

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

October 26, 2023

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Andrew Berns, Town Administrator

Vice Mayor Jim Allbritton

Debra Ruesga, Deputy Town Clerk

Council Member Bob Hartmann

Emil C. Lopez, Town Financial Administrator

Council Member Gary Jablonski

Richard Dewitt, Assistant Town Attorney

Council Member David S. Kuczenski

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. Council Member Kuczenski attended the meeting via telephone.

3. Proclamation – Diwali – October 2023

The Town presented a proclamation honoring the Festival of Diwali.

4. Public Comment

The following members of the public addressed the Town Council: Rick Cormier and John Garate.

5. Board Reports

Debbie Green spoke on behalf of the Zero-Waste Broward Task Force. Debbie Green reminded everyone of the importance of keeping the community informed of the incinerator possibly being built on the property near Sheridan Street and U.S. Highway 27, in response to the state mandate of reaching 75% recycling. She described the Solid Waste Disposal and Recycling Materials Processing Authority, in terms of its responsibilities and that Mayor Breitkreuz is an alternate on the Board and on the executive committee. She informed Council of the email zerowastebrowardtf@gmail.com and Facebook page "Broward Clean Air", that were developed to get more community members involved, as a grassroots movement, to steer towards zero-waste instead of incineration.

6. Council Member Comments

Council Member Jablonski addressed not being able to attend certain HOA meetings. He asked the HOAs to work together on their scheduling so there is not a conflict of two meetings in one night, so Council may attend both meetings. He verified with Debbie Green the Zero-Waste Task force meeting would be on November 8th at 7p.m. at Town Hall. He spoke about upcoming events within the Town such as the Halloween event at the Barn on October 28th from 6 to 9 p.m., the Hazmat event at the Barn on January 6th from 10 a.m. to 2 p.m., and the Holiday Lights Contest with the deadline to enter December 1st, the judging occurring December 5th, and the awards presented by Mr. and Mrs. Claus on December 7th. He reminded everyone during the months of November, December, and January, there is only one meeting per month as scheduled, and the next Council meeting will be November 16th. He also spoke about other Town Events such as the

DMV FLOW mobile event at Town Hall November 22nd, and the Town Hall closures scheduled November 10th for Veteran's Day and November 23rd and 24th for Thanksgiving.

Council Member Kuczenski apologized that he could not attend this meeting in person and thanked everyone for their sentiments expressed with the passing of his mother. He discussed his reporting on the traffic citations done within Town for the last few months. He directed Administration to work with the Davie Police Department to focus on the interior roads of the Town to try and reduce speeding for the residents and focus less on the exterior roads. He thanked Debbie Green, Richard Ramcharitar, and Marianne Allen for their efforts with the Zero-Waste Task Force and for keeping the community informed on the issue.

Council Member Hartmann discussed the upcoming ROCA Halloween event for the Town and encouraged everyone to attend. He stated it is a safe event for the kids and a fun event for the entire family. He also agreed with Council Member Kuczenski on the traffic enforcement needing to be more focused on interior roads, instead of exterior, and would like to see more enforcement of stopping at stop signs in certain areas, including along Griffin Road. He thanked Debbie Green and Richard Ramcharitar on the efforts of educating people about the incinerator and the Zero-Waste Task Force and discussed the importance of keeping everyone informed regarding it.

Vice Mayor Allbritton spoke about the Halloween event and stressed to everyone to get there before 6 p.m. if they are setting up to hand out candy. He said the road closes at 6 p.m. when the event starts, and they will not be able to get in. He discussed attending a conference at the Broward Performing Arts Center with Debbie Green and Richard Ramcharitar regarding Solid Waste. It was attended by approximately 120 people from Broward, Dade, and Monroe counties, working on the issue of solid waste. He thanked them for attending with him and for their efforts with the Zero-Waste Task Force.

Mayor Breitzkreuz discussed attending a meeting with Town Administrator Andy Berns and representatives from the South Florida Wildlife Center. The meeting was about establishing a location for the Wildlife Center on the Broward County School Board Property on Sheridan Street. He believed having the Center move there would be a good fit for the deed restricted property and for the Town. Council Member Jablonski asked if they would be requiring the entire 32 acres of the property, and Mayor Breitzkreuz replied the organization would probably only need 5 acres. He stated that this was a preliminary discussion and that more talks would be needed before any action was taken but wanted residents and Council to be informed of the situation.

7. Legal Comments

Assistant Town Attorney Dewitt had no comments.

8. Administration Comments

Town Administrator Berns advised the Council he has contacted Broward County regarding the Wildlife Center and is waiting for a response from them. He also stated he has spoken to the past

and present road captains of the Davie Police Department regarding traffic enforcement on the interior roads and would continue to work with them on that issue.

Ordinance – 2nd Reading

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE INSTALLATION OF WATER AND SEWER LINES WITHIN THE TOWN'S RIGHTS OF WAY; REQUIRING UTILITY PROVIDERS TO SEEK TOWN CONSENT BEFORE WORKING IN THE TOWN'S RIGHT OF WAY; REQUIRING UTILITY PROVIDERS TO ABIDE BY THE TOWN'S CONDITIONS OF APPROVAL PRIOR TO INITIATING ANY WORK; ESTABLISHING BASELINE REQUIREMENTS FOR APPROVAL; REQUIRING A PROPERTY OWNER TO OBTAIN A PERMIT FROM THE TOWN IF THEY ARE BRINGING WATER AND/OR SEWER TO THEIR PROPERTY; REQUIRING A PROPERTY OWNER TO SPECIFICALLY ACKNOWLEDGE AS PART OF THE PERMIT THAT THE PUBLIC UTILITY CANNOT BE ACTIVATED UNLESS THE TOWN'S PERMIT HAS BEEN APPROVED AND FINALED; REQUIRING ANY CONTRACTOR TO CERTIFY THAT THE PUBLIC UTILITY CANNOT BE ACTIVATED UNTIL THE TOWN'S PERMIT HAS BEEN APPROVED AND FINALED; ENABLING PROPERTY OWNERS TO RECUPERATE THEIR INVESTMENT FOR THE EXTENSION OF WATER AND/OR SEWER LINES; PROVIDING FOR PENALTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION IN THE TOWN'S CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading October 12, 2023}**

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Allbritton, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitkreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE ON SECOND READING.

Ordinance - 1st Reading

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING SECTION 085-070 OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE OF ORDINANCES PERTAINING TO MAXIMUM ALLOWABLE FILL ELEVATIONS AND THE REMOVAL OF ILLEGAL FILL; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitkreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE ON FIRST READING AS AMENDED BY CHANGING SECTION 2, LETTER G, BY REPLACING 48 HOURS WITH 5 BUSINESS DAYS

AND BY ADDING THE LANGUAGE "LEVEL 1 FILL PERMITS TO BE EXEMPT FROM THIS SECTION".

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENTERING INTO AN AGREEMENT WITH THE BROWARD COUNTY SUPERVISOR OF ELECTIONS FOR MUNICIPAL ELECTIONS SERVICES; AUTHORIZING THE MAYOR, AND TOWN ATTORNEY, TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Allbritton, seconded by Council Member Jablonski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

Discussion

12. Discussion - Barbara Herrera – WM

Barbara Herrera of Waste Management (WM) spoke to the Council regarding the disposal and processing component rate adjustment. She stated as part of the contract, WM must notify the Town of the processing component rate adjustment in May, and the disposal rate adjustment in July. However, due to an internal error the Town was not notified of the disposal component rate adjustment during that period. She met with Assistant Town Administrator Muñiz on November 7th, regarding the matter and was presenting it to Council for approval of payment. She said the difference of the amount would be an increase of \$1.66 per household, an adjustment of \$4,430.96 per month. She stated that because the error was the fault of the company, they would not bill the payment retroactively and requested 11 months' worth of payment, totaling \$48,740.56. When asked she stated WM would be billing the Town for both components in May, to avoid this error again.

Council Member Jablonski expressed concerns about this type of mistake occurring and asked what WM plans on doing to avoid this happening again. He suggested because WM was at fault, the Town and WM should reach a compromise on the payment and be billed from January 01, 2024, to receive approximately a 20% discount.

Vice Mayor Allbritton stated that if the payments were not made now, WM would bill the Town in the future for the unpaid funds. He said this equated to "pay it now or pay it later".

Council Member Hartmann discussed that because of the late timing of the bill, the Town could not properly put the information on the TRIM notices. He also clarified that the rate change amounts were based on Consumer Price Index, and the Town could expect these types of increases every year.

Council Member Kuczenski asked about the Solid Waste Reserves and received clarification those funds were held in case of emergency conditions, such as hurricanes or other natural disasters. He expressed that his concerns were similar to Vice Mayor Allbritton's concerns that if WM was not paid now, the Town would still be billed for the balance in the future.

Mayor Breitzkreuz stated as per the contract signed with WM the rate adjustments were based on CPI and that the company was due the monies owed, it was just a matter of when the payment should be made. He said that WM has acknowledged the mistake and is willing to only charge 11 months of fees as a penalty, due to that mistake. He believed that the Town and WM have a good partnership and it was a mistake by a business partner, and they are doing their best to correct it.

The Town Council also discussed partnering with WM on the zero-waste initiative and developing strategies on how to increase recycling in the Town. Council Member Hartmann, Assistant Town Administrator Muñiz, and Ms. Herrera had a few meetings since August discussing the issue and would meet in the future on the issue.

Town Administrator Berns advised Council the Finance department would prefer the payment of \$48,740.56, as a one-time lump sum payment from the reserves, due to auditing reasons.

Town Administration was instructed by Council to prepare a resolution to pay WM \$48,740, from Reserve Funds, for the 11 months of disposal component rate adjustment.

13. Approval of Minutes

- a. September 14, 2023 1st Budget Hearing Minutes
- b. September 28, 2023 2nd Budget Hearing Minutes

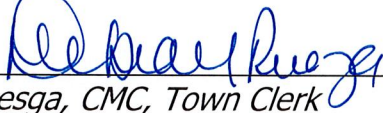
The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton, and Mayor Breitzkreuz voting Yes.

MOTION: TO APPROVE THE SEPTEMBER 14, 2023 FIRST BUDGET HEARING, AND SEPTEMBER 28, 2023 SECOND BUDGET HEARING MINUTES.

14. Adjournment

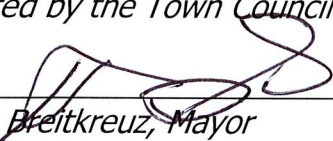
Meeting was adjourned at 8:23 p.m.

Respectfully submitted:



Debra M. Ruesga, CMC, Town Clerk

Adopted by the Town Council on this 8th day of February, 2024.



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.