

**TOWN OF DAVIE  
REGULAR MEETING  
APRIL1, 2015**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

**II. ROLL CALL**

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

Councilmember Caletka made a motion, seconded by Councilmember Hattan to excuse Councilmember Luis' absence. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

**III. OPEN PUBLIC MEETING**

No speakers.

**IV. PRESENTATIONS**

1. Town of Davie Utilities Second Annual Drop Savers Poster Contest, Rod Ley Assistant Director Utilities Department  
Mr. Ley announced the winners:  
Isaac Gill  
Liani Gonzalez  
Ariana Matt  
Asa Reyes

2. Fair Housing Poster Contest: Rita Scott, Education and Outreach Coordinator, HOPE Fair Housing Center  
Ms. Scott announced the winners:  
Regina Alvarez  
Sergio Bandandales  
Brian Collins  
Alexis McKirchy-Ali

Mayor Paul announced the applicant had requested deferring items 19 and 20 to April 15.

Councilmember Caletka made a motion, seconded by Vice-Mayor Starkey to table items 19 and 20 to the April 15 meeting. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul pulled items 1, 2, 3, 5 and 17

Councilmember Hattan made a motion, seconded by Councilmember Caletka to approve the Consent Agenda, less items 1, 2, 3, 5 and 17. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

## V. APPROVAL OF CONSENT AGENDA

### Proclamations

1. National Fair Housing Month (April 2015)
2. Water Conservation Month (April 2015)
3. Relay For Life Day (April 11, 2015)
4. Days of Remembrance (April 12-19, 2015)
5. Town of Davie Volunteer Week (April 12-18,2015)

### Minutes

6. March 4, 2015 Meeting Minutes (Regular)

### **Resolutions**

#### Administration

7. **EMPLOYMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE A REVISED EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND TOWN ENGINEER, LAURA A. BORGESI; AND PROVIDING FOR AN EFFECTIVE DATE.

#### Community Services

8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUB-RECIPIENT AGREEMENT WITH CRISIS HOUSING SOLUTIONS TO PROVIDE HOME BUYER COUNSELING SERVICES TO INCOME ELIGIBLE DAVIE FAMILIES AND INDIVIDUALS AND PROVIDING FOR AN EFFECTIVE DATE.
9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUB-RECIPIENT GRANT AGREEMENT WITH HOUSING OPPORTUNITIES PROJECT FOR EXCELLENCE, INC. (H.O.P.E., INC.) TO PROVIDE FAIR HOUSING INITIATIVES AND OUTREACH TO THE RESIDENTS OF THE TOWN OF DAVIE AND PROVIDE FOR AN EFFECTIVE DATE.

#### Information Technology

10. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE OF ONE HUNDRED (100) LAPTOP COMPUTERS FROM DELL MARKETING LP ON FLORIDA STATE CONTRACT NUMBER 250-WSCA-10-ACS.

#### Police

11. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE POLICE DEPARTMENT TO PURCHASE AN AUTOMATIC VEHICLE LOCATION SYSTEM (AVLS) FOR THE GPS MONITORING FOR THE POLICE DEPARTMENTS VEHICLE FLEET FROM TRACK STAR INTERNATIONAL INC., A SINGLE SOURCE PROVIDER IN THE AMOUNT OF \$25,158.00 PER YEAR FOR A FIVE YEAR CONTRACT PERIOD TOTALING \$125,790.00.

12. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$3,985.09 FROM THE POLICE DEPARTMENT STATE FORFEITURE FUND FOR THE PURCHASE OF SPECIAL RESPONSE TEAM TACTICAL HOLSTER SYSTEM EQUIPMENT FROM TACTICAL & SURVIVAL SPECIALTIES INC.; GSA CONTRACT #GS-07F-9123D.

Public Works

13. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO APPROVE RECONCILIATION CHANGE ORDERS #2 AND #5 TO COASTAL CONTRACTING AND DEVELOPMENT, INC. FOR VARIOUS ITEMS TO THE NEW GYMNASIUM AT THE RICK AND RITA CASE BOYS AND GIRLS CLUB AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney

14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO EXECUTE AN AGREEMENT FOR TOWN DEFENDER SERVICES BETWEEN THE TOWN OF DAVIE AND THE LAW OFFICES OF TIMOTHY M. MCFARLAND, P.A., AND PROVIDING FOR AN EFFECTIVE DATE.

Utilities

15. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE ADDITIONAL FUNDS NEEDED TO PURCHASE A JOHN DEERE 310 SL BACKHOE LOADER PREVIOUSLY APPROVED BY RESOLUTION #2014-213.

Quasi-Judicial Consent Items

16. **Site Plan (SP 14-283), Perez Estates** (10830 SW 23rd St, Zoned A-1)
17. **Site Plan (SP) 14-312, Lakeside Town Shops** (5800 South University Drive, zoned UC) (see related items #18 & #21)
18. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE DECLARATION OF RESTRICTIVE COVENANTS FOR LAKESIDE TOWN SHOPS, AND PROVIDING AN EFFECTIVE DATE (Developer's Agreement [DA]15-036, Lakeside Town Shops [5800 South University Drive]). (see related items #17 & #21)

**VI. DISCUSSION OF CONSENT AGENDA ITEMS**

1. National Fair Housing Month (April 2015)

Vice-Mayor Starkey made a motion, seconded by Mayor Paul to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul read the proclamation.

3. Relay For Life Day (April 11, 2015)

Vice-Mayor Starkey made a motion, seconded by Councilmember Hattan to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul read the proclamation and presented Relay for Life with a personal donation.

2. Water Conservation Month (April 2015)

Vice-Mayor Starkey made a motion, seconded by Councilmember Caletka to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Councilmember Hattan read the proclamation.

5. Town of Davie Volunteer Week (April 12-18,2015)

Councilmember Hattan made a motion, seconded by Vice-Mayor Starkey to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Assistant Town Administrator Macciano Lewis accepted the proclamation.

17. Site Plan (SP) 14-312, Lakeside Town Shops (5800 South University Drive, zoned UC)

Mayor Paul said the developer had agreed to make a donation to the Town toward installing a charging station at a location of the Town's choosing in lieu of building a charging station in the shopping center. They had also agreed to add a dedicated parking space for cars with strollers.

Scott Backman, attorney for the applicant, agreed to these additions. Planning and Zoning Manager David Quigley confirmed that these additions would be made prior to the building permit.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hattan to approve, on the condition that the two additions be made prior to the building permit being issued. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

## VII. PUBLIC HEARING

### Ordinance - Second and Final Reading

19. **LAND USE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING "LAND USE APPLICATION (LA) 14-009 SADDLE BRIDGE", AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "RESIDENTIAL 10 DU/ACRE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LA14-009, Saddle Bridge, located on the south side of Griffin Road between 76th Avenue and 78th Avenue, zoned Griffin Corridor - University Drive Node) (Requires super-majority vote) {**Approved on first reading on August 19, 2014. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice Mayor Hattan - yes; Councilmember Starkey - yes; Councilmember Caletka - yes; Councilmember Luis - yes.**} (Motion Carried 5-0).(tabled from March 4, 2015)

Tabled to April 15.

### Ordinance - First Reading (Second and Final Reading to be held at a later date)

20. **LAND USE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING LAND USE PLAN AMENDMENT (LA) APPLICATION "LA 14-219 MARBELLA GRANDE", AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM RESIDENTIAL 1 DU/ACRE AND RESIDENTIAL 5 DU/ACRE TO SPECIAL CLASSIFICATION RESIDENTIAL 7.4 DU/ACRE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (located on the west side of Davie Road, south of Southwest 49th Court, currently zoned A-1) (**Requires super-majority vote**) (**tabled from February 18, 2015**)

Tabled to April 15.

Quasi-Judicial Public Hearing Items

21. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION "V 15-035 LAKESIDE TOWN SHOPS," AND PROVIDING FOR AN EFFECTIVE DATE (V 15-035 Lakeside Town Shops, 5800 South University Drive, zoned UC). (see related items #17 & #18)

Mr. Rayson read the resolution by title and said all parties had waived the quasi-judicial procedure.

Deputy Planning and Zoning Manager David Abramson provided the staff report.

Scott Backman, attorney for the applicant, invited questions.

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 Caletka - yes; Councilmember Hattan - yes; Councilmember Luis - absent;. (Motion carried 4-0)

Vice-Mayor Starkey said limiting the frontage may need to be addressed in the code. Mr. Quigley said staff had not seen a problem with this request because the applicant was the tenant most likely to be affected by it. He did not feel this situation would occur often.

Ordinance - First Reading (Second and Final Reading to be held April 15, 2015)

22. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION VA14-087, DANISI, VACATING A PORTION OF SOUTHWEST 45TH STREET (ORANGE DRIVE) RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (VA 14-087 Danisi, Generally located at the northeast corner of Southwest 45th Street and Southwest 74th Avenue) (**tabled from March 4, 2015**)

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

Mr. Quigley provided the staff report. He informed Council that pursuant to questions raised at the last meeting, staff had advised Ms. Danisi to have a new survey drawn, showing the vacation at 60 feet, in relation to the sidewalk.

Mr. Rayson asked about the right-of-way requirement on Orange Drive and Mr. Quigley explained the local Master Plan called for a minimum of 60 feet of right-of-way for this classification of road.

Bruce Epperson, attorney for Ms. Danisi, said the August 27, 2014 staff report contained an alternative recommendation to re-convey 20 feet of the right-of-way. Mr. Quigley said this alternative had been included in the version provided to the Planning and Zoning Board and they had essentially approved it. Based on research done after the Planning and Zoning Board decision, staff recommended maintaining an 80-foot right-of-way. Mr. Quigley said the report indicated that that the analysis was based on a 66-foot right-of-way, but he thought this might be a typographical error. He stated the February Planning Study recommended maintaining an 80-foot right-of-way on that corridor. This was based on staff opinion.

Mr. Epperson presented a vacation of right-of-way for 4495 SW 95 Terrace from 2009 and said this had been approved "based upon the fact that there was none of the 85 projects specified immediately in front of...that particular building, and now we're seeing an analysis that's done on a corridor-wide plan." Vice-Mayor Starkey thought staff and Council had resolved these issues at the last meeting. Mr. Epperson said Ms. Danisi had been satisfied with the alternative proposal approved to the Planning and Zoning Board and the most recent staff report indicated an 80-foot right-of-way was required and this was "in effect, a planning improvisation."

Mayor Paul was puzzled about Mr. Epperson's remarks, since she felt they had resolution after the last meeting; the Town was prepared to give Ms. Danisi 60 feet to the 20-foot line, a

compromise. Mr. Epperson apologized and said, "It was my impression when I walked in that door...that we were facing certain defeat."

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

Mr. Quigley said in 1990, the deed to dedicate the right-of-way included an easement dedication; if Council moved to vacate part of the right-of-way, they would also vacate part of the easement. Mr. Quigley stated this would be included in the second reading document.

Councilmembers disclosed communications they had regarding this item.

Councilmember Caletka made a motion, seconded by Councilmember Hattan to approve the partial vacation of right-of-way as shown on page 547 of the backup and also a partial vacation of the easement located on the 20-foot strip. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Starkey - yes; Councilmember Caletka - yes; Councilmember Hattan - yes; Councilmember Luis - absent;. (Motion carried 4-0)

## **VIII. APPOINTMENTS**

### **23. Committee/Board Vacancies and Appointments**

None.

### **24. Planning and Zoning Board Term Renewals**

Mayor Paul appointed Mike Bender to the Planning and Zoning Board.

Councilmember Caletka made a motion, seconded by Councilmember Hattan to appoint Mike Bender to the Planning and Zoning Board. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Councilmember Caletka made a motion, seconded by Vice-Mayor Starkey to re-appointed Jody Bock-Davidson to the Planning and Zoning Board. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Starkey made a motion, seconded by Councilmember Caletka to appoint Chris Cory to the Planning and Zoning Board. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

## **IX. COMMITTEE RECOMMENDATIONS**

None.

## **X. OLD BUSINESS**

None.

## **XI. NEW BUSINESS**

None.

## **XII. SCHEDULE OF NEXT MEETING**

25. Rescheduling of Second Budget Hearing (Tuesday, September 15<sup>th</sup> at 5:01 p.m.)

26. Change of Time for Special Assessments Hearing (Tuesday, September 15<sup>th</sup> from Noon to 4:00 p.m.)

27. Rescheduling Town Council Meeting from Wednesday, September 16<sup>th</sup> to Tuesday, September 15<sup>th</sup> at 6:30 p.m.

Budget and Finance Director Bill Ackerman explained that the Broward County would hold a budget hearing on September 16 so the Town needed to change their budget hearing to September 15. The Council could opt to reschedule the Council meeting to coordinate all meetings to one date.

Council agreed to the changes.

### **XIII. MAYOR/COUNCILMEMBER'S COMMENTS**

#### **MAYOR PAUL**

**EARTH DAY/ARBOR DAY.** Mayor Paul announced that Earth Day would be on April 22, its 45<sup>th</sup> anniversary. Arbor Day would be on April 24 at Hawk's Bluff Elementary.

**CAFR REPORT.** Mayor Paul thanked Deputy Budget and Finance Director Carol Menke and Mr. Ackerman for getting the CAFR report completed on time.

**UNITED COMMUNITY MANAGEMENT LETTER.** Mayor Paul had received a letter expressing United Community Management's satisfaction with Lori Sure and how she had handled a situation.

**EDITH LEDERBERG LETTER.** Mayor Paul had received a letter from Ms. Lederberg from the Aging and Disability Resource Center thanking the Town for the endowment funds the Center had received.

**FESTIVAL OF THE AMERICAS.** Mayor Paul said this would be a wonderful new event in September.

**THANKS TO MITCH TAYLOR.** Mayor Paul thanked Intergovernmental Affairs Coordinator Mitch Taylor for representing the Town in Tallahassee recently.

**HAPPY BIRTHDAY.** Mayor Paul wished Councilmember Hattan a Happy Birthday.

#### **COUNCILMEMBER CALETKA**

**CAMPAIGN ACCOUNT.** Councilmember Caletka asked Mr. Rayson to determine if the office account could be used as a loan for a campaign account.

**THANKS TO MR. COLLINS.** Councilmember Caletka thanked Mark Collins, Director of Public Works and a staff member who had attended an HOA meeting and answered residents' questions.

**THANKS TO MR. QUIGLEY.** Councilmember Caletka thanked Mr. Quigley for providing information very quickly.

**HAPPY BIRTHDAY.** Councilmember Caletka wished Councilmember Hattan a Happy Birthday.

#### **COUNCILMEMBER HATTAN**

**SPLASH AND DASH.** Councilmember Hattan had attended Splash and Dash recently and said the kids had a good time.

**BLAZE PIZZA OPENING.** Councilmember Hattan had attended the ribbon cutting ceremony recently.

**CHAIR EXERCISE CLASS.** Councilmember Hattan reported the class had grown to over 30 attendees on Tuesdays and Fridays.

**CAMPAIGN ACCOUNT.** Councilmember Hattan had been advised by the Supervisor of Elections that the campaign and office accounts must be kept separate.

#### **VICE-MAYOR STARKEY**

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

**BLAZE PIZZA OPENING.** Vice-Mayor Starkey had attended the recent opening and said everyone should go there.

**THE TOWN IS PROSPERING.** Vice-Mayor Starkey said the Town was flourishing and this was a tribute to what Council and staff could achieve.

### **XIV. TOWN ADMINISTRATOR'S COMMENTS**

**SOLAR TRASH COMPACTORS.** Mr. Lemack said 10 solar compactors had been installed at five locations. These units handled five times the trash and reduced the Town's carbon footprint.

**HOUSEHOLD HAZARDOUS WASTE DISPOSAL.** Mr. Lemack said 475 people used the service on March 21.

**THANKS TO THE AUDITORS.** Mr. Lemack thanked the Town's auditors, Keith and McCullough for helping to get the CAFR report done on time.

**VISION AND GOAL SETTING SESSION.** Mr. Lemack was looking forward to the session on April 7 at Robbins Lodge at 8:30.

**XV. TOWN ATTORNEY'S COMMENTS**

**MUNICIPAL PROSECUTION PROGRAM.** Mr. Rayson reported the first seven cases had gone to court earlier in the day. Two resulted in warrants capiases for no-show defendants; three defendants had pled and been assessed fines and/or court costs and two defendants had entered the deferred prosecution program. In the last two weeks, the deferred prosecution program had generated over \$2,000 which had been provided to Mr. Ackerman's office.

**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 7:43 pm.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk