



Southwest Ranches Town Council

REGULAR MEETING

Agenda of October 24, 2013(**Revised**)

Southwest Ranches Council Chambers
7:00 PM **THURSDAY**

13400 Griffin Road
Southwest Ranches, FL 33330

Mayor
Jeff Nelson
Vice-Mayor
Steve Breitzkreuz

Town Council
Doug McKay
Gary Jablonski
Freddy Fisikelli

Town Administrator
Andrew D. Berns
**Town Financial
Administrator**
Martin Sherwood, CPA CGFO

Town Attorney
Keith M. Poliakoff, J.D.
Town Clerk
Erika Gonzalez-Santamaria, CMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Presentation** – Representative Stark recognizing resident Lance Oppenheim
- 4. Discussion and Possible Action** – Police Services
- 5. Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
- 6. Board Reports**
- 7. Council Member Comments**
- 8. Legal Comments**
- 9. Administration Comments**
- 10. Discussion** – Transportation Surface and Drainage Ongoing Rehabilitation (TSDOR) Program/Assessment Study Implementation
- 11. Approval of Minutes**
 - a. Minutes for October 10, 2013 – Budget Hearing
- 12. Adjournment**

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 A 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.



Town of Southwest Ranches

13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Steve Breitzkreuz, Vice Mayor
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Freddy Fisikelli, Council Member
Gary Jablonski, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Erika Gonzalez-Santamaria, CMC, Town Clerk
Martin D. Sherwood, CPA CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

FROM: Andy Berns, Town Administrator

DATE: October 18, 2013

SUBJECT: TSDOR Update

Town staff continues to work on TSDOR in order to properly plan for current and future paving and paving-related drainage needs. The ultimate goal is to establish a manageable and recurring cycle to address roadway needs, both immediate and long-term.

As part of the plan, three distinct components have been identified. We must (1) identify the scope of work to be completed, (2) anticipate potential legal requirements, and (3) identify a revenue stream sufficient to cover the costs to be incurred.

Scope of Work

The Town Engineer has been working closely with King Engineering. King has reviewed every roadway in Town and rated it on a 1-10 scale based on condition. Their recommendations include what work needs to be done, how quickly it should be done, as well as projected costs. All costs include swale and drainage improvements wherever necessary.

A copy of the King Engineering report will be provided under separate cover.

Legal Issues

Once we begin repaving our public roadways, issues will arise. We can anticipate situations where we do not have rights-of-way or necessary easements. We will need to address these issues as far in advance as possible, in order to maintain a timely work schedule and geographic efficiencies. Anticipated situations include residents both willing and unwilling to offer rights-of-way and/or easements as needed. Legal descriptions, sketches, copies of deeds as well as obtaining any necessary signatures must all be done well in advance to avoid delays. We must avoid patchwork

repaving, and need to have appropriate strategies in place for reasonably anticipated events.

Funding

Options include either ad valorem tax or special tax assessment, each with either a Non-Referendum or Referendum approval process.

I. Ad Valorem Tax

A. Non-Referendum (a/k/a “Pay-as-you-go”)

Should the Council wish to fund TSDOR via ad valorem taxes, the amount necessary for a given year’s or range of years’ work would be calculated in advance and reduced to a specific millage increase.

Increasing the millage rate is the simplest option, as it could easily be adjusted year to year to allow for variations in workload and resulting cash-flow. While there might be some concern taxes (once raised) would not decrease and the monies collected in this manner used for other purposes. All revenue derived could be placed into our existing restricted Transportation special revenue fund, committing it to be used only for TSDOR purposes.

Based upon current values, 1.0 mill would generate approximately \$1,000,000. An increase of 1.0 mill would require a “Super Majority” vote.

Should Council decide to fund TSDOR via ad valorem taxes, funding for the upcoming years’ (FY 14/15) work would be handled through the regular budget process and timeline. With this model, work could commence as early as October 2014.

B. Referendum (via General Obligation Bonds)

Council may also choose to direct staff to review general obligation bonds as a method of financing. General obligation bonds may be issued by local units of government and are secured by a pledge of the issuer’s ad valorem taxing power. General obligation bonds constitute debt of the issuer and require approval by a referendum process (as outlined in II B below).

General obligation bonds would likely provide the Town with the most favorable interest rates and would allow the Town to obtain financing (via a security “pledge” of ad valorem revenues) to expedite the TSDOR project.

Finally, and most importantly, in either of the above ad valorem scenarios, a formal assessment methodology study would not be necessary since all taxpayers will contribute based on their respective taxable property values.

II. Special Tax Assessment

Another option for funding would be by special tax assessment. Council has the option to either vote for an assessment or to schedule a voter referendum on the issue. In either case, an assessment would require a methodology study to make certain the assessment was applied equitably and legally defensible. These options have very different timelines and requirements.

A. Non-Referendum (Council Approved Assessment)

Chapter 170 of the Florida State Statutes and the Towns charter/code gives the Council authority to assess impacted residents. Accordingly, should the Council vote in favor of an assessment, a methodology study is required.

There are specific timelines associated with placing an assessment on the November 2014 tax notice. Deadlines are as follows:

Council would need to pass a resolution outlining the intent prior to January 1, 2014. (With the permission of the Property Appraiser, the deadline may be extended no further than March 1, 2014).

The methodology utilized for the assessment would need to be approved by the Town no later than May/June, 2014 to be included within the FY 14/15 proposed budget documents.

The initial assessment rate would need to be provided to the BCPA no later than August 4, 2014 assuming Council adoption during July.

Following the timeline above would place this assessment on resident's November 2014 tax notice. Work could be scheduled to begin as collections allow.

B. Referendum (Voter Approved Assessment)

Council may also subject any TSDOR assessment to voter approval. Since this would also be an assessment, a methodology study is required.

Deadline to be placed on the November 2014 ballot would require notice to the Supervisor of Elections by June 20, 2014. Should the Council desire this to be placed on the August primary ballot, the June 20, 2014 deadline remains the same. Recognizing higher voter turnout in November, there is no timeline gain by an August election, and this item should best be considered in November.

Any item placed on the ballot for voter referendum would need to be approved by ordinance, therefore two readings would be required for passage and adoption. Ballot language must be approved by the Supervisor of Elections.

In the event of a positive voter response in November 2014, the steps outlined in the Council approved assessment would then apply. All 2014 dates referenced in that portion of the memo would then apply to 2015. The assessment would appear on tax notices in November 2015 (for FY 15/16), with work commencing at that time.

Special Tax Assessments would allow the Town to obtain financing (via a security “pledge” of the special assessment revenues) to expedite the TSDOR project.



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Andy Berns, *Town Administrator*
Keith M. Poliakoff, *Town Attorney*
Martin Sherwood, *Town Financial Administrator*
Erika Gonzalez-Santamaria, CMC, *Town Clerk*

MEMORANDUM

TO: Andy Berns, Town Administrator
FROM: G. D. "Willie" Nabong, P.E., Town Engineer
DATE: October 18, 2013
SUBJECT: **Status Report on the Streets Condition Assessment**

Recommendation

To allow completion of the final report on the streets condition assessment and presentation to Council by King Engineering Associates, Inc.

Issue

King Engineering Associates, Inc. (KEA), an engineering consultant, was hired to perform and complete the streets condition assessment study activity and prepare a report. KEA has completed the field work and prepared assessment data. KEA is ready to finalize the report.

Background

The Town desires to develop a transportation surface and drainage ongoing rehabilitation (TSDOR) program with the goal of preserving and extending the life of the Town's asphalt paved streets. To meet this goal, the Town needs information on costs for repaving all Town streets and appurtenant roadside swale restoration. The Town hired King Engineering Associates, Inc. to perform assessment of the current condition of Town streets and prepare a report.

The field work was completed and KEA provided data updating the Town streets inventory, streets condition rating, estimated costs for repaving and swale improvement as needed, and the estimated life cycle of repaved streets. On September 25, 2013, KEA presented their findings and data report, and discussed with Town staff and Mr. Bob Busch, a DIAB Board Member. KEA and staff are currently working on the grouping of

streets for repaving projects. The list of streets grouping will be presented to the Drainage and Infrastructure Advisory Board (DIAB) for information and concurrence. If desired KEA can present the final report to Council.

The salient points of the data provided by KEA include the following:

- The total center line mileage of streets = 67.55 miles.
 - The total mileage includes those streets open to the public which require dedication of additional road rights-of-way.
 - The total mileage does not include the following private streets at Plat 345 (2.80 miles); SW 198th Avenue (1.25 miles); Landmark Estates (1.28 miles), Stoney Creek Way (SW 128th Avenue) (0.35 miles) and Stallion Way (0.15 miles). The total street length is 5.83 miles.
- Overall streets condition rating is 3.35 on a scale of 1 thru 10 wherein 1 is the best:
 - Rating 1 - - - - - 3.07 Miles
 - Rating 2 - - - - - 21.24 Miles
 - Rating 3 - - - - - 16.59 Miles
 - Rating 4,5 - - - 23.45 Miles
 - Rating 6,7,8 - - - - 3.20 Miles
 - Rating 9, 10 - - - - (reconstruction – not included)
 - Total Mileage - -67.55 Miles
- The repaving cycle was determined at ten years.
- The repaving cost per cycle was estimated at \$10.6 M.
- The repaving cost per year was estimated at \$1.06 M/Year. Note that this annual cost will vary based on the cost of the grouped streets.

For purposes of comparison, a cost model analysis was performed using an assumed \$750,000.00 annual program funding and preliminary streets grouping. This model indicated a cycle of 15 years.

Staff Contact

G. D. “Willie” Nabong, P.E., Town Engineer

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

October 10, 2013

13400 Griffin Road

Present:

Mayor Jeff Nelson

Vice Mayor Steve Breitkreuz

Council Member Gary Jablonski

Council Member Freddy Fisikelli

Council Member Doug McKay

Andrew Berns, Town Administrator

Michelle Klymko, Assistant Town Attorney

Erika Santamaria, Town Clerk

Martin Sherwood, Town Financial Administrator

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 Nelson at 7:05 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Public Comment – The following members of the public addressed the Town Council: Mike Hanley, Jo Ann Hollingsworth, Mary Gay Chaples, Dee Schroeder, and Sara Hanley.

4. Board Reports – Mary Gay Chaples provided an oral report on the Recreation, Forestry and Natural Resources Advisory Board.

5. Council Member Comments

Council Member Jablonski reminded the public that the 7th Annual Craft Fair at Equestrian Park on October 19th, Hazardous Waste Pick-up Event at Rolling Oaks Park on October 26th, and Rolling Oaks HOA will host the annual Halloween Party on October 31st at Rolling Oaks Park. He also announced that there will be a Food Truck event sponsored by the School Advisory Board on November 2nd at the Equestrian Park and Aster Knight Parks Foundation Annual event will take place on November 16th at the Davie School Museum. He also inquired about the delivery of the recycling carts and the Attorney General Opinion.

Council Member Fisikelli gave an update on the progress at Fishing Hole Park. Member Fisikelli also made a motion to bring back the gate closure on SW 199th Avenue for further discussion and consideration, but failed to attain a second on the motion. No further action was taken.

Vice Mayor Breitkreuz requested that legal start reviewing the legal aspect of the TSDOR project; which is the Town's roadway paving initiative. He reported on the recent traffic meeting he hosted on October 3rd.

Council Member McKay expressed concern on the upcoming application that Franklin Academy submitted through Pembroke Pines for approval. He stated that the Town Council should move on this effort to oppose the development since it will affect the traffic flow in the Town. The

Town Council gave general consensus to the Town Administrator and Town Attorney to pursue the matter.

Mayor Nelson also expressed concern on the Pines school development. He explained that with the Attorney General opinion it would be easier to negotiate possible contracts with neighboring communities. He also reported that recently he and his family received twenty empty envelopes with no return addresses. He stated that the matter is still under investigation and that it will be prosecuted to the fullest extent of the law.

6. Legal Comments

The Assistant Town Attorney discussed the recent Attorney General opinion on municipalities within the same county contracting with neighboring cities instead of county law enforcement services. She also reported on the status of the New Testament law suits.

7. Administration Comments

The Town Administrator reported on the delivery of the recycling carts to all of the residents. He provided an update on the barn at Rolling Oaks Park. The Administrator stated that he and the Town Attorney will be attending the conflict resolution meeting in reference to the Resource Recovery Board in the upcoming week.

8. Resolution – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY TO ALLOW THE ROLLING OAKS COMMUNITY ASSOCIATION SIGNS TO BE LOCATED WITHIN BROWARD COUNTY'S RIGHT-OF-WAY; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

9. Resolution – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY TO ALLOW BROWARD COUNTY TO UTILIZE THE TOWN'S RIGHT-OF-WAY FOR THE EVERGLADES HOLIDAY PARK SIGN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE REVOCABLE LICENSE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

10. Resolution – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING A ONE YEAR SOLE SOURCE AGREEMENT WITH SOUTHERN STRATEGY GROUP TO PROVIDE TALLAHASSEE GOVERNMENTAL RELATIONS AND LOBBYING SERVICES ON BEHALF OF THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

11. Discussion – Surplus Volunteer Fire Department Vehicles

Assistant Chief Leslie Kastner provided the Town Council with a brief oral update on the status of the sale of the fire vehicles.

12. Approval of Minutes

- a. Minutes for September 26, 2013 – Budget Hearing
- b. Minutes for September 26, 2013 – Regular Council Meeting

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

MOTION: TO CORRECT THE MINUTES FROM BUDGET HEARING SEPTEMBER 26TH TO REFLECT THE CORRECT VOTE ON ITEM 6 AND TO APPROVE THE MINUTES OF SEPTEMBER 12TH AND SEPTEMBER 26TH AS AMENDED.

15. Adjournment – Meeting was adjourned at 8:45 p.m.

Respectfully submitted:

Erika Gonzalez-Santamaria, CMC, Town Clerk

*Adopted by the Town Council on
this 24th day of October, 2013.*

Jeff Nelson, Mayor

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