmember Crowley pulled item 4.9.

Councilmember Caletka made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.9, 4.10 and 4.11. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.9 Councilmember Crowley believed open space bond money was involved and asked if the Parks and Recreation Advisory Board had approved this. Parks and Recreation Director Dennis Andresky informed Council that the Board supported this;

however, he was unsure about the Open Space Advisory Committee. Councilmember Crowley reminded Mr. Andresky that Council had agreed that all expenditures of open space bond funds should be approved by both the Parks and Recreation Advisory Board and the Open Space Advisory Committee. Mr. Andresky described work to be done in Driftwood Park. Councilmember Crowley noted that there was an item in the Capital Budget for Driftwood Park improvements as well.

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

4.10 Councilmember Caletka felt the green bus route was essential to residents and asked staff for additional information on the contract. Program Manager Susan Dean explained that the Broward County Commission had cut funding for all bus routes showing less than 7.1 riders [per hour] for the year 2007. The green route had missed the cutoff by .1 and would run out of funding on October 30th. Ms. Dean said the Town would have a new interlocal agreement for another year with the County by January. She clarified that the item before Council was the agreement to renew the blue route and cancel the green route.

Councilmember Caletka felt this was an essential service to the Town. He remembered suggesting bus service to Everglades Mobile Home Park that the County had denied and now that this funding would be taken away, he wanted to devise a plan to include service to the mobile home park. Ms. Dean suggested that the route be tailored to meet the needs of the residents and agreed they could not leave the residents without service. Councilmember Caletka noted that any funding Council wanted to provide must come from reserves, which Mr. Shimun confirmed.

Councilmember Starkey agreed the route was essential for residents and said there was the potential to request that the County Commission reconsider a modified agreement. She suggested that Davie could also operate the busses. Councilmember Starkey said the Town could renegotiate the gas surcharge because the price of gas had recently decreased.

Councilmember Starkey requested that all Councilmembers send letters to the County Commission regarding this within the next month and that a resolution be put on Council's agenda, as well as discussion of the gas surcharge issue. Ms. Dean stated that they must sign this or risk losing the blue route. Councilmember Starkey indicated that she could not support all of the language in the current resolution. Mr. Rayson stated that if Council changed the language, it was at its own risk.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve, with the additional language: "Whereas the Town of Davie believes that the green route affects a large number of disabled and senior and fixed income populations that have no other alternative transportation and desires to keep the Green route, if possible..."

Mayor Truex confirmed that this language applied to the resolution only, not the contract.

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

4.11 Public Works Director Manny Diez explained that staff wanted to use some funds from maintenance to finish the windows. He remarked on the problems caused by the leaking windows and said this was an important investment.

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

6. PUBLIC HEARING

Resolutions

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. (reconsidered and tabled from September 3, 2008)

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Linda Greck said that the expenditure of open space bond money to renovate the Pine Island Fitness Center was inappropriate in the Capital Projects budget. She questioned how the Town would fund this project if the bond funds were not available. Ms. Greck urged Council to remove this from the Capital Projects budget and fund the project another way.

Donald Burgess did not agree with using the bond funds for the Pine Island Fitness Center.

John LaDue said he would never have put his effort into getting the open space bond passed if he had known that the funds would be used for maintenance. He wanted the funds to be used exclusively for land purchases and protecting watersheds.

Joyce Stewart said she had worked very hard to put the bond through and this was not what she had promised residents the bond would be used for.

Phil Busey asked that the open space bond funds be used for open space only.

Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley said he would be in favor of using some funds to rehabilitate the roof to save the building, but not for painting, tile and other aesthetics.

Mr. Diez said he had segregated items absolutely necessary to make the building water-tight. To make the building water-tight, the exterior doors must be replaced and the windows resealed. To repair the immediate water damage and prevent recurrence, they must do the things listed in the top of the project plan. Mayor Truex recommended the things just mentioned by Mr. Diez be included and the remaining items could go into the "unfunded" category for next year.

Councilmember Crowley made a motion, seconded by Mayor Truex, to designate the use of \$400,000 from the open space bond fund for the Pine Island Fitness Center renovation and to leave the rest of the repairs unfunded.

Councilmember Starkey pointed out that some projects currently funded through impact fees should utilize bond funds instead. If bond funds were used for these projects, the impact fees funds could be used for facility maintenance. Councilmember Starkey did not agree with using the bond funds for this type of "bricks and mortar" project unless it was passive. She felt they should adhere to the criteria provided by the Open Space Advisory Committee. Councilmember Starkey reminded Council that District 1 should

spend bond money in Sunny Lake and wondered why this project was scheduled to continue for four to five years when the bond money was available.

Vice-Mayor Luis and Councilmember Caletka supported Councilmember Crowley's motion. Councilmember Caletka said that the Sunny Lake project was drawn out because it had been based on the grant, but noted that all the funds were to come from the bond. Mr. Diez explained that the tree replacement in Sunny Lake was to be phased in over time.

Councilmember Starkey wanted to work on the other parts of the project earlier than scheduled. Mr. Diez agreed the schedule could be accelerated. Councilmember Starkey asked that they utilize bond funds instead of impact fees for the amenities at Van Kirk. Mr. Shimun agreed they could accelerate the Sunny Lake project and change the funding source for Van Kirk.

Councilmember Crowley amended his motion to approve this Capital Improvement Project, allocating \$400,000 for the Pine Island Fitness Center, the additional fees to come from impact fees, and to accelerate the Van Kirk and Sunny Lake projects, excluding the tree replacement at Sunny Lake.

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)

6.2 **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2008-2012.**

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.

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)

6.3 **BOND ISSUANCE - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA MAKING CERTAIN FINDINGS; AUTHORIZING THE ISSUANCE OF THE TOWN OF DAVIE, FLORIDA, EDUCATIONAL FACILITIES REVENUE BONDS, SERIES 2008B (NOVA SOUTHEASTERN UNIVERSITY PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 TO PAY OR REIMBURSE THE COST OF THE EDUCATIONAL FACILITIES TO BE ACQUIRED, CONSTRUCTED AND EQUIPPED BY NOVA SOUTHEASTERN UNIVERSITY, INC., AND TO PAY CERTAIN COSTS OF ISSUANCE OF THE 2008B BONDS INCLUDING THE COSTS OF A CREDIT FACILITY; AUTHORIZING THE EXECUTION, DELIVERY AND/OR USE OF A BOND INDENTURE, BOND LOAN AGREEMENT, MASTER TRUST**

INDENTURE, MASTER BCEFA SUPPLEMENT, MASTER OBLIGATION, CREDIT FACILITY, REMARKETING AGREEMENT, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND OTHER DOCUMENTS AND THE PERFORMANCE OF OBLIGATIONS THEREUNDER; AUTHORIZING THE NEGOTIATED SALE OF THE 2008B BONDS TO SUNTRUST ROBINSON HUMPHREY, INC. AND BANC OF AMERICA SECURITIES LLC AND DELEGATING THE MAYOR AND TOWN ADMINISTRATOR TO FIX THE FINAL TERMS AND CONDITIONS OF THE 2008B BONDS AND DOCUMENTS SUBJECT TO CERTAIN PARAMETERS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS THE BOND TRUSTEE, PAYING AGENT AND REGISTRAR; REQUIRING INDEMNIFICATION; AUTHORIZING FURTHER ACTS ON BEHALF OF THE TOWN IN CONNECTION WITH THE 2008B BONDS; PROVIDING FOR SEVERABILITY; DECLARING FLORIDA LAW AS THE GOVERNING LAW IN CONNECTION WITH THE ISSUANCE OF THE 2008B BONDS; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Ordinances - Second and Final Reading

- 6.4 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE XI. DEVELOPMENT REVIEW PROCEDURES; ADDING DIVISION 6, SCHOOL CONCURRENCY, IN ORDER TO COMPLY WITH REQUIREMENTS TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading September 3, 2008. All voted in favor.}**

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.

Acting Development Services Director Marcie Nolan explained to Councilmember Starkey that this amendment was separate from the issue of school siting. She added that this document was identical to the language passed by other local governments.

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 - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.5 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE III. USE REGULATIONS, DIVISION 2. GENERAL REGULATIONS,

SECTION 12-33(Q) GENERAL PROVISIONS PERTAINING TO ALL BUSINESS DISTRICTS; PROVIDING DEVELOPMENT REGULATIONS FOR PERMANENT, FREE-STANDING AND UNOCCUPIED KIOSKS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading September 3, 2008 subject to Planning and Zoning's recommendations and Council approval of the site plan after Site Plan Committee review. The vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes}**

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 Mayor Truex, to approve with the same recommendations Council had made last time this was discussed.

Councilmember Caletka said he objected to this because he had never seen one that he liked.

Planning and Zoning Manager David Quigley indicated that he had already made the changes suggested by Council the last time this was heard, so no changes were needed.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - out of the room; Councilmember Starkey - yes. (Motion carried 3-1)

6.6 **BENEFIT TRUST FUND - AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF AN OTHER POST-EMPLOYMENT BENEFIT TRUST FOR THE EMPLOYEES OF TOWN OF DAVIE, FLORIDA; AUTHORIZING THE JOINING AS A PARTY THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT AND THE PARTICIPATION OF SAID TRUST IN THE OTHER POST-EMPLOYMENT BENEFIT PLAN TRUST UNDER THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE. {Approved on First Reading September 3, 2008 The vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - out of room; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes}**

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 Mayor Truex, 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 October 1, 2008)

- 6.7 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE II TO CHAPTER 18 OF THE TOWN CODE ENTITLED "MOTOR VEHICLE ACCIDENT AND INCIDENT FEES"; AUTHORIZING THE TOWN TO IMPOSE SERVICE FEES OR CHARGES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF DAVIE FOR MOTOR VEHICLE ACCIDENTS AND INCIDENTS; PROVIDING THAT SUCH FEES AND CHARGES SHALL BE ESTABLISHED OR MODIFIED FROM TIME TO TIME BY RESOLUTION OF THE TOWN COUNCIL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 3, 2008)

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the October 1, 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. Rayson described the changes he had made to the ordinance pursuant to Council's direction: it covered any road, street or highway in the Town; it affected all travelers, whether residents or not; fees would be pursued via an insurance claim; and if there was no insurance, the Town had discretion regarding follow-up.

Mayor Truex asked Mr. Rayson who decided to pursue the fee if an insurance company refused or was not involved. Mr. Rayson responded that this decision was left to "the administration, in consultation with the Fire or Police Department" and this was "implied" in the ordinance. Mr. Rayson stated that the same applied for Davie residents who were intoxicated or driving without insurance or a license.

Mayor Truex objected to enforcing this on all Town roads. Councilmember Starkey said, "They can wreak as much havoc on a local road as they can anywhere else."

Regina Moore, representing Cost Recovery Corporation (CRC), advised Council not to limit the ability to charge someone and reminded Council that this program was in keeping with the Office of the Inspector General's opinion regarding EMS. She said that the Town would have the discretion to decide when CRC should pursue payment from any private citizen and confirmed that the Town's administration would handle the appeal process.

Mayor Truex wanted it written into the ordinance that no Davie resident would be personally charged if insurance did not pay, unless the resident was intoxicated or driving without insurance or a license. Mr. Rayson suggested the language, "in the event the responsible driver or drivers did not have insurance, the charge *may* be sent to the

responsible driver(s).” He explained that they were seeking to avoid an equal protection argument. Mr. Shimun stated that the ordinance was fine as written and they could include this specific language in the resolution to provide direction for implementation.

Councilmember Crowley supported the ordinance Town-wide and asked how the fees were paid to the consultant. Ms. Moore explained that 10% was added to the insurance claim and the Town paid nothing. Mr. Shimun confirmed that this revenue source had been budgeted for \$700,000.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve.

Councilmember Caletka stated that the Town was already able to recover the costs of an egregious accident. He said that he did not support this because it was a new tax.

Fire Chief Joe Montopoli advised that he had suggested leaving the ordinance wording as liberal as possible and they could include rules in the resolution to direct implementation.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 3-2)

6.8 **PLAN AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE RETIREMENT PLAN AND TRUST FOR MANAGEMENT AND GENERAL EMPLOYEES; AMENDING ADOPTION AGREEMENT SECTION E (3)(d) TO PERMIT PROMOTED MANAGERIAL EMPLOYEES TO UPGRADE THEIR PRIOR GENERAL EMPLOYEE SERVICE BY PAYING THE FULL ACTUARIAL COST OF SUCH SERVICE; AMENDING ADOPTION AGREEMENT SECTION G(3) REGARDING THE CALCULATION OF PENSION BENEFITS FOR GENERAL EMPLOYEE MEMBERS WHO ARE PROMOTED TO MANAGERIAL POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the October 1, 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.

Budget & Finance Director Bill Ackerman explained that this ordinance closed an existing loophole and would save the Town money. He said that this amendment would affect two employees.

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 Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial Item

- 6.9 **VARIANCE** - V 5-3-08, Stubbs, 9050 North Lake Park Circle (PRD) (to reduce the east property line from 10 feet to 5 feet and to reduce the rear patio setback from 5 feet to 2.18 feet) *Planning and Zoning Board recommended approval*

Mr. Rayson swore in witnesses.

Mr. Quigley said he was unaware of any objections from the community.

Mike Stubbs, the applicant, had cited skin cancer in the family as the reason for the request.

Councilmember Starkey asked if the homeowner's association had approved or objected to the request. Mr. Stubbs replied that the homeowner's association approved the request and presented a letter regarding this.

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 - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Item to be tabled

- 6.10 **PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 10, 2008; COUNCIL CAN TABLE TO OCTOBER 1, 2008**

VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 11-1-06 "OAK HOLLOW" VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 11-1-06, Oak Hollow, 3700 SW 136 Avenue

This item was tabled earlier in the meeting.

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 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was 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 - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointment was made.

8. OLD BUSINESS

- 8.1 Charter Review Board Recommendations (deferred from September 3, 2008)

Earlier in the meeting, John Stevens, Chair of the Charter Review Board, explained they had recommended the Town Auditor provision for an independent auditor to report directly to Council regarding the Town's financial management and departmental performance. He said this could be either a full-time Town employee position or an outside audit firm retained for this purpose.

Councilmember Caletka said that Council already had the ability to hire professional services without going out to bid. Mr. Stevens explained this was a separate audit from the one the Town currently conducted. The recommended audit would include an appraisal of performance and departmental efficiency.

Councilmember Starkey agreed that Council should have one person responsible to provide efficiency recommendations. She favored steps that would improve efficiency and transparency and wanted to put this before voters.

Councilmember Crowley agreed this was a good idea, but did not feel it necessary on a full-time basis and questioned what the fiscal impact would be on the Town. Mr. Stevens explained that Fort Lauderdale had an in-house auditor that cost the city \$468,296. In Miramar, this position only cost \$40,000. Councilmember Crowley felt a consulting firm with the right scope of service could accommodate their needs.

Vice-Mayor Luis said he appreciated the idea, but thought this was “a bureaucrat that you’re creating” and the position would include “very generous health insurance” and “very generous retirement” for this “six-figure person.” He also believed this person would require staff. Vice-Mayor Luis wondered who would ensure that this person was doing a good job, since it was an independent position. He felt it was a “good idea, once in a while to do a forensic audit.”

Mayor Truex felt this was “an excellent concept, but it does need to be tweaked.” He suggested removing the words “full time.”

Mr. Shimun agreed this was a good idea, but noted that the problems they had discovered in the past had been corrected so they should not recur. He agreed creating this position would be expensive, and estimated it would cost \$300,000 to \$400,000, which would probably exceed the efficiencies that would be discovered.

Councilmember Caletka pointed out that adding this to the Charter would require a yearly recurring expense, whereas now, Council could choose to perform an audit as it felt necessary.

Councilmember Crowley appreciated the concept, but not for a full-time employee. He favored using a consultant.

Judy Paul, Charter Review Board member, agreed with this concept and advised Council to ask Mr. Ackerman to explain how the policies and procedures for the Finance Department addressed some of these issues.

Scott McLaughlin, Charter Review Board member, said he had voted against this because he did not want to remove power from the Town Administrator. He felt the Town Administrator should be given the power to do his job.

Mayor Truex asked Mr. Rayson to eliminate the requirement for a full time position and to “punch up” the description to make it more descriptive. Mr. Rayson suggested including language requiring the audit to be completed annually, and then describing the qualifications for the individual. Councilmembers agreed and directed Mr. Rayson to make the changes to the language.

Mr. Stevens said the Open Space Advisory Committee wanted to require a 5-0 Council vote to take open space land. The Charter Review Board felt this was unworkable and recommended requiring a supermajority.

Ms. Paul said this recommendation from the Open Space Advisory Committee was based on a proposed County Charter revision. She said this was proposed as a way to preserve the Town’s parks and open space in perpetuity.

Councilmember Starkey strongly supported this, noting that parks were critical to the quality of life in the Town and must therefore be preserved. Councilmember Caletka was proud of Davie’s park land and felt a supermajority vote should be required.

Councilmember Crowley agreed this should be presented to the voters and supported requiring a supermajority as land use amendments did.

Councilmember Starkey wanted to include the language "...parks, open space, conservation and recreational easements..."

Mr. Rayson advised they would need to amend 7H of the Charter to include a reference to open space. Council agreed to this recommendation.

Mayor Truex asked Mr. Rayson to prepare language regarding these recommendations for Council's next meeting.

8.2 Discussion of Mobile Home Task Force

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to reinstate the Mobile Home Task Force for a period of six months.

Mayor Truex suggested giving the Task Force 60 to 90 days and charging them to determine where the assistance was needed, how the Town could help Palma Nova residents, and what amount of assistance funds should be provided. The Task Force could develop qualification criteria as well. Mr. Rayson stated there may be legal issues regarding the expenditure of Town funds.

Councilmember Starkey agreed to limit the Task Force to four months and wanted them to look into using homeless prevention funds, the new Foreclosure Prevention Program and Sadowski funds.

Councilmember Starkey amended her motion: to reinstate the Mobile Home Task Force for four months, to monitor the progress of the exit relocation plan at Palma Nova, and to make recommendations for assistance as deemed fit through the Housing Department. Councilmember Crowley agreed to the amendment.

Vice-Mayor Luis did not feel the Task Force should be responsible to monitor the relocation plan at Palma Nova. He also felt that the Task Force had already given people false hope and Council must be careful not to encourage this. Vice-Mayor Luis was also afraid of "convening the Task Force to go after the Urban Group and the Formans and this turning into a little war. I think that we could really cause a big problem if that happens."

Mr. Rayson explained that the ordinance stated that the Town Administrator or his designee would monitor the exit plan and he felt it improper to delegate this to the Task Force. Councilmember Starkey said she wanted the Task Force to follow the progress of the park residents through the exit plan and make recommendations to Council, not to oversee the exit plan.

Frank Serra, Chair of the Mobile Home Task Force, assured Council that the Task Force would not become a lynch mob and said they would develop recommendations for Palma Nova. He stated that the Task Force would abide by State Statute 723 and the Town's Ordinance, and he did not believe they would need four months. Mayor Truex said the Task Force's priority should be to determine how the Town could assist the residents. Mr. Serra invited Council to provide the Task Force with a scope of work.

Mayor Truex suggested amending the motion to remove the monitoring, and to change the time period to 30 days. Councilmember Starkey and Councilmember Crowley agreed to this amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

9. NEW BUSINESS

9.1 District 1 Councilmember Appointment Process

Councilmember Starkey wanted Councilmembers to look at the information Town Clerk Muniz had provided and decide what process should be used. She described the process used in the past and noted that it had been transparent and open.

Mayor Truex advised that anyone who inquired should be asked to send a letter of interest and a resume. He agreed the process they had used in the past was fair.

Vice-Mayor Luis did not feel Councilmember Caletka should lose his position because he had run for another position, which he had ultimately lost. Vice-Mayor Luis would like to see Councilmember Caletka reappointed and run as the incumbent.

Councilmember Crowley asked if Councilmember Caletka would be permitted to vote on a motion to reappoint himself. Mr. Rayson agreed to research this and report back to Council. Councilmember Starkey requested the opinions that had been rendered by previous Town Attorneys as well.

10. SCHEDULE OF NEXT MEETING

11. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR LUIS

SHENANDOAH MEETING. Vice-Mayor Luis reported there had been the previous evening at Shenandoah to discuss the West Oaks project. He had missed this meeting, but intended to meet with residents personally.

THANKS TO MR. SHIMUN. Vice-Mayor Luis thanked Mr. Shimun for the training staff was undergoing.

COUNCILMEMBER STARKEY

HURRICANE IKE. Councilmember Starkey extended condolences to the victims of Hurricane Ike in Texas. She asked if the fire stations could be used as donation collection points with Chief Montopoli responding in the affirmative. Councilmember Starkey urged everyone to donate and/or volunteer for the American Red Cross.

I-595 TRANSIT MEETING. Councilmember Starkey advised that she had attended the Florida Department of Transportation's outreach meeting regarding I-595 transit the previous meeting. She felt it was important for all residents to provide input on this issue. Councilmember Starkey said that there would be another meeting regarding privatization of Alligator Alley. She disagreed with this concept, and felt residents should speak on this issue a well.

COUNCILMEMBER CROWLEY

WEST OAK ESTATES MEETING. Councilmember Crowley said that members of West Oak Estates had requested moving the meeting up to October 1st. Vice-Mayor Luis said that he would rather meet on October 15th to allow him additional time to meet with the residents.

COUNCILMEMBER CALETKA

MS. NOLAN'S LAST MEETING. Councilmember Caletka announced this was Ms. Nolan's last meeting. He noted that her law school peers referred to her as "the walking encyclopedia." He thanked Ms. Nolan for her service to the Town.

MAYOR TRUEX

BATTEN PROPERTY. Mayor Truex asked about the building on the property. Mr. Shimun said that it was locked and staff tried to keep it graffiti-free. Mr. Diez explained that the electric service had been changed over and the electricians had inspected the air conditioning. He said that staff visited the property continuously to make sure no one started residing there. Mayor Truex wanted to decide on a use for the property as soon as possible. Councilmember Crowley said that he had met with Mr. Andresky and he hoped to open the building for use.

PINE ISLAND RIDGE. Mayor Truex advised that he had met with individuals and groups in Pine Island Ridge and asked Mr. Diez to accompany him to meet with some of the residents to discuss the maintenance issues and the capital projects. Mr. Diez agreed.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

RECOVERY. Mr. Rayson reported Ms. Taylor-Prakelt was in the hospital and wished her a speedy recovery.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:44 p.m.

Approved _____

Town Clerk

Mayor/Councilmember