



# TOWN OF DAVIE

Davie Town Hall: 6591 Orange Drive, Davie, Florida 33314 Phone: (954) 797-1000

## REGULAR MEETING

October 3, 2018

6:30 p.m.

### I. PLEDGE OF ALLEGIANCE

### II. ROLL CALL

### III. OPEN PUBLIC MEETING

### IV. PRESENTATIONS

1. Davie Crosswalk Safety, Vanessa Preston and Trina Gonzalez

### V. APPROVAL OF CONSENT AGENDA

#### Proclamations

1. Proclamation - Fire Prevention Week (October 7-13, 2018)
2. National School Lunch Week (October 15-19, 2018)
3. Red Ribbon Week (October 23 - 31, 2018)
4. Domestic Violence Awareness Month (October 2018)

#### Minutes

5. September 6, 2018 Meeting Minutes (First Budget Hearing)
6. September 6, 2018 Meeting Minutes (Regular)
7. September 12, 2018 Meeting Minutes (Special Assessments Hearing)

#### Resolutions

#### Administration

8. **CONTRIBUTION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING THE CONTRIBUTION AGREEMENT BETWEEN THE TOWN OF DAVIE AND DIVERSIFIED INDUSTRIAL FUND C, LLC FOR THE DESIGN OF OAKES ROAD TO EVERGLADES LAKES MOBILE HOME PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

#### CRA

9. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AND APPROVING CHANGE ORDER #002 IN THE AMOUNT OF \$73,130 PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY AND CRAVEN THOMPSON & ASSOCIATES, INC. FOR ADDITIONAL CONSTRUCTION OBSERVATION SERVICES AS PART OF PHASE II OF THE EASTSIDE INFRASTRUCTURE PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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TOWN COUNCIL AGENDA

10. **QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AND ACCEPTING THE QUIT CLAIM DEED FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY TO THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Purchasing

11. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE TWO TOP RANKED PROPOSERS, RC DEVELOPMENT GROUP, INC. AND LUTZ P.E.I., INC., IN ACCORDANCE WITH RFQ #CS-18-86 PROGRESSIVE DESIGN BUILD FOR FUEL SYSTEM REPAIRS AND UPGRADES PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

12. **SCRIVENER'S ERROR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN RESOLUTION NO. R-2017-023 TO ALLOW FOR USAGE OF CONTRACT NO. B-16-168 BY VARIOUS DEPARTMENTAL ACCOUNTS ON AN AS-NEEDED BASIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney

13. **HOLD HARMLESS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE HOLD HARMLESS AGREEMENT AND THE MAINTENANCE AGREEMENT WITH CENTRAL BROWARD WATER CONTROL DISTRICT AS PART OF THE WESTSIDE IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE THE DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**VI. DISCUSSION OF CONSENT AGENDA ITEMS**

**VII. PUBLIC HEARING**

Quasi-Judicial Public Hearing

Ordinance - First Reading (Second and Final Reading to be held on October 17, 2018)

14. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING ZB18-157 NOVA SOUTHEASTERN UNIVERSITY (NSU), CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM SINGLE-FAMILY HOME LOW MEDIUM DWELLING (R-5) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel is adjacent to Southwest 36<sup>th</sup> Street, just east of Southwest 76<sup>th</sup> Avenue, currently zoned R-5)

**APPLICANT IS REQUESTING THIS ITEM TO BE TABLED DECEMBER 5, 2018**

**Resolution**

15. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V18-120 **LONG KEY NATURE CENTER**, AND PROVIDING AN EFFECTIVE DATE. (3737 South Flamingo Road, zoned RS) **(Tabled from August 1, 2018)**

**VIII. APPOINTMENTS**

16. Committee/Board Vacancies & Appointments

**IX. COMMITTEE RECOMMENDATIONS**

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

17. FDOT Griffin Road and I-75 Interchange, Vice-Mayor Bryan Caletka

**XII. SCHEDULE OF NEXT MEETING**

**XIII. MAYOR AND COUNCILMEMBER COMMENTS**

**XIV. TOWN ADMINISTRATOR COMMENTS**

**XV. TOWN ATTORNEY COMMENTS**

**XVI. ADJOURNMENT**

*Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.*

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



**TOWN OF DAVIE  
REGULAR MEETING  
OCTOBER 3, 2018**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance. The pledge was led by, Vanessa, Preston and Trina Gonzalez.

**II. ROLL CALL**

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

Councilmember Starkey 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)

Mayor Paul welcomed Southwest Ranches Mayor Doug McKay.

**III. OPEN PUBLIC MEETING**

Valerie Pellegrini appreciated the Town's emphasis on education and its commitment to remain "countrified." She said Silver Lake was covered with algae and requested a clean-up.

**IV. PRESENTATIONS**

1. Davie Crosswalk Safety, Vanessa, Preston and Trina Gonzalez

The Gonzalez family gave a presentation regarding the impact the "single point of entry" policy was having on picking up kids after school. Preston described his difficulty crossing intersections and said cars were not stopping properly. Ms. Gonzalez wanted to make all crossing areas high-visibility. She was particularly concerned about the area in front of Nova Middle School. She was aware of a \$7 million grant available from FDOT and knew that a Town planner had attended a recent seminar where it was discussed. The grant was specifically for improving crosswalks near schools.

Mayor Paul said the Town Engineer had already spoken to the Broward County School Board about obtaining right-of-way. Broward College had denied the Town's request for right-of-way when they were improving College Avenue. Mayor Paul stated that she would discuss with Laurie Rich Levinson, Broward County School Board representative and ask her to bring it up at a meeting. Mayor Paul encouraged parents to call the School Board as well.

John Vogt, Town Chief Engineer, agreed to include the ADA ramps in the Town's sidewalk programs.

Vice Mayor Caletka stated he would submit a project to the Broward MPO Safe Routes to School program for a reconstruction of College Avenue south of 30<sup>th</sup> Street and 39<sup>th</sup> Street. He was confident they would get the funding.

Ms. Gonzalez suggested asking the County to repaint the road stripes as soon as possible.

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Mayor Paul reported the applicant had requested tabling Item 15, the Long Key Nature Center variance, to December 5.

Councilmember Starkey made a motion, seconded by Vice Mayor Caletka to table Item 15 to December 5. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul pulled items 1, 2, 3 and 4 from the Consent Agenda.

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

**V. APPROVAL OF CONSENT AGENDA**

Proclamations

1. Proclamation - Fire Prevention Week (October 7-13, 2018)
2. National School Lunch Week (October 15-19, 2018)
3. Red Ribbon Week (October 23 - 31, 2018)
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MEETING MINUTES

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**VI. DISCUSSION OF CONSENT AGENDA ITEMS**

**1.** Proclamation - Fire Prevention Week (October 7-13, 2018)

Councilmember Hattan made a motion, seconded by Councilmember Starkey 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 it to Robert Taylor, Fire Marshal.

**2.** National School Lunch Week (October 15-19, 2018)

Councilmember Hattan made a motion, seconded by Vice Mayor Caletka to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)  
Vice Mayor Caletka read the proclamation and presented it to A.J. McDonald, Area Supervisor for Food and Nutrition Services.

**3.** Red Ribbon Week (October 23 - 31, 2018)

Councilmember Hattan made a motion, seconded by Councilmember Starkey to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)  
Councilmember Hattan read the proclamation and presented it to Melissa Sauer from South Florida Young Marines.

**4.** Domestic Violence Awareness Month (October 2018)

Councilmember Hattan made a motion, seconded by Councilmember Starkey to approve. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)  
Councilmember Starkey read the proclamation and presented it to Marlee Chea, ChildNet Domestic Violence and Child Welfare Advocate.

**VII. PUBLIC HEARING**

*Quasi-Judicial Public Hearing*

*Ordinance - First Reading (Second and Final Reading to be held on October 17, 2018)*

14. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING ZB18-157 NOVA SOUTHEASTERN UNIVERSITY (NSU), CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM SINGLE-FAMILY HOME LOW MEDIUM DWELLING (R-5) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel is adjacent to Southwest 36<sup>th</sup> Street, just east of Southwest 76<sup>th</sup> Avenue, currently zoned R-5)

Mr. Weinthal read the ordinance by title and announced the second reading would be held on 10/17/18. All parties had waived quasi-judicial process.

Nectaria Chakas, attorney for the applicant, invited questions.

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

**APPLICANT IS REQUESTING THIS ITEM TO BE TABLED DECEMBER 5, 2018**

*Resolution*

15. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V18-120 LONG KEY NATURE CENTER, AND PROVIDING AN EFFECTIVE DATE. (3737 South Flamingo Road, zoned RS) (Tabled from August 1, 2018)

Tabled to December 5.

**VIII. APPOINTMENTS**

16. Committee/Board Vacancies & Appointments  
None

**IX. COMMITTEE RECOMMENDATIONS**

None

**X. OLD BUSINESS**

None

**XI. NEW BUSINESS**

17. FDOT Griffin Road and I-75 Interchange, Vice-Mayor Bryan Caletka

Vice Mayor Caletka had removed this from the MPO Transportation Improvement Plan because of his concerns and said even if his concerns were met, he would not support this unless Southwest Ranches did. He reported FDOT had met with Mayor Doug McKay of Southwest Ranches and he was not in favor of this either. FDOT had indicated they may move forward anyway because they considered it a safety issue. The only way Vice Mayor Caletka could stop this was to remove all safety money from the Work Plan at the MPO. Vice Mayor Caletka stated there was no evidence that this was a safety issue but it would inconvenience Davie residents. He therefore believed that "something is not above board."

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this was a safety issue but it would inconvenience Davie residents. He therefore believed that “something is not above board.”

Vice Mayor Caletka requested the Council’s support in directing the Town Administrator to send a letter to Senator Book’s office at the request of the Town Council for the state to conduct a financial audit of FDOT District 4 and to review the procurement standard operating procedures for FDOT District 4. Council supported Vice-Mayor Caletka’s request.

Vice Mayor Caletka also requested the Council’s support in directing the Town’s legal team to be prepared to file an emergency injunction in the event FDOT moves forward with the project. He stated that the matters to consider in regards to the injunction are:

1. There are two communities, Davie and Southwest Ranches, who have had unanimous resolutions against this project;
2. There is an environmental justice issue. According to data from the MPO, there are approximately 80 intersections in Broward County that have higher crash, fatality and are far more dangerous but are in other neighborhoods which are predominately of color. This intersection falls in a wealthy neighborhood. There is an environmental justice issue which is why they should not do this intersection over the 80 others.
3. Under FL Statute 339.175, it states if something is removed from the transportation improvement plan (TIP) from the MPO, the only way it can be put back on is in writing from the District Secretary, Gerry O’Reilly. If the District Secretary writes a letter that he is putting the project back in the TIP it must be in the 5th year of approval of the TIP and not the next year which is what FDOT is wanting to do. This violates Statute 339.175 because there is a process to be worked through and this cannot be done immediately.

Council agreed, and directed Mr. Lemack to draft a new resolution opposing the project, including the new information from Vice Mayor Caletka.

Mayor McKay said if Vice Mayor Caletka needed his help, he would offer his support.

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

Mayor Paul reminded Council that there would be a CRA meeting prior to the October 17 meeting.

## **XIII. MAYOR/COUNCILMEMBERS’ COMMENTS**

### **MAYOR PAUL**

**WESTERN HIGH SCHOOL WIN.** Mayor Paul announced Western High School had won first place in their division in a solar car race. She wanted to present them with certificates of appreciation.

**GANDHI’S BIRTHDAY.** Mayor Paul stated there had been a celebration at Gandhi Square in Falcon’s Lee Park. The Consul General from India and other dignitaries were in attendance. Rajmohan Gandhi, Gandhi’s grandson, had been the guest speaker. Mayor Paul had attended a talk given by Mr. Gandhi the previous evening at FAU and presented a proclamation on behalf of the Town.

**HISPANIC HERITAGE MONTH.** Mayor Paul announced that October was Hispanic Heritage Month and wanted to recognize this with a proclamation at the next meeting.

**SUICIDE PREVENTION AND OPIOID ABUSE.** Mayor Paul wanted to arrange public presentations on these topics and asked staff to look into it.

**SPEEDING ON 136 AVENUE SOUTH OF 26 STREET.** Mayor Paul said this problem was worsening and the offenders appeared to residents on the south side of that area. Residents had

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requested speed humps but the request was rejected. Mayor Paul stated they must find a way to address this problem.

**RESIDENTS RAISING THE LEVEL OF PROPERTIES.** Mayor Paul said people were not necessarily aware that engineering permits were needed for this. There must also be follow-up after the project to ensure they were not adding more fill and endangering neighboring properties. She wanted to discuss this with staff.

**COUNCILMEMBER STARKEY**

**FLOODING ISSUE.** Councilmember Starkey was encouraged that the Central Broward Water Control District was going forward with a project extending the 14 Street Canal to alleviate flooding out west. The Town had issued the permits.

**RIGHT-OF-WAY DEDICATIONS IN UNITED RANCHES.** Councilmember Starkey stated some homes had not dedicated their right-of-way to the Town yet so improvements could be done. The dedication would also allow the Town to provide debris removal after a storm.

**GANDHI CELEBRATION.** Councilmember Starkey had enjoyed the celebration.

**HEALTH FAIR.** Councilmember Starkey had attended the recent health fair.

**FIRST HARVEST FESTIVAL.** Councilmember Starkey thanked Jeff Pohlman, Recreation and Cultural Arts Director for doing a great job. She also congratulated him on his recent marriage.

**BACON AND BLUES.** Councilmember Starkey reminded everyone about the event at the rodeo arena.

**VICE MAYOR CALETKA**

**NEW TOWN ATTORNEY.** Vice Mayor Caletka noted Mr. Rayson was going to retire in less than a year, so they needed to consider his replacement.

**MR. LEMACK'S REVIEW.** Vice Mayor Caletka had reviewed Mr. Lemack's performance and had told Mr. Lemack he was happy with his performance.

**COUNCILMEMBER HATTAN**

**FIRST FALL FESTIVAL.** Councilmember Hattan said the festival had been phenomenal.

**SENIOR HEALTH FAIR.** Councilmember Hattan had received her flu shot at the fair.

**LEAGUE OF WOMEN VOTERS.** Councilmember Hattan said the League would make a presentation at the South Regional Library at 11 a.m. on October 5.

**CHILDREN'S SERVICES COUNCIL.** Councilmember Hattan stated she was the liaison to the council and they were doing wonderful work. She said they were always looking for volunteers to read to kindergarten classes.

**XIV. TOWN ADMINISTRATOR'S COMMENTS**

**FEDERAL LOBBYING SERVICES.** Mr. Lemack stated the Town's federal lobbyist contract with Becker and Poliakoff expired on December 5, 2018. He wanted to renew the contract as a professional services contract similar to the one they had for State lobbying services. Council agreed.

**XV. TOWN ATTORNEY'S COMMENTS**

No comments.

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**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 7:41 p.m.

Approved December 5, 2018

Judy Paul  
Mayor/Councilmember

[Signature]  
Town Clerk