

**TOWN OF DAVIE
REGULAR MEETING
MAY 20, 2015**

I. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:33 p.m. and was followed by the Pledge of Allegiance.

Mayor Paul requested a moment of silent meditation to remember who had given their lives for our country.

II. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Starkey and Councilmembers Caletka, Hattan and Luis. Also present were Town Administrator Lemack, Town Attorney Rayson and Town Clerk Roig recording the meeting.

I. PRESENTATIONS

1. Yellow Dot Program - Broward County Vice-Mayor Martin David Kiar
Vice-Mayor Kiar provided a presentation on the County-wide program.

2. 2015 YESAC Grant Award Winners - Fox Trail Elementary and Indian Ridge Middle School, Tim Curtin, YESAC Chairperson

Mr. Curtin announced the winners of the grants: Fox Trail Elementary, represented by Suzanne Nelson and Indian Ridge Middle School, represented by Principal Frank Zagari and Charlene Reed.

3. 2015 Mayor's Scholarship

Mayor Paul reported they had received eight or nine applications and decided on three recipients. The recipients were: Angelina Leary, Timothy Robert Conway and Dominic Reale.

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

II. APPROVAL OF CONSENT AGENDA

Resolutions

Budget and Finance

1. **GENERAL OBLIGATION BOND** - A RESOLUTION OF THE TOWN COUNCIL OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$12,900,000 IN INITIAL PRINCIPAL AMOUNT OF TOWN OF DAVIE, FLORIDA GENERAL OBLIGATION REFUNDING NOTE, SERIES 2015 (THE "SERIES 2015 NOTE") FOR THE PURPOSE OF REFUNDING ON A CURRENT BASIS, A PORTION OF THE TOWN'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING THE FORM AND TERMS OF THE SERIES 2015 NOTE; PROVIDING FOR THE PAYMENT OF THE SERIES 2015 NOTE FROM A TAX ON ALL TAXABLE PROPERTY IN THE TOWN OF DAVIE; DETERMINING THE NEED FOR A NEGOTIATED SALE OF SUCH SERIES 2015 NOTE TO TD BANK, N.A.; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS ESCROW AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND NOTE PURCHASE AGREEMENT; PROVIDING FOR THE RIGHTS AND REMEDIES OF THE HOLDERS OF THE SERIES 2015 NOTE; PROVIDING FOR CERTAIN OTHER MATTERS DEEMED NECESSARY; MAKING CERTAIN COVENANTS RELATING TO THE ISSUANCE OF SAID SERIES 2015 NOTE, AUTHORIZING THE PROPER

OFFICERS OF THE TOWN TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2015 NOTE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. **GENERAL OBLIGATION BOND** - A RESOLUTION OF THE TOWN COUNCIL OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$16,700,000 IN INITIAL PRINCIPAL AMOUNT OF TOWN OF DAVIE, FLORIDA LIMITED GENERAL OBLIGATION REFUNDING NOTE, SERIES 2015 (THE "SERIES 2015 NOTE") FOR THE PURPOSE OF REFUNDING ON A CURRENT BASIS, A PORTION OF THE TOWN'S OUTSTANDING LIMITED GENERAL OBLIGATION BONDS, SERIES 2006; PROVIDING THE FORM AND TERMS OF THE SERIES 2015 NOTE; PROVIDING FOR THE PAYMENT OF THE SERIES 2015 NOTE FROM A TAX ON ALL TAXABLE PROPERTY IN THE TOWN OF DAVIE, UP TO A MAXIMUM OF THE TAX LIMITATION AS DEFINED HEREIN; DETERMINING THE NEED FOR A NEGOTIATED SALE OF SUCH SERIES 2015 NOTE TO DNT ASSET TRUST; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS ESCROW AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND NOTE PURCHASE AGREEMENT; PROVIDING FOR THE RIGHTS AND REMEDIES OF THE HOLDERS OF THE SERIES 2015 NOTE; PROVIDING FOR CERTAIN OTHER MATTERS DEEMED NECESSARY; MAKING CERTAIN COVENANTS RELATING TO THE ISSUANCE OF SAID SERIES 2015 NOTE, AUTHORIZING THE PROPER OFFICERS OF THE TOWN TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2015 NOTE; AND PROVIDING FOR AN EFFECTIVE DATE.

Engineering

3. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE COUNTY INCENTIVE GRANT PROGRAM AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE NOVA DRIVE PROJECT BETWEEN DAVIE ROAD AND UNIVERSITY DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.
4. **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA SUPPORTING THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION'S FY 2015 TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) APPLICATION TO ENHANCE THE REGIONAL COMPLETE STREETS NETWORK; AND PROVIDING FOR AN EFFECTIVE DATE.

Human Resources

5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ALLOWING FOR THE TOWN TO PIGGY-BACK OFF THE PINELLAS SUNCOAST TRANSIT AUTHORITY RFP #13-008P FOR BENTEK SOFTWARE SOLUTIONS WITH THE GEHRING GROUP.

Public Works

6. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO APPROVE A CONTRACT BETWEEN PHILLIP JIMRUSTI AND ASSOCIATES, INC. AND THE TOWN OF DAVIE UP TO \$24,990 TO PROVIDE CONSULTING SERVICES FOR THE DAVIE GOLF COURSE WETLANDS (FORMER ARROWHEAD GOLF COURSE), AND

PROVIDING FOR AN EFFECTIVE DATE.

7. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO USE THE CO-OP BID FROM THE CITY OF BOYNTON BEACH FOR SOD INSTALLATION SERVICES FROM MULLINGS ENGINEERING SERVICES, LLC. AND PROVIDING FOR AN EFFECTIVE DATE.

Purchasing

8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF METRO CONTRACTORS, COASTAL CONTRACTING, P2M GENERAL CONSTRUCTION, SELDIN CONSTRUCTION, AND EAST COAST BUILDERS TO PROVIDE MISCELLANEOUS CONSTRUCTION SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

III. DISCUSSION OF CONSENT AGENDA ITEMS

None.

IV. PUBLIC HEARING

Resolution

9. **CAPITAL IMPROVEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE 10-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2015-2024; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

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

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

Ordinances - Second and Final Readings

10. **COMPREHENSIVE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on first reading on January 21, 2015. In a roll call vote, the vote was as follows: Mayor Paul - absent; Vice Mayor Hattan - yes; Councilmember Starkey - yes; Councilmember Caletka - yes; Councilmember Luis - yes.}** (Motion Carried 4-0).

Mr. Rayson read the ordinance by title.

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

Nikisha Smith from Galvin Giordano and Associates, provided a correction to the figures in the utility providers' statistics.

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

Vice-Mayor Starkey requested additional time to review the materials.

Vice-Mayor Starkey made a motion, seconded by Councilmember Caletka to table to Council's June 10 meeting. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice

Mayor Starkey - yes; Councilmember Hattan - yes; Councilmember Caletka - yes; Councilmember Luis - yes. (Motion Carried 5-0).

11. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 2013-13 TO PROVIDE FOR THE AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V BOARDS AND COMMITTEES, PROVIDING FOR THE CONSOLIDATION OF CERTAIN BOARDS, PROVIDING FOR THE SUNSET OF CERTAIN BOARDS, PROVIDING FOR DEFINITIONS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.{**Approved on first reading on May 6, 2015. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice Mayor Starkey - yes; Councilmember Hattan - yes; Councilmember Caletka - no; Councilmember Luis - yes.**} (Motion Carried 4-1).

Mr. Rayson read the ordinance by title.

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

Councilmember Hattan made a motion, seconded by Vice-Mayor Starkey to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice Mayor Starkey - yes; Councilmember Hattan - yes; Councilmember Caletka - no; Councilmember Luis - yes. (Motion Carried 4-1).

12. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 85-070, **REPEALING SECTION 2-38 AND AMENDING SECTION 2-39** ~~2-7~~ OF THE TOWN OF DAVIE CODE OF ORDINANCES CONCERNING OUT-OF-POCKET EXPENSES FOR TOWN COUNCIL MEMBERS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE..{**Approved on first reading on May 6, 2015. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice Mayor Starkey - yes; Councilmember Hattan - yes; Councilmember Caletka - yes; Councilmember Luis - yes.**} (Motion Carried 5-0).

Mr. Rayson read the ordinance by title.

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

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

Ordinances - First Readings (Second and Final Readings to be held on June 10, 2015)

13. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE; SECTION 12-24, STATEMENT OF PURPOSE AND INTENT FOR ZONING DISTRICTS; SECTION 12-32, PERMITTED USES; SECTION 12-34, STANDARDS FOR SPECIFIC USES; SECTION 12-54, NONRESIDENTIAL PERFORMANCE STANDARDS; SECTION 12-55, SCALE OF NONRESIDENTIAL DEVELOPMENT; SECTION 12-240, ARTICLE VIII, SIGNS, LIGHTING; ARTICLE X, PLANNING AND DEVELOPMENT, DIVISION 6, TEMPORARY USE PERMITS; ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES; DIVISION 4, DESIGN STANDARDS AND REQUIREMENTS; ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, DIVISION 1, WESTERN THEME DISTRICT; DIVISION 2, EASTSIDE NEIGHBORHOOD SPECIAL ZONING DISTRICT; DIVISION 11, REGIONAL ACTIVITY CENTER DISTRICTS; SECTION 12-503, DEFINITIONS; SECTION XVII, AFFORDABLE HOUSING INCENTIVE PROGRAM; PROVIDING FOR CONFLICT, PROVIDING FOR

SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and stated there would be a public hearing on the item on June 10, 2015.

Mayor Paul opened the public hearing portion of the meeting.

John Toole said he opposed this because he was using the property to land his plane. He claimed that passing this ordinance would devalue his property by \$2 million. He wanted his use to be grandfathered in but Mr. Quigley said that was not possible since this was not an official airport use now.

John Voight, representing the property owners in the marina district on State Road 84, said they were all in favor of this. He distributed a packet of aerial photos of the area and noted how difficult redevelopment would be if this were not approved.

Fred Elson said he was a pilot and his property had more usable landing strip than a 28-acre property would have. He thought Mr. Toole was "flying completely legally." He asked Council to table the item and "forget about it if it's at all possible."

As no one else spoke, Mayor Paul closed the public hearing portion of the meeting.

Vice-Mayor Starkey suggested if they were trying to accommodate an airstrip, they could limit its use to fewer than five flights per day and only between the hours of 7 a.m. and 8 p.m. They could also limit the size of the aircraft and restrict the use to non-commercial flights

Councilmember Hattan suggested adopting the ordinance and removing the section regarding specific uses, which could be revisited. Mayor Paul pointed out that if they removed that section, the zoning in progress would stay in effect.

Mr. Rayson said if the ordinance passed on first reading, further adjustments could be made prior to the second reading.

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

14. BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2015; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title.

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

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

Quasi-Judicial Public Hearing

15. VARIANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION "V 15-57 ESCOBAR", AND PROVIDING AN EFFECTIVE DATE. (V 15-57 Escobar, 5630 SW 54th Court, R-3)

Mr. Rayson read the resolution by title and swore in witnesses.

Planning and Zoning Manager David Quigley noted the applicant had waived quasi-judicial procedure at the Planning and Zoning Board meeting.

Mr. Quigley provided the staff report.

Alex Escobar, property owner, said he had hired a licensed contractor who had not ensured the work was done to code.

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

Councilmembers disclosed communications they had regarding this item.

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

V. APPOINTMENTS

16. Committee/Board Vacancies and Appointments

Mayor Paul stated Site Plan Committee members needed to be reappointed.

Vice-Mayor Starkey reappointed Robert Breslau.

Mayor Paul appointed Stavros Moforis.

Councilmember Hattan and Councilmember Caletka reappointed their members.

Councilmember Luis appointed Jeff Dixon.

VIII. COMMITTEE RECOMMENDATIONS

None.

IX. OLD BUSINESS

None.

X. NEW BUSINESS

None.

XI. SCHEDULE OF NEXT MEETING

No discussion.

XII. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR PAUL

HAPPY BIRTHDAY TO VICE-MAYOR STARKEY. Mayor Paul wished Vice-Mayor Starkey a Happy Birthday on May 30.

CAROL WESTMORLAND THANK-YOU. Mayor Paul said Carol Westmorland had thanked Council for joining the Florida League of Cities again.

JUNIOR HIGH SCHOOL RODEO CHAMPIONSHIP. Mayor Paul announced the event would come to Town on May 29 and 30. She stated Dr. Strain's daughter Britta would be competing in the finals.

EMERGENCY PHONES. Mayor Paul distributed copies of an email she had received regarding emergency phones

MEMORIAL DAY CEREMONY. Mayor Paul reminded everyone of the Memorial Day ceremony on May 25 with the Boy Scouts of America.

POLICE ACADEMY GRADUATION. Mayor Paul announced she would be the keynote speaker at the Police Academy graduation at Broward College on May 21.

BROWARD 100. Mayor Paul said the Sun Sentinel had requested submissions for their Broward 100 issue.

MAYORS' GALA. Mayor Paul said the County wanted each city to submit an honoree who was a veteran to attend the gala. A table for 10 cost \$1,750. Council had consensus to attend to honor a veteran.

COUNCILMEMBER LUIS

100 OUTSTANDING WOMEN OF BROWARD. Councilmember Luis said Vice-Mayor Starkey had been recognized at the event on May 7.

COUNCILMEMBER CALETKA

TONY LYNN LETTER. Councilmember Caletka asked that Mr. Lynn's complimentary letter about Mr. Jimenez be put in his personnel file.

CHILD CAR SEAT SAFETY. Councilmember Caletka had heard very positive things from residents of Plantation who had utilized the Davie Fire Rescue Department's child safety seat process. Another couple had come in with car seats that were either defective or recalled and Fire Rescue had identified where the couple could find appropriate car seats.

PARK AND RIDE MEETING. Councilmember Caletka had provided minutes of the meeting with Secretary O'Reilly and said there would be a vote in July. He was confident the Park and Ride would be permanently removed from the FDOT work plan.

LANDSCAPING ON I-75 SOUND WALLS. Councilmember Caletka said FDOT did not intend to install landscaping in the residents' side and landscaping on the roadside would be installed only after construction was complete. Mayor Paul said water standing in the ditch had eroded an existing wall. This wall was supposedly built by the developer and was the HOA's responsibility to maintain. Mayor Paul suggested Councilmember Luis discuss this with Mr. Lemack. Mayor Paul and Councilmember Caletka recalled discussion at the public input meetings regarding landscaping along the wall being included in the project. Vice-Mayor Starkey wanted to send a resolution indicating several areas where the Town wanted FDOT to install landscaping on residents' property.

VICE-MAYOR STARKEY

100 OUTSTANDING WOMEN OF BROWARD. Vice-Mayor Starkey had attended the event and said it had been wonderful.

WOMEN IN DISTRESS 9TH ANNUAL STARFISH LUNCHEON. Vice-Mayor Starkey had attended this event and said she was alarmed about statistics regarding abuse.

THANKS TO STAFF. Vice-Mayor Starkey thanked staff for meeting her near the area they wanted to install ballards to prevent ATV traffic.

TREE FOR DAVE RODRIGUEZ. Vice-Mayor Starkey thanked staff for replacing the tree for Dave Rodriguez and said they needed a better procedure for replacing legacy program trees when they died.

COUNCILMEMBER HATTAN

HAPPY BIRTHDAY. Councilmember Hattan wished Vice-Mayor Starkey a Happy Birthday.

WESTSIDE REGIONAL RIBBON CUTTING. Councilmember Hattan had attended the ceremony and said the facility was now open.

ARTHRITIS WALK. Councilmember Hattan said the even had been well attended and Daisy Duke of Davie had been a big hit.

ECONOMIC DEVELOPMENT CONFERENCE. Councilmember Hattan had attend the event at

Nova Southeastern University and said it had been very good.

THE ADDICT'S MOM. Councilmember Hattan said there had been an event in the arena on Sunday and they were recommending it be moved indoors.

THE CAPPIES. Councilmember Hattan had attended the student theatrical awards the previous evening. She congratulated honorees.

CHAIR EXERCISE. Councilmember Hattan said this was going great.

XIII. TOWN ADMINISTRATOR'S COMMENTS

MEMORIAL DAY PARADE. Jeff Pohlman, Operations and Management Professional, provided an update on the Memorial Day Parade and Ceremony on May 25 at 10 a.m. at the Bergeron Rodeo Grounds. He noted the parade route had been altered this year. The keynote speaker would be Colonel Mark Holahan, who was currently Director of Logistics in the J-4 U.S. Southern Command. Mr. Pohlman showed photos from the previous year's event.

XIV. TOWN ATTORNEY'S COMMENTS

HAPPY BIRTHDAY. Mr. Rayson wished Vice-Mayor Starkey a Happy Birthday.

MEMORIAL DAY. Mr. Rayson wished everyone a wonderful and thoughtful Memorial Day.

XV. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 7:58 pm.

Approved _____
Mayor/Councilmember

Town Clerk