



Southwest Ranches Town Council

REGULAR MEETING Agenda of August 11, 2022

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u> Steve Breitreuz	<u>Town Council</u> Jim Allbritton Bob Hartmann David Kuczenski	<u>Town Administrator</u> Andrew D. Berns, MPA	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> Gary Jablonski		<u>Town Financial Administrator</u> Emil C. Lopez, CPM	<u>Assistant Town Administrator/Town Clerk</u> Russell C. Muniz, MPA

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. **Appreciation of the Public Safety and Traffic Committee - Council Member Allbritton**
4. **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.
5. **Board Reports**
6. **Council Member Comments**
7. **Legal Comments**
8. **Administration Comments**

Ordinance - 2nd Reading

9. **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (“ULDC”), ARTICLE 45, ENTITLED, “AGRICULTURAL AND RURAL DISTRICTS” TO CREATE A NEW RURAL RESIDENTIAL ZONING DISTRICT WITH A MINIMUM PLOT SIZE REQUIREMENT OF 2.5 NET ACRES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading - July 28, 2022}**

Resolutions

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED CITY OF SUNRISE ET. AL. VS. BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

11. Approval of Minutes

a. May 26, 2022 Regular Meeting Minutes

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
Steve Breitzkreuz, Mayor
Gary Jablonski, Vice Mayor
Jim Allbritton, Council Member
Bob Hartmann, Council Member
David Kuczenski, Council Member

Andrew D. Berns, MPA, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, MPA, Assistant Town Administrator/Town Clerk
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitzkreuz and Town Council
VIA: Andrew Berns, Town Administrator
FROM: Jeff Katims
DATE: 8/11/2022
SUBJECT: ORDINANCE CREATING RR-A DISTRICT

Recommendation

This item is policy matter for the Town Council in its legislative capacity.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- E. Cultivate a Vibrant Community

Background

This Ordinance establishes a new zoning classification that is intended to provide an option for property owners petitioning to change their nonresidential zoning to rural residential zoning.

The proposed new classification is based upon Rural Ranches, but with an increase in the plot size requirement from 2.0 net/2.5 gross acres to 2.5 net acres, and a decrease in maximum plot coverage from 10 percent to 8 percent.

The new category would allow the same size residence (and combined area of roofed structures) as permitted on a lot of 2.0 net acres zoned Rural Ranches.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
RR-A Ordinance - Second Reading-REV - TA Approved	8/2/2022	Ordinance

This page
intentionally left blank

1 **ORDINANCE NO. 2022-____**

2
3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES**
5 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 45,**
6 **ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS" TO CREATE**
7 **A NEW RURAL RESIDENTIAL ZONING DISTRICT WITH A**
8 **MINIMUM PLOT SIZE REQUIREMENT OF 2.5 NET ACRES;**
9 **PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT;**
10 **PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN**
11 **EFFECTIVE DATE.**

12
13 **WHEREAS,** there are large nonresidentially zoned parcels within the Town that
14 have not been developed; and

15 **WHEREAS,** the Town is an increasingly desirable location for large-scale
16 residential development; and

17 **WHEREAS,** the potential exists for residential development on such underutilized
18 parcels; and

19 **WHEREAS,** the Town Council desires to create a new rural residential zoning
20 category for potential application to residential rezoning of nonresidentially zoned parcels,
21 which would enhance the Town's rural character by providing for larger parcels with
22 additional open space;

23 **WHEREAS,** the Local Planning Agency held a duly noticed public hearing on July
24 28, 2022, and recommended approval of the proposed Ordinance with an amendment.

25 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
26 **TOWN OF SOUTHWEST RANCHES, FLORIDA:**

27 **Section 1. Ratification.** The foregoing "WHEREAS" clauses are hereby ratified
28 and confirmed as being true and correct and are hereby incorporated herein and made a
29 part hereof.

1 **Section 2. Amendment to Section 045-010.** Section 045-010, "Zoning
2 districts," is hereby amended as follows:

3 The following shall constitute agricultural zoning districts for the purposes of
4 the ULDC:

District	Title
A-1	Agricultural Estate
A-2	General Agricultural

5 The following shall constitute rural and estate zoning districts for the
6 purposes of the ULDC:

District	Title
RE	Rural Estate
RR	Rural Ranches
RR-A	Rural Ranches-A

7
8 **Section 3. Amendment to Section 045-020.** Section 045-020, "Purpose and
9 intent of districts," is hereby amended as follows:

- 10 (A) A-1, agricultural estate, and A-2, general agricultural districts are intended to
11 apply to those areas of the town designated agricultural or rural ranches on
12 the future land use plan map of the comprehensive plan, the present or
13 prospective use of which is primarily rural estates or agricultural. The
14 regulations of these districts are intended to protect, preserve and enhance
15 the rural character and life-style of existing very low density areas and
16 agricultural uses.
- 17 (B) The RE, rural estate district is intended to apply to areas which are primarily
18 residential estates and agricultural uses. The regulations of this district are
19 intended to protect, preserve and enhance the character and life-style of
20 existing low density areas in compliance with the rural estate and estate land
21 use plan designations of the comprehensive plan.
- 22 (C) The RR, rural ranches district is intended to apply to areas designated rural
23 ranches on the future land use plan map of the comprehensive plan, and is
24 intended to protect, preserve and enhance the rural character and lifestyle of
25 existing very low density neighborhoods predominately for one (1) family
26 dwelling, with ranches and related agricultural uses.
- 27 (D) The RR-A, rural ranches-A district is intended to apply to areas designated
28 rural ranches on the future land use plan map of the comprehensive plan to

1 protect, preserve and enhance the rural character and lifestyle of the Town
2 by requiring larger plots and more open space than other districts.

3 **Section 4. Amendment to Sec. 045-070.** Section 045-070, "Minimum plot
4 size and dimensions," is hereby amended as follows:

5 * * *

6 (D) *Rural ranches-A district.* Every plot in a RR-A district shall be not less than
7 one-hundred twenty-five (125) feet in width and shall contain not less than
8 two and one-half (2.5) net acres in area.

9 **Section 5. Amendment to Section 045-080.** Section 045-020, "Plot coverage,
10 floor area ratio and pervious area," is hereby amended as follows:

11 (A) The combined area occupied by all buildings and roofed structures shall not
12 exceed twenty (20) percent of the area of a plot in A-1, A-2, and RE districts,
13 ten (10) percent of the area of a plot area in the RR district, and eight (8)
14 percent of the area of a plot in the RR-A district, less any public or private
15 street right-of-way.

16 (1) Plot coverage for enclosed structures on plots designated agricultural on
17 the future land use plan map shall not exceed ten percent (10%), in
18 accordance with the maximum permitted floor area ratio of one-tenth
19 (0.10) as established by the adopted comprehensive plan.

20 (2) The aforesaid limitations shall not apply to nonresidential farm buildings.
21 To the extent that a noncommercial farm applicant needs to exceed the
22 plot coverage limitation, the applicant must follow the review procedures
23 set forth in article 155, "Noncommercial farm special exceptions." The
24 noncommercial farm applicant must demonstrate that the requirement
25 prohibits, restricts, or otherwise limits a generally accepted farming
26 practice.

27 * * *

28 **Section 6: Codification.** The Town Clerk shall cause this ordinance to be
29 codified as a part of the ULDC during the next codification update cycle.

30 **Section 7: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts
31 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of
32 such conflict.

1 **Section 8: Severability.** Should any section or provision of this Ordinance or
2 any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional
3 or invalid, the invalidity thereof shall not affect the validity of any of the remaining
4 portions of this Ordinance.

5 **Section 9: Effective Date.** This Ordinance shall take effect immediately upon
6 passage and adoption.

7 **PASSED ON FIRST READING** this ___ day of _____, 2022 on a motion made
8 by _____ and seconded by _____.

9 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____,
10 2022, on a motion made by _____ and seconded by
11 _____.

12				
13	Breitkreuz	_____	Ayes	_____
14	Jablonski	_____	Nays	_____
15	Allbritton	_____	Absent	_____
16	Hartmann	_____	Abstaining	_____
17	Kuczenski	_____		
18				
19				
20				
21				

Steve Breitkreuz, Mayor

22 ATTEST:
23
24 _____

25 Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

27 Approved as to Form and Correctness:
28
29 _____

30 Keith Poliakoff, J.D., Town Attorney
31 1001.141.01



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

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

Town Council
Steve Breitkreuz, Mayor
Gary Jablonski, Vice Mayor
Jim Allbritton, Council Member
Bob Hartmann, Council Member
David Kuczenski, Council Member

Andrew D. Berns, MPA, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, MPA, Assistant Town Administrator/Town Clerk
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Russell Muniz, Assistant Town Administrator/Town Clerk
DATE: 8/11/2022
SUBJECT: 3rd Amentment to RRB Settlement ILA - Alpha 250 Site

Recommendation

Town Council consideration for a motion to approve the resolution.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- D. Improved Infrastructure

Background

Broward County (the "County") and several Broward municipalities entered into a Settlement Agreement to settle the litigation styled City of Sunrise et. al. vs. Broward County.

On May 14, 2015, the Town Council adopted Resolution No. 2015-045 authorizing the settlement of the litigation and authorizing the Town Administrator to execute a Settlement Proceeds Distribution Agreement with the settling municipalities. The Settlement Agreement provides for the County and the Settling Municipalities to agree to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250.

On August 11, 2016, the Town Council adopted Resolution No. 2016-052, approving the First

Amendment to the Settlement Agreement, to delay the sale of Alpha 250 while a joint independent study was performed regarding recycling goals, whether retaining public ownership of Alpha 250 would facilitate meeting recycling goals, flow control and potential governance or contractual structures for collaborative management of solid waste disposal.

On November 15, 2018 the Town Council adopted 2019-008 approving the Second Amendment to the Settlement Agreement which extended the sale date of the Alpha 250 site through October 11, 2022 in order to analyze the Interim Final Report and to address the final evaluations and recommendations presented therein.

In late 2019 the County, the Settling Municipalities, and other municipalities established a Solid Waste Working Group to develop recommendations for a regional solid waste management system and now the County and the Settling Municipalities desire to further amend the settlement agreement to extend the sale delay period for the Alpha 250 site and allow the Solid Waste Working Group additional time to conduct its work.

Fiscal Impact/Analysis

None.

Staff Contact:

Russell Muniz, Assistant Town Administrator/Town Clerk

ATTACHMENTS:

Description	Upload Date	Type
RRB Third Amendment to Settlement Agreement -TA Approved	8/3/2022	Resolution
Exhibit A - 3rd Amendment to RRB ILA Agreement	8/2/2022	Exhibit

RESOLUTION NO. 2022 - _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED CITY OF SUNRISE ET. AL. VS. BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, Broward County (the "County") and several Broward municipalities entered into a Settlement Agreement to settle the litigation styled City of Sunrise et. al. vs. Broward County, 17th Judicial Circuit Court Case No. CACE-013-015660 (the municipalities defined in the Settlement Agreement as the Settling Municipalities shall be collectively referred to herein as the "Settling Municipalities"); and

WHEREAS, Second, on May 14, 2015, the Town Council of the Town of Southwest Ranches (the "Town") adopted Resolution No. 2015-045 authorizing the settlement of the litigation styled City of Sunrise, et. al. vs. Broward County; authorizing the Town Administrator to execute a Settlement Agreement with Broward County; and authorizing the Town Administrator to execute a Settlement Proceeds Distribution Agreement with the settling municipalities; and

WHEREAS, Third, the Settlement Agreement provides for the County and the Settling Municipalities to agree to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250, as further described in the Settlement Agreement ("Alpha 250"); and

WHEREAS, Fourth, on August 11, 2016, the Town Council adopted Resolution No. 2016-052, approving the First Amendment to the Settlement Agreement, to delay the sale of Alpha 250 while a joint independent study is performed regarding the following issues:

- (i) how a 75% County-wide recycling goal may be reached;
- (ii) whether retaining public ownership of Alpha 250 would facilitate the meeting of that recycling goal or would provide other benefits in connection with solid waste disposal within Broward County; and
- (iii) general solid waste disposal issues as determined by the Working Group (as defined in the First Amendment), which may include options regarding flow control and potential governance or contractual structures for collaborative management of solid waste disposal; and

WHEREAS, Fifth, in June 2017, the County retained Arcadis, U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C., and GMAC Consulting, L.L.C. (collectively,

the "Arcadis Team") to conduct the study (the "Study"), which the Arcadis team commenced in October 2017; and

WHEREAS, Sixth, consistent with the First Amendment to the Settlement Agreement, the County Administrator and six designated mayors (the "Mayors") provided Written Approval of Extension of Sale Delay Period Under First Amendment to Settlement Agreement until October 11, 2018, that further extended the sale delay period until October 11, 2018; and

WHEREAS, Seventh, in August 2018, the Arcadis Team concluded the Study and issued its Solid Waste and Recycling Issues Study Interim Final Report (the "Interim Final Report"), that summarizes the Arcadis Team's findings based on the Study and includes its final evaluations and recommendations; and

WHEREAS, Eighth, on November 15, 2018 the Town Council adopted 2019-008 approving the Second Amendment to the Settlement Agreement which extended the sale date of the Alpha 250 site through October 11, 2022 in order to analyze the Interim Final Report and to address the final evaluations and recommendations presented therein; and

WHEREAS, Ninth, in late 2019 the County, the Settling Municipalities, and other municipalities established a Solid Waste Working Group to develop recommendations for a regional solid waste management system and now the County and the Settling Municipalities desire to further amend the settlement agreement to extend the sale delay period for the Alpha 250 site and allow the Solid Waste Working Group additional time to conduct its work.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. The Town Council hereby approves the Third Amendment to the Settlement Agreement, attached as Exhibit "A".

Section 3. The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to execute the Second Amendment to the Settlement Agreement with the County, together with such non-substantial changes as are acceptable to the Town Administrator and approved as to form and legal sufficiency by the Town Attorney.

Section 4. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches,
this 11th day of August, 2022, on a motion by _____, seconded by

_____.

Breitkreuz	_____	Ayes	_____
Jablonski	_____	Nays	_____
Allbritton	_____	Absent	_____
Hartmann	_____	Abstaining	_____
Kuczenski	_____		

ATTEST:

Doug McKay, Mayor

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to legal Form and Correctness

Keith M. Poliakoff, Esq., Town Attorney
1001.142.01

This page
intentionally left blank

**THIRD AMENDMENT TO SETTLEMENT AGREEMENT
BETWEEN BROWARD COUNTY AND SETTLING MUNICIPALITIES**

This is a Third Amendment (“Third Amendment”) to the Settlement Agreement by and between Broward County, Florida, a political subdivision of the State of Florida (“County”), and the Cities of Sunrise, Weston, Hollywood, Fort Lauderdale, Lauderhill, Lighthouse Point, Tamarac, Plantation, Coconut Creek, Deerfield Beach, Miramar, Margate, Cooper City, North Lauderdale, Coral Springs, and Wilton Manors, and the Towns of Lauderdale-By-The-Sea, Davie, Southwest Ranches, and Hillsboro Beach, and the Village of Sea Ranch Lakes (each individually, a “Settling Municipality”; and collectively, the “Settling Municipalities”) (each of the foregoing is sometimes referred to as a “Party” or collectively as the “Parties”).

RECITALS

A. In June 2015, the County and the Settling Municipalities entered into a settlement agreement to settle the litigation styled *City of Sunrise, et al. v. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660 (the “Original Settlement Agreement”).

B. The Original Settlement Agreement provided for the County and the Settling Municipalities to sell the parcel of land known as Alpha 250, as further described in the Original Settlement Agreement (“Alpha 250”).

C. The cities of Lauderdale Lakes, West Park, and Oakland Park, and the Town of Pembroke Park, all municipal corporations (each individually, a “Consenting Municipality”; and collectively, the “Consenting Municipalities”), did not join the above-referenced litigation or the Original Settlement Agreement but instead entered into Interlocal Agreements Regarding Distribution of Solid Waste Disposal District Assets with the County, pursuant to which they have received and will receive their respective pro rata shares of proceeds distributed under the terms of the Original Settlement Agreement, including their respective shares from any sale of Alpha 250.

D. Subsequent to the effective date of the Settlement Agreement, the Parties entered into two amendments thereto, extending the sale date of Alpha 250 through and including October 11, 2022 (the Original Settlement Agreement and two amendments thereto are collectively referred to as the “Settlement Agreement”).

E. In late 2019, the County, the Settling Municipalities, and other municipalities established a Solid Waste Working Group (“SWWG”), a group of elected municipal and county officials, to jointly develop recommendations for a regional solid waste management system based on shared principles and commitments, including a mutually agreed governance structure.

F. The County and the Settling Municipalities desire to further amend the Settlement Agreement to extend the Sale Delay Period for Alpha 250 and provide the SWWG additional time to conduct its work.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The above Recitals are true and correct and are incorporated herein by reference. All capitalized terms not expressly defined within this Third Amendment shall retain the meaning ascribed to such terms in the Settlement Agreement.

2. Notwithstanding any provision to the contrary in the Settlement Agreement, the Parties hereby agree to extend the Sale Delay Period (as defined in the Settlement Agreement) until October 11, 2023. The Sale Delay Period may be further extended for up to three (3) additional periods, each for up to one (1) year, provided that any such additional extension be approved in writing by the County Administrator on behalf of County, and the Mayors of the Cities of Coconut Creek, Fort Lauderdale, Hollywood, Miramar, Sunrise, and Weston (collectively, the "Mayors"), on behalf of the Settling Municipalities.

3. This Third Amendment shall be approved by the Parties in the following manner:

a. Once executed by the County Administrator, this Third Amendment shall be presented for approval at public Commission/Council meetings at each of the Settling Municipalities and Consenting Municipalities (County shall communicate this requirement to the Consenting Municipalities).

b. By October 7, 2022, this Third Amendment shall: (1) be approved and executed by all Settling Municipalities; and (2) be consented to by each of the Consenting Municipalities either through a separate written instrument between County (by and through the County Administrator) and each of the Consenting Municipalities in which each of the Consenting Municipalities agrees to the terms of the Third Amendment, or a resolution adopted by the Commissions/Councils of the Consenting Municipalities agreeing to the terms of this Third Amendment.

The October 7, 2022, deadline may be extended by the County Administrator and five (5) of the Mayors listed in paragraph 2 above for: (i) up to an additional twenty-one (21) days for any reason or (ii) up to an additional forty-five (45) days provided at least two-thirds (2/3) of the Settling Municipalities have approved this Third Amendment.

4. This Third Amendment shall be effective on the date of the last approval and execution of this Third Amendment by a Settling Municipality, or the date of the last execution of a written instrument reflecting the consent of a Consenting Municipality, whichever occurs last.

5. Except as otherwise revised in this Third Amendment, the terms and conditions of the Settlement Agreement shall remain in full force and effect. In the event of any conflict or ambiguity between this Third Amendment and the Settlement Agreement, the Parties agree that this Third Amendment shall control. The Settlement Agreement, as amended herein by this Third Amendment, incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements, or understandings concerning the subject matter hereof that are not contained in the Settlement Agreement as amended in this Third Amendment. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

6. The preparation of this Third Amendment has been a joint effort of the Parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against any Party. In the event a portion of this Third Amendment is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective and the Parties (and all Consenting Municipalities) agree to negotiate in good faith to modify that portion of this Third Amendment in a manner designed to effectuate the original intent of the Parties.

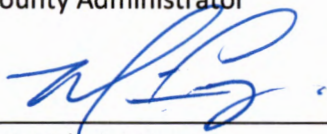
7. This Third Amendment may be executed in multiple originals, and may be executed in counterparts, whether signed physically or electronically, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the Parties have made and executed this Third Amendment to the Settlement Agreement on the respective dates under each signature: BROWARD COUNTY, signing by and through its County Administrator, duly authorized to execute same by Board action on the 14th day of June, 2022, and each of the Settling Municipalities, signing by and through their respective Mayors or other representatives duly authorized to execute same.

COUNTY

BROWARD COUNTY, by and through
its County Administrator

By 
County Administrator

16th day of June, 2022

Approved as to form by
Andrew J. Meyers
Broward County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600



By Matthew Haber Digitally signed by Matthew Haber
Date: 2022.06.16 15:18:04 -04'00'
Matthew Haber (Date)
Assistant County Attorney

MH/tb
Third Amendment to Settlement Agreement
06/01/22

**THIRD AMENDMENT TO SETTLEMENT AGREEMENT
BETWEEN BROWARD COUNTY AND SETTLING MUNICIPALITIES**

SETTLING MUNICIPALITY

ATTEST:

MUNICIPALITY: SOUTHWEST RANCHES

Russell Muniz,
Assistant Town Administrator/Town Clerk

By: _____
Mayor

Steve Breitkreuz, Mayor

Print Name/Title

11th day of August, 2022

I HEREBY CERTIFY that I have approved this Agreement as to form and legal sufficiency subject to execution by the parties:

Keith Poliakoff, Town Attorney

This page
intentionally left blank

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

May 26, 2022

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Vice Mayor Gary Jablonski

Council Member Jim Allbritton

Council Member Bob Hartmann

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator

Emil C. Lopez, Town Financial Administrator

Keith Poliakoff, Town Attorney

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 Breitkreuz at 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance. A moment of silence was observed for the Uvalde Elementary School tragedy.

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Jablonski and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitkreuz voting yes.

MOTION: TO EXCUSE COUNCIL MEMBER KUCZENSKI'S ABSENCE.

3. Legislative Update – County Commissioner Nan Rich – District 1

County Commissioner Rich stated she was happy to be re-representing a portion of Southwest Ranches again and provided a Legislative Update.

4. Redesigned Town Website – Russell Muniz

Assistant Town Administrator Muñiz provided a live presentation of the redesigned town website.

5. Public Comment

The following members of the public addressed the Town Council: Lorena Mastrarrigo and Newell Hollingsworth.

6. Board Reports

There were no Board Reports.

7. Council Member Comments

Vice Mayor Jablonski advised the public of the July 9, 2022 "HazMat at the Barn" which included shredding and prescription medication drop off. He commended Eagle Scout Bryce Taporowski for the flagpole that was erected at the Rolling Oaks Barn as his Eagle Scout project and managed to do it under budget; he then donated the excess funds to the Town. He advised Town Hall would be closed on May 30th for Memorial Day and of the upcoming June 2nd special meeting on the P3 project, which he urged attendance. Lastly, he advised the public of the upcoming DMV Flow Mobile and Broward County Property Appraiser events for June.

Council Member Hartmann thanked Mayor Breitreuz for the moment of silence surrounding the Uvalde Elementary School tragedy and spoke about his lack of comfort in the emergency response as it relates to the schools and religious communities in the Town. He did recognize his lack of knowledge of the plans that Davie Police and Fire may and probably do, have in place. He asked Town Administrator Berns to ask the Davie Police Chief to come to the Town and explain how active shooter situations would be dealt with. Town Attorney Poliakoff advised that any such meeting be done in private, since safety plans have been provided by Broward County Schools and reviewed by Police Departments. Town Administrator Berns stated it was very important to keep the school specific safety plans private, however he didn't think it would be a problem to have the Davie Police Chief come to the Town and provide an overview of how emergency situations will be handled. Council Member Hartmann then clarified he would like to meet with the Davie Police Chief just to verify there are emergency response plans in place, not to view the actual school safety plans.

Council Member Allbritton also thanked Mayor Breitreuz for the moment of silence as well. He then promoted attendance to the June Public Safety and Traffic Committee meeting. He really wished to see residents show up and see how hard the committee has worked.

Mayor Breitreuz spoke about the upcoming June 10th memorial event for Birdie Knight, who was the wife of former Council member Astor Knight. He advised he would be meeting with Carlos Martinez with Town Administrator Berns in attendance as well for transparency. Next he spoke about the road closures on Griffin Road out west that would continue to the end of the month. Lastly, he spoke about the Sunshine Ranches HOA meeting that was held the night before and one of the items brought up was the Zoning in Progress that was in place. Mayor Breitreuz inquired if the Town is at a point where that issue can be closed out or can the Town Council vote to have it closed out. He would like to be done with it. Town Attorney Poliakoff advised the Zoning in Progress was a resolution that would expire in 6 months or if the Town Council would consider an ordinance that would add a new zoning category. He then inquired what the purpose of the Zoning in Progress was to which Town Attorney Poliakoff explained that it's in place for the Town's protection.

8. Legal Comments

Town Attorney Poliakoff spoke about having County Commissioner Rich back as the Town's advocate. Next he spoke about two legal wins the Town had. The first win had to do with gate access by Franklin Academy at SW 207 Avenue. The second win had to do with home-based businesses. The Court of Appeals ruled in a landmark decision that if a home business has most of its business performed within the residence, then the residence can no longer be considered a home and therefore could be regulated under the Town's Code. Mayor Breitreuz inquired about Airbnbs and how could they be regulated and Council Member Hartmann piggybacked on the Mayor's topic and asked if a homeowner moves out of a home but leaves an employee to manage the home as it is rented out to guests, what could be done about it, to which Town Attorney Poliakoff stated the issue could be reviewed.

9. Administrative Comments

Town Administrator Berns commended the Public Works Department for obtaining the Town's CRS recertification. Next, he advised Broward County will be repainting the reflective markers in the median in front of Town Hall to make it easier to see when leaving a meeting in the evening. He then provided an update on the solid waste bid that closed May 13, 2022, and the selection committee met on May 20, 2022 to evaluate the submissions. Lastly, Town Administrator Berns spoke about the July 2, 2022 Special Meeting. He advised Town Council that he and Assistant Town Administrator Muñiz would be attending a conference in Orlando and that he would attend the meeting via phone.

Ordinance – 1st Reading

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING THE FOLLOWING AMENDMENTS TO BE CONSIDERED ON THE NOVEMBER 1, 2022 GENERAL ELECTION BALLOT: TO AMEND ARTICLE II "TOWN COUNCIL" SECTION 2.04 (a) TO AMEND THE RESIDENCY REQUIREMENT FOR THE TOWN'S MAYOR; TO AMEND ARTICLE II "TOWN COUNCIL" SECTION 2.06 (c) TO CLARIFY HOW TOWN COUNCIL VACANCIES ARE FILLED; AND TO AMEND ARTICLE VII "CHARTER AMENDMENTS" SECTION 7.03 TO APPOINT A CHARTER REVIEW COMMITTEE EVERY TEN (10) YEARS FOLLOWING THE PUBLICATION OF THE CENSUS; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; SUBMITTING THE REFERENDUM TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, FOR THE 2022 GENERAL ELECTION; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. **{Second Reading to be held - June 9, 2022}**

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Allbritton and passed by a 3-1 roll call vote. The vote was as follows: Council Member Allbritton voting no, and Council Member Hartmann, Vice Mayor Jablonski and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE ON FIRST READING TO INCLUDE THE FOLLOWING; "SUBJECT TO FORFEIT SALARY IF APPOINTMENT IS NOT MADE BY THE 91st DAY".

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CORRECTING RESOLUTION NO. 2022-045 BY CLARIFYING AND CORRECTING THAT ONLY FOURTEEN THOUSAND FOUR HUNDRED AND FIFTY-FIVE DOLLARS AND ZERO CENTS (\$14,455.00) WAS NEEDED TO ISSUE THE PURCHASE ORDER FOR THE TRANSPORTATION SURFACE AND DRAINAGE ONGOING REHABILITATION (TSDOR) PROGRAM STUDY; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Jablonski, seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING AND APPROVING AN AGREEMENT WITH BROWARD COUNTY TO RECEIVE FORTY-THREE THOUSAND DOLLARS AND ZERO CENTS (\$43,000.00) OF SURTAX FUNDING TO COMPLETE THE GREEN MEADOWS DRAINAGE IMPROVEMENTS (SWRA-022) 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 Jablonski, seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH CROWN CASTLE FIBER, LLC FOR DEDICATED INTERNET ACCESS SERVICES (DIA); AUTHORIZING A BUDGET AMENDMENT; AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THIS AGREEMENT AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED FORTY-NINE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$49,500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Jablonski, seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION WITH THE FOLLOWING MODIFICATION: TO CORRECT THE ACCOUNT NUMBER, OBJECT CODE FROM 63900 TO 61100.

14. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH 8X8, INC. FOR VOICE OVER INTERNET PROTOCOL (VOIP) TELEPHONE SERVICE; AUTHORIZING A BUDGET AMENDMENT; AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THIS AGREEMENT FOR A PERIOD OF THIRTY-EIGHT MONTHS AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND FOUR HUNDRED AND FORTY-ONE DOLLARS AND THIRTY-ONE CENTS (\$65,441.31); AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Jablonski and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

15. Approval of Minutes

a. April 28, 2022 Regular Meeting

The following motion was made by Vice Mayor Jablonski, seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote was as follows: Council Members Allbritton, Hartmann, Vice Mayor Jablonski and Mayor Breitreuz voting yes.

MOTION: TO APPROVE THE APRIL 28, 2022 REGULAR MEETING MINUTES.

16. Adjournment

Meeting was adjourned at 9:02 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 11th day of August, 2022.

Steve Breitkreuz, 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.