

**TOWN OF DAVIE  
TOWN COUNCIL REGULAR MEETING  
MARCH 1, 2017**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:32 p.m. and was followed by the Pledge of Allegiance.

**II. ROLL CALL**

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

Mayor Paul reported staff had requested Item 9 be withdrawn. The applicant had requested items 8 and 14 related to Anchor Yacht be withdrawn. The applicant was requesting Item 17 be tabled to April 5, 2017.

Vice-Mayor Luis made a motion, seconded by Councilmember Hattan to table Item 17 to April 5, 2017. In a voice vote, all voted in favor. (Motion carried 5-0)

Staff had requested a resolution stating the Town's solidarity with the Jewish community be added to the agenda as Item 20.

Councilmember Starkey made a motion, seconded by Councilmember Hattan to add Item 20 to the Consent Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

**III. OPEN PUBLIC MEETING**

Audrey Edwards, Fort Lauderdale resident, said the situation on the Anchor Yacht property would arise again because of the 3BM Commercial Marie zoning, and she wanted that zoning classification removed, since having a commercial marine enterprise in a residential neighborhood was bad.

Howard Rosenberg said the State of Florida had mandated in 1984 via Senate Bill 1149 that the zoning in all of former Hacienda Village must be preserved. He provided a copy of the bill for the public record.

Kimberly Brozak from the Live Free Institute described their drug treatment facility.

Robert Franks, Fort Lauderdale resident, described congestion in the rea of Anchor Yacht. He asked the Town to consider a reasonable compromise to relieve congestion and make this work.

Jacqueline Zumwalt feared that the new owner of the Anchor Yacht property would conduct work on boats there.

Penny Shea, Fort Lauderdale resident, was also concerned that the new owner of the Anchor Yacht property would conduct work on boats there.

Mark Sierens stated traffic and speeding on 70 Avenue had increased since the Palm Ranch Apartments had been built. He requested speed mitigation measures, sidewalks, signage and increased traffic enforcement.

**IV. PRESENTATIONS**

1. Service Award Recognition to Councilmember Susan Starkey, Presented by Grace Garagozzo, Human Resources Director (**tabled from February 15, 2017**)

Ms. Garagozzo presented the award to Councilmember Starkey to celebrate 15 years of service. Councilmember Starkey thanked Mr. Lemack and her colleagues on the Town Council. She thanked everyone who had helped her get elected and said it was an honor to serve the Town.

Councilmember Starkey pulled Item 2 from the Consent Agenda.

Councilmember Hattan made a motion, seconded by Vice-Mayor Luis to approve the Consent Agenda, less Item 2. In a voice vote, all voted in favor. (Motion carried 5-0)

## V. APPROVAL OF CONSENT AGENDA

### Minutes

1. February 1, 2017 Meeting Minutes (Regular)

### Resolutions

#### CRA

2. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AND APPROVING CHANGE ORDER #1 FOR PHASE II OF THE EASTSIDE INFRASTRUCTURE PROJECT IN THE AMOUNT OF \$66,770.30; WHICH WAS APPROVED BY THE CRA, VIA CRA RESOLUTION R-2017-013 ON MARCH 1, 2017; AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
3. **SPONSORSHIP** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AND APPROVING A SPONSORSHIP CONTRIBUTION IN THE AMOUNT OF \$30,000 TO THE DAVIE PRO RODEO FOR THE 2017 SOUTHEASTERN CIRCUIT FINALS RODEO; WHICH WAS APPROVED BY THE CRA, VIA RESOLUTION R-2017-007; AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

### Police

4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A 60 MONTH LEASE AGREEMENT WITH PITNEY BOWES ACCEPTING FLORIDA STATE CONTRACT 600-760-11-1 PRICING FOR US MAIL PROCESSING EQUIPMENT FOR THE POLICE DEPARTMENT.
5. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE of \$31,907.40 FOR THE PURCHASE OF CONDUCTED ELECTRICAL WEAPONS (REFERRED TO AS TASERS), TASER CAMERAS, TASER CARTRIDGES, HOLSTERS AND TASER RELATED REPLACEMENT PARTS THROUGH TASER INTERNATIONAL, INC., A SOLE SOURCE PROVIDER OF TASER PRODUCTS FOR THE STATE OF FLORIDA.
6. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE EXPENDITURE OF \$164,599.19 FROM SUNGARD PUBLIC SECTOR, LLC A SOLE SOURCE PROVIDER FOR A ONE YEAR MAINTENANCE AGREEMENT FOR THE POLICE DEPARTMENT'S OSSI BASE COMPUTER AIDED RECORDS MANAGEMENT AND DISPATCH SYSTEM.

### Town Attorney

7. **AGREEMENT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AND APPROVING THE FOURTH AMENDMENT TO THE PURCHASE AGREEMENT BETWEEN DAVIE ROAD DOWNTOWN, LLC. AND THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR THE VACANT

LAND LOCATED AT 4255 SW 64 AVE., DAVIE, FLORIDA, AND THE FINAL PURCHASE OF THE VACANT LAND, WHICH WAS ACCEPTED BY THE CRA, VIA CRA RESOLUTION R-2017-010; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-Judicial Consent Item

8. **FLEX** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING FLEX APPLICATION FX15-343 ANCHOR YACHT, FOR THE ALLOCATION OF COMMERCIAL FLEX ONTO THE PLAT KNOWN AS "HACIENDA FLORES" IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. (FX15-343 **Anchor Yacht**, 3541 W. State Road 84, currently zoned RM-5, Residential Multifamily District - Hacienda Village, proposed zoning B-2M, Community Business Marina) [**requires supermajority vote pursuant to Sec. 12-304(E)**] (tabled from October 19, 2016) (see related item #14)

Withdrawn.

**STAFF IS REQUESTING THIS ITEM TO BE WITHDRAWN**

9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE WITH NOB HILL PARTNERS, LLC FOR THE SALE OF 0.87 ACRES OF TOWN PROPERTY LOCATED AT 4700 DAVIE ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

Withdrawn.

**STAFF IS REQUESTING THE FOLLOWING ITEM TO BE ADDED TO THE AGENDA**

Administration

20. **CALL TO ACTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE TOWN'S POSITION OF SOLIDARITY WITH THE JEWISH COMMUNITY AND URGING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO CONDEMN ANTI-SEMITISM AND SUPPORT LAW ENFORCEMENT ACTION AGAINST ANTI-SEMITIC THREATS, ACTS OF VIOLENCE, AND VIOLATIONS OF CIVIL RIGHTS.

**VI. DISCUSSION OF CONSENT AGENDA ITEMS**

**2. CHANGE ORDER** - EASTSIDE INFRASTRUCTURE PROJECT

Councilmember Starkey recalled the community had requested speed tables and humps in areas of the CRA. Councilmember Starkey did not favor these devices because of their impact on public safety services and everyone's vehicles. She suggested using temporary speed bumps while considering other control measures.

Councilmember Caletka recalled that the speed tables in this project involved cut-through streets, not major thoroughfares. He said this was in response to requests from the community. Mr. Lemack explained that they had performed extensive analysis and determined this was the best answer in these areas.

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

## VII. PUBLIC HEARING

### Ordinance - First Reading (Second & Final Reading to be on March 15, 2017)

10. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 17, SECTION 1.2 CODE OF ORDINANCES TITLED, "LICENSE AND PERMIT REQUIRED; RIGHT TO SOLICIT AT REASONABLE TIMES, PLACES AND UNDER REASONABLE CIRCUMSTANCES", PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Paul said a second hearing on the ordinance would be held on March 15, 2017.

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.

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

11. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 15 (NOISE), SECTION 7 AND CREATING SECTION 15, CODE OF ORDINANCES TITLED, "SPECIFIC PROHIBITIONS" AND "PENALTY", PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Paul said a second hearing on the ordinance would be held on March 15, 2017.

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 explained that this amendment removed the possible 60-day jail sentence for a violation and made an owner (as well as an occupant) responsible for second and further violations.

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

12. **SCRIVENER'S ERROR** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CORRECTING THE SCRIVENERS ERROR IN TOWN OF DAVIE ORDINANCE 99-18, WHICH SHALL ABANDON AND VACATE A PORTION OF THE UTILITY EASEMENTS LOCATED WITHIN TRACT A OF THE ARCO BUILDING PLAT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Paul said a second hearing on the ordinance would be held on March 15, 2017.

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

Quasi-Judicial Public Hearing Items

Ordinance - Second & Final Reading

13. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 16-205 NOVA SOUTHEASTERN UNIVERSITY (NSU), CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM ESTATE DWELLING (R-1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Rezoning ZB16-205, NSU, northwest corner of SW 39th Street and 73rd Avenue, zoned R-1, CF proposed) {**Approved on first reading on February 15, 2017. In a roll call vote: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Hattan - yes; Councilmember Starkey - absent. (Motion carried 3-1)**}

Mr. Rayson read the ordinance by title and confirmed that the applicant had waived quasi-judicial procedures.

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

Ordinances - First Readings (Second & Final Readings to be held on March 15, 2017)

14. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING APPLICATION ZB15-342 ANCHOR YACHT, CHANGING THE ZONING DESIGNATION OF CERTAIN LANDS WITHIN THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING THE SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB15-342, **Anchor Yacht**, 3541 W. State Road 84, currently zoned RM-5, Residential Multifamily District - Hacienda Village) (**tabled from October 19, 2016**) (see related item #8)

Withdrawn.

15. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 16-358 PORT-TO-PORT INTERNATIONAL, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: GENERAL INDUSTRIAL, M-3 (COUNTY) DISTRICT TO PLANNED INDUSTRIAL PARK, M-3 DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 16-358 **Port-to-Port International**, 4400 Oakes Road).

Mr. Rayson read the ordinance by title and confirmed that the applicant had waived quasi-judicial procedures.

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 Luis made a motion, seconded by Councilmember Starkey to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Hattan - absent; Councilmember Caletka - yes; Councilmember Starkey - yes. (Motion carried 4-0).

Resolution

**16. VARIANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION V16-302 RODRIGUEZ, AND PROVIDING AN EFFECTIVE DATE (V16-302 Rodriguez, 5500 SW 58th Court, zoned R-5). (tabled from February 15, 2017)**

Mr. Rayson read the resolution by title and confirmed that the applicant had waived quasi-judicial procedures. He advised that comments should be limited to those related to new information, since public input had already taken on two occasions for this variance request.

Mayor Paul opened the public hearing portion of the meeting.

Robert Black, Mr. Rodriguez's attorney, said since the last hearing, the issue regarding the trees had been resolved and Mr. Rodriguez had also agreed to reconfigure the driveway. He confirmed that the structure would not increase at all in height and the only issue remaining was the five-foot setback.

Roberto Rodriguez, owner, offered to answer questions.

Raphael Sanchez stated the owner must follow association rules for landscaping.

Janet Quevedo, Mr. Rodriguez's wife, said she would only paint in her studio, she would not run a commercial business from the home.

Kenneth Bryson said he was opposed to the variance on the west side of the house because he believed there would be a commercial art gallery in the home.

James Moore wanted to ensure Council had received a copy of his fence letter and Council confirmed they had.

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

Councilmember Caletka stated he would not support the variance because it appeared that all of the neighbors opposed it and no one had come forward to defend it.

Vice-Mayor Luis said he had driven through the neighborhood and noticed that there seemed to be a lot of work done that did not comply with code and he believed this was not a very strict HOA. He did not believe the request would harm anyone in the community. He therefore supported it.

Mayor Paul had also done a site visit in the area and noted the number of structures that had been installed against fences. She pointed out that when the HOA board approved these plans, they knew that a variance was needed. She noted that Mr. Rodriguez had agreed to every request and appeared to have acted in good faith.

Councilmember Starkey had missed the last meeting when this was discussed but stated she had listened to the testimony. She confirmed that this was an unusual property which presented a hardship and she felt the project would enhance the entire community. Councilmember Starkey did not believe this would adversely affect the neighbors' properties.

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

**APPLICANT IS REQUESTING THIS ITEM TO BE TABLED TO APRIL 5, 2017**

**17. VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION VA 16-193, PROVENCE, VACATING THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Generally located near the southwest corner of Southwest 14th Street and Flamingo Road, zoned A-1).**

Tabled to April 5, 2017.

## **VIII. APPOINTMENTS**

### **18. Committee/Board Vacancies & Appointments**

No discussion.

### **19. Davie Fire Pension Board Appointment - Scott Mogavero**

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

## **IX. COMMITTEE RECOMMENDATIONS**

None.

## **X. OLD BUSINESS**

No discussion.

## **XI. NEW BUSINESS**

No discussion.

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

No discussion.

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

### **COUNCILMEMBER CALETKA**

**TURNPIKE/ORANGE DRIVE DIRECTIONS.** Councilmember Caletka said the directions for negotiating this intersection were conflicting and they should be clarified.

**SIDEWALK ON 61 AVE. NEAR ORANGE DRIVE.** Councilmember Caletka said there was an odd bit of sidewalk on the northwest corner and asked Public Works to address it.

**TALLAHASSEE VISIT.** Councilmember Caletka had visited Tallahassee to oppose HB 17 and to address a senate committee regarding the Town's appropriations request. He said Rep. Jenne was very committed to helping the Town in Tallahassee.

### **COUNCILMEMBER STARKEY**

**OWLS' RETURN.** Councilmember Starkey reported the owls had returned to Owl Lookout Park. She reported they wanted to erect a fence to protect the site from ATVs and trucks. She said the South Florida Wildlife Care Center had suggested that the Westridge site be used to receive recovering tortoises. Councilmember Starkey had photos of one gopher tortoise that already lived at the site.

### **COUNCILMEMBER HATTAN**

**ORANGE BLOSSOM FESTIVAL.** Councilmember Hattan had a wonderful time at the festival and added that the Woman's Club had one of the best Strawberry Festivals ever.

**MURAL WEBSITE.** Councilmember Hattan wanted the Town to be listed on this website, which included municipalities throughout the country that had more than one mural.

**CONGRATULATIONS.** Councilmember Hattan congratulated Osdel Larrea, Acting Public Works Director, on his promotion.

### **VICE-MAYOR LUIS**

**PRE-ORANGE BLOSSOM CONCERT.** Vice-Mayor Luis remarked that the concert had been excellent and the band shell and singer worked well together.

**ORANGE BLOSSOM ROAD CLOSURE.** Vice-Mayor Luis had heard from residents who could not reach the parking areas because the Town had shut down the roads earlier than usual. He promised they would fix this next year.

**MAYOR PAUL**

**ORANGE BLOSSOM FESTIVAL.** Mayor Paul said the festival was wonderful. She was pleased they had brought back the beauty pageant and said winners would participate in other Town events during the year. She announced there had been almost 80 horses in the parade this year and a baby lamb had been born during the festival. She also was aware of the traffic issues and said they needed a new plan for next year. Overall, she said the festival had been a big success.

**THANKS TO MR. CALETKA.** Mayor Paul thanked Councilmember Caletka for responding to a text during the meeting regarding a found pet.

**70 AVENUE.** Mayor Paul was willing to work with Mr. Lemack on another solution for the 70 Avenue issues Mr. Sierens had discussed. Councilmember Caletka had spoken with Laura Borgesi, Town Engineer, and she would contact Mr. Sierens.

**GOOD LUCK TO TAMIKA MCKAY.** Mayor Paul wished Ms. McKay well, and announced she had recently taken a job with the Broward County School Board.

**XIV. TOWN ADMINISTRATOR’S COMMENTS**

**WATER MATTERS DAY.** Don Bayler, Utilities Director, announced that Water Matters Day would be on March 11 at Treetops Park. Family activities and events would focus on water conservation. Events included:

- Kids’ activities
- Giveaways
- Interactive educational displays and booths
- Water conservation tips
- Water smart landscaping tips
- Eco-friendly ideas
- Free tree and plants
- Food trucks

Mr. Bayler announced the Town Utilities Department would have a booth and distribute pencils, coloring books, conservation material and water saving devices. Mr. Bayler advised everyone to visit the Broward County website for additional information.

**XV. TOWN ATTORNEY’S COMMENTS**

Mr. Rayson said the new Trump administration was starting programs that had a legal effect on local government and he would discuss this at the next meeting.

**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 7:55 p.m.

Approved \_\_\_\_\_

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

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