

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

January 26, 2017

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew D. Berns, Town Administrator

Vice Mayor Steve Breitreuz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Freddy Fisikelli

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member Denise Schroeder

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:10 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Town Administrator Berns announced that Levent Socogulu, Information Technology Director for the City of Tamarac was in attendance. He announced that Tamarac was awarded first place nationally among cities with population less than 75,000 people by the Center for Digital Government. Mr. Socogulu addressed the Town Council and stated that he was proud of the recognition received and looked forward to many more years of the continued partnership between Tamarac and Southwest Ranches.

3. Public Comment

The following members of the public addressed the Town Council: Karen Flaherty, Mary Gay Chaples, John Eastman, and Virginia Cullen.

Mary Gay Chaples presented Town Administrator Berns with a certificate recognizing his sheep herding and tenderfoot skills for assisting with a baby sheep that got loose from its pen.

4. Board Reports

None issued.

5. Council Member Comments

Council Member Schroeder spoke of a recent phone call she received that was purported to be from the Internal Revenue Service (IRS). She indicated that it was a scam and urged all to be wary of such scams. She further advised that the IRS never initiates contact with taxpayers via phone call.

Vice Mayor Breitreuz indicated that as part of the ongoing analysis of the fire protection service he was working with Administration for property in the western portion of Town to locate a fire station. A property along SW 198th Avenue had recently become available but the owner's asking price was well above market value. He also advised that another municipality was looking to

surplus a fire vehicle and he was monitoring the viability of that option. He would provide updates as they occur.

Council Member Jablonski mentioned the Broward County Property Appraiser would be conducting a Town Hall meeting concerning the Agricultural Classification designation on February 2nd at 3 p.m. He also advised that the Garage Sale in the Park would be held on February 18th at the Equestrian Park. He also advised that the annual Chili Cook-Off would be held on February 25th. The Ranchers of Distinction event benefitting the Schools and Education Advisory Board would also be held on February 25th. He also advised a presentation will be made by a member of the Florida Wildlife Commission regarding Nile Monitor Lizards at a future meeting. Lastly, he spoke about the conduct of a resident during a training session being held at the Rolling Oaks Barn by the Southwest Ranches Volunteer Fire Department. He asked that all residents conduct themselves in a more appropriate manner.

Mayor McKay advised that he had been approached by developers seeking to gauge the Town's interest in developing the 5 acres owned by the Town at Griffin Road and SW 163rd Avenue. While the County advised the proposed developers that they could have a turn lane off of Dykes Road, he made it clear to them that widening of Dykes Road would not be an option. He wanted to bring their proposal forward at a future meeting for Council consideration. Town Attorney Poliakoff stated for the record that any development of that parcel would require a formal procurement.

6. Legal Comments

Town Attorney Poliakoff advised that the Second Motion for Summary Judgement in the Pembroke Pines/CCA case would be heard on January 27th. He summarized that Pembroke Pines was presenting an affidavit by Gary Meade, former director of ICE, which outlined five (5) reasons why the case should be decided in the favor of Pembroke Pines. He opined that the evidence was hearsay, and should not be admitted. He expressed concern over the 4th District Court of Appeals (DCA) earlier ruling that the fire agreement was not an enforceable contract. While that decision is under appeal it should not be able to be used in any other case. If the fire agreement is invalidated it would allow the Town to recover money because the fire agreement included service to CCA, and the Town paid money for that consideration. Additionally, he stated that if the contract is deemed invalid the interference provision of the contract would be difficult for Pines to overcome as two actions by their City Commission would appear to conflict with this provision. He invited all who wanted to attend the hearing on January 27th to attend. Lastly, he advised that Council Member Schroeder satisfied her four (4) hour ethics requirement as required by the Broward County Office of Inspector General.

7. Administration Comments

Town Administrator Berns advised that he recently approved paperwork for the irrigation system repairs along Griffin Road and within the Equestrian Park. He hoped to have those irrigation system repairs in the near future. He provided an update on staff's efforts regarding the Fire contract negotiations. He advised that discussion had been held with Broward County Sheriff's Office, Davie, Pembroke Pines, and advised that staff would be meeting with the City of Plantation to study their volunteer fire department model. He assured the Town Council that all options

were being examined. Lastly, he spoke about the Broward County Property Appraiser's outreach effort concerning acquiring the Agricultural exemption that would take place next Thursday February 2nd. He urged anyone within an interest to attend the event and get their questions answered.

Ordinance – 2nd Reading

8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING CHAPTER 24, ARTICLE IV, ENTITLED "PARKING, STOPPING, AND STANDING ENFORCEMENT" OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, TO PROVIDE FOR DEFINITIONS AND PROHIBITED PARKING ON STREETS WITHIN THE TOWN'S MUNICIPAL BOUNDARIES; AUTHORIZING THE ISSUANCE OF CITATIONS FOR NON MOVING VIOLATIONS; AUTHORIZING SERVICE OF PARKING TICKETS ON PARKED VEHICLES; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF VEHICLES IN VIOLATION; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.{APPROVED ON FIRST READING ON DECEMBER 8, 2016}

The following motion was made by Vice Mayor Breitkreuz, and seconded by Council Member Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE ORDINANCE SUBJECT TO AMENDING SECTION 24-49 TO STATE "FIRE WELLS" AND SECTION 24-71(a) TO ADD THE WORD "THE."

Reconsideration:

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN ESTABLISHING A NEW LAND USE DESIGNATION ENTITLED, "US HIGHWAY 27 BUSINESS" WITH SUPPORTING OBJECTIVES AND POLICIES; REVISING THE LISTS OF PERMITTED USES WITHIN NONRESIDENTIAL LAND USE DESIGNATIONS AND SUPPORTING OBJECTIVES AND POLICIES; MAKING REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. **{APPROVED ON 1st READING - AUGUST 25, 2016 - DENIED 3-2 ON SECOND READING - DECEMBER 8, 2016 - REQUIRES A SUPERMAJORITY VOTE}.**

After passing the gavel, the following motion was made by Mayor McKay, and seconded by Council Member Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO RECONSIDER THE DENIAL OF THE ORDINANCE.

The following motion was made by Mayor McKay, and seconded by Council Member Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE ORDINANCE**Resolutions**

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT IN THE AMOUNT OF SEVENTY SIX THOUSAND FOUR HUNDRED EIGHTY SIX DOLLARS AND FORTY NINE CENTS (\$76,486.49) WITH FLORIDA CONSTRUCTION AND ENGINEERING INC. TO COMPLETE THE FOUNDER'S TRAILSIDE PARK IMPROVEMENTS; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2016/ 2017 BUDGET FOR FOUNDER'S TRAILSIDE PARK IMPROVEMENTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WORK PROPOSALS WITH CRAIG A. SMITH AND ASSOCIATES, INC. FOR ENGINEERING SERVICES AND CRAVEN THOMPSON AND ASSOCIATES, INC. FOR SURVEYING SERVICES FOR THE STIRLING ROAD GUARDRAIL IMPROVEMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING THE PIGGYBACK OF STATE CONTRACT #973-561-10-1 AND THE ISSUANCE OF A PURCHASE ORDER TO ENABLE ADVANCED DATA SOLUTIONS, INC. (ADS) TO DIGITALLY CONVERT STORED PERMIT DRAWINGS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE A PURCHASE ORDER NOT TO EXCEED FIFTEEN THOUSAND (\$15,000); AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

Discussion**13. Bulk Waste Collection**

Town Administrator Berns sought input from the Town Council prior to finalizing the RFP that would be let to procure a new vendor for Solid Waste and Bulk Waste Collection. He discussed and asked for guidance on the following items:

- Solid Waste Wheeled Carts – Town Council consensus was 1 cart per household with the ability to purchase additional carts, and a 95 gallon cart as the default with the ability to choose a 64 gallon container instead.
- Bulk Waste – Town Council consensus was to include both an automatic collection and billing option for bulk waste piles over 12 cubic yards by the hauler as well as an option for the hauler only picking up 12 cubic yards and the Code Enforcement handles overages.
- Liquidated Damage/Penalties - Town Council consensus was to include as much in the way of liquidated damages or penalties as possible in the contract to address complete pickup and hydraulic spills.
- Franchise Fees - Town Council consensus was to not make any change and leave at the current fee.

14. Town Administrator/Town Financial Administrator Annual Review

The following motion was made by Council Member Jablonski, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE A 5% BONUS FOR TOWN ADMINISTRATOR BERNS, TOWN FINANCIAL ADMINISTRATOR SHERWOOD, AND ASSISTANT TOWN ADMINISTRATOR/TOWN CLERK MUÑIZ.

15. Approval of Minutes


- a. October 27, 2016 Regular Meeting
- b. November 10, 2016 Regular Meeting
- c. November 16, 2016 Special Meeting
- d. December 8, 2016 Regular Meeting

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Breitkreuz and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE MINUTES.

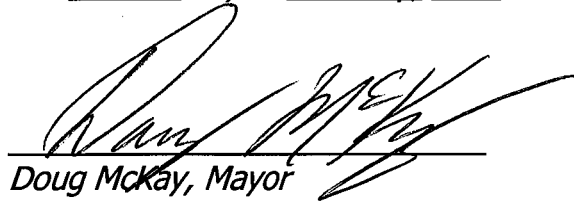
16. Adjournment – Meeting was adjourned at 10:18 p.m.

Respectfully submitted:



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 23RD day of February, 2017.*



Doug McKay, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.