



Southwest Ranches Town Council

REGULAR MEETING Agenda of June 23, 2016

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Jeff Nelson	Steve Breitkreuz	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice-Mayor</u>	Freddy Fisikelli	<u>Town Financial</u>	<u>Assistant Town</u>
Doug McKay	Gary Jablonski	<u>Administrator</u>	<u>Administrator/Town</u>
		Martin Sherwood, CPA	<u>Clerk</u>
		CGFO	Russell C. Muniz, MMC

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**

Quasi-Judicial Hearings

Please be advised that the following item on the Council agenda is quasi-judicial in nature. All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Council shall not assign un-sworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material or argument will be allowed unless the Council chooses to request additional testimony. The members of the Town Council will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Town Council agenda will be considered as evidence without authentication.

Anyone representing an organization must present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears during a public hearing shall identify himself or herself and give their address, and if appearing on behalf of an organization state the name and mailing address of the organization. The Council may, on its own

motion or at the request of any person, continue the hearing to a fixed date, time and place.

No notice shall be required if a hearing is continued to a fixed date, time and place. Any Applicant shall have the right to request and be granted one continuance; however, all subsequent continuance shall be granted at the discretion of the Council and only upon good cause shown.

3. Archbishop McCarthy HS Theater Variance

A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-072-16 BY THE ARCHDIOCESE OF MIAMI, FOR ARCHBISHOP MCCARTHY HIGH SCHOOL; GRANTING A VARIANCE FROM THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, SUBSECTION 060-080 PERTAINING TO MAXIMUM PERMITTED HEIGHT IN THE COMMUNITY FACILITY DISTRICT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

End of Quasi-Judicial Items

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

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH MARCUM, LLP; APPROVING AN ADDITIONAL THREE (3) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SOLE SOURCE PROVIDER AGREEMENT WITH KESSLER CONSULTING, INC. ("KESSLER") FOR THE PREPARATION OF THE SOLID WASTE RFP CONTRACT SPECIFICATIONS IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND FIVE HUNDRED AND TWENTY DOLLARS (\$49,520.00); WAIVING THE REQUIREMENTS OF THE TOWN'S PROCUREMENT CODE BY FINDING THAT KESSLER IS PROVIDING A SPECIALIZED SERVICE

PURSUANT TO SECTION 2-215 THEREOF; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE A WORK ORDER AUTHORIZING THE SCOPE OF WORK ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

11. Approval of Minutes

a. May 26, 2016 Regular Meeting

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.

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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
Doug McKay, Vice-Mayor
Freddy Fisikelli, Council Member
Steve Breitzkreuz, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
VIA: Andy Berns, Town Administrator
FROM: Jeff Katims
DATE: 6/9/2016
SUBJECT: Archbishop McCarthy HS Theater Variance

Recommendation

1. The Council can choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council can choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council can table this item to seek additional information.
4. The Council can choose to approve the application subject to conditions that address any concerns that the Council may have regarding the variance request and subject to the following condition:
 - (A) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
 - (B) Pursuant to Section 140-060, the variance will expire if a permit or development order has not been issued by the Town within six (6) months from the date the variance was granted, unless the Town Administrator grants an extension for cause as authorized in Section 140-160.

Strategic Priorities

E. Cultivate a Vibrant Community

Background

The high school requests a variance to exceed the 35-foot height limit (measured to the roof deck) by 8.5 feet for a height of 43.5-feet plus a 1.5-foot parapet topping out at 45.

The variance would allow construction of the final remaining portion of the building as originally conceived, in the location of the current portables, albeit reconfigured to consist of first-floor classrooms and a second-story theater (including a third-floor partial balcony).

Fiscal Impact/Analysis

Not Applicable

Staff Contact:

Jeff Katims, AICP

ATTACHMENTS:

Description	Upload Date	Type
agenda memo	6/13/2016	Executive Summary
Variance Resolution	6/16/2016	Resolution
Applicant Justification Letter	6/13/2016	Backup Material
staff report	6/13/2016	Backup Material



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

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Town Council
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Russell Muñiz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andrew D. Berns, Town Administrator

FROM: Jeff Katims, AICP, CNU-A, Assistant Town Planner

DATE: June 23, 2016

SUBJECT: Variance Application for Archbishop McCarthy High School

Recommendation

1. The Council could deny this item finding that the applicant failed to show by competent substantial evidence it has met the requirements of the ULDC.
2. The Council could approve this item finding that the applicant has shown by competent substantial evidence it has met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with the conditions such as those listed in the staff report.

Strategic Priorities

This item supports the following strategic priority as identified in the Town's adopted strategic plan:

E. Cultivate a Vibrant Community

Background

Applicant is requesting variance to exceed the thirty-five (35) foot height limit in the CF, Community Facilities district in order to construct a theater and classroom addition to the existing school. The configuration of the addition positions the theater, with balcony, over first-floor classrooms. As designed, the addition measures 43.5-feet to the roof deck and 45-feet to the top of the parapet.

Fiscal Impact/Analysis

Not Applicable.

Staff Contact:

Jeff Katims

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RESOLUTION NO. 2016-____

A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-072-16 BY THE ARCHDIOCESE OF MIAMI, FOR ARCHBISHOP MCCARTHY HIGH SCHOOL; GRANTING A VARIANCE FROM THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, SUBSECTION 060-080 PERTAINING TO MAXIMUM PERMITTED HEIGHT IN THE COMMUNITY FACILITY DISTRICT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Archdiocese of Miami, is the owner of Archbishop McCarthy High School, legally described as Parcel "A" of Broward Central Catholic High School, according to the plat thereof as recorded in Plat Book 163, Page 32 of the Broward County, Florida Public Records ("Property"); and

WHEREAS, the Applicant proposes to construct a theater over first floor classrooms measuring 43.5 feet to the roof deck and 45 feet to the top of the parapet; and

WHEREAS, the Property is zoned CF, Community Facility District; and

WHEREAS, Section 060-080 of the Town of Southwest Ranches Unified Land Development Code establishes a maximum height of thirty-five (35) feet for the CF District; and

WHEREAS, the Applicant requests relief from Section 060-080 in order to allow the theater building to exceed the maximum permitted height by 8.5 feet, with a 1.5-foot parapet.

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

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. That, at a duly noticed public hearing held on June 23, 2016 following the review of the staff report and all written and oral evidence received during the public hearing, the Board of Adjustment finds that the Applicant has demonstrated by competent substantial evidence that requested variance is warranted. Accordingly, the Board of Adjustment of the Town of Southwest Ranches hereby grants the Applicant's variance requests to exceed the maximum permitted height in the CF District by 8.5 feet with a 1.5-foot parapet, for a height of 43.5 feet to the roof deck and 45 feet to the top of the parapet, accordance with the following stipulated conditions:

1. The variance is granted only for the construction of a theater and classroom addition as shown in Exhibit "A" hereto, which is made a part hereof.

2. The variance shall automatically expire if the Applicant has not obtained a permit or development order from the Town within six (6) months from the effective date of this Resolution. Thereafter, the variance shall automatically expire upon occurrence of any of the conditions delineated in Section 140-060.
3. That the Applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing this application prior to issuance of a building permit for the wall. This fee includes, but, shall not be limited to expenses for engineering, planning, legal, advertising, a five percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. In furtherance of Section 140-030(H) of the Town's Unified Land Development Code, the Town Clerk is hereby authorized to record a copy of this Resolution in the Public Records of Broward County, Florida

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of June, 2016 on a motion by _____ and seconded by _____.

Nelson	_____	Ayes	_____
McKay	_____	Nays	_____
Fisikelli	_____	Absent	_____
Breitkreuz	_____	Abstaining	_____
Jablonski	_____		

Jeff Nelson, Mayor

ATTEST:

This is to certify that this Resolution and Final Order has been filed by the undersigned for the records, and a copy provided to the Applicant and/or authorized agent this ____ day of ____, 2016.

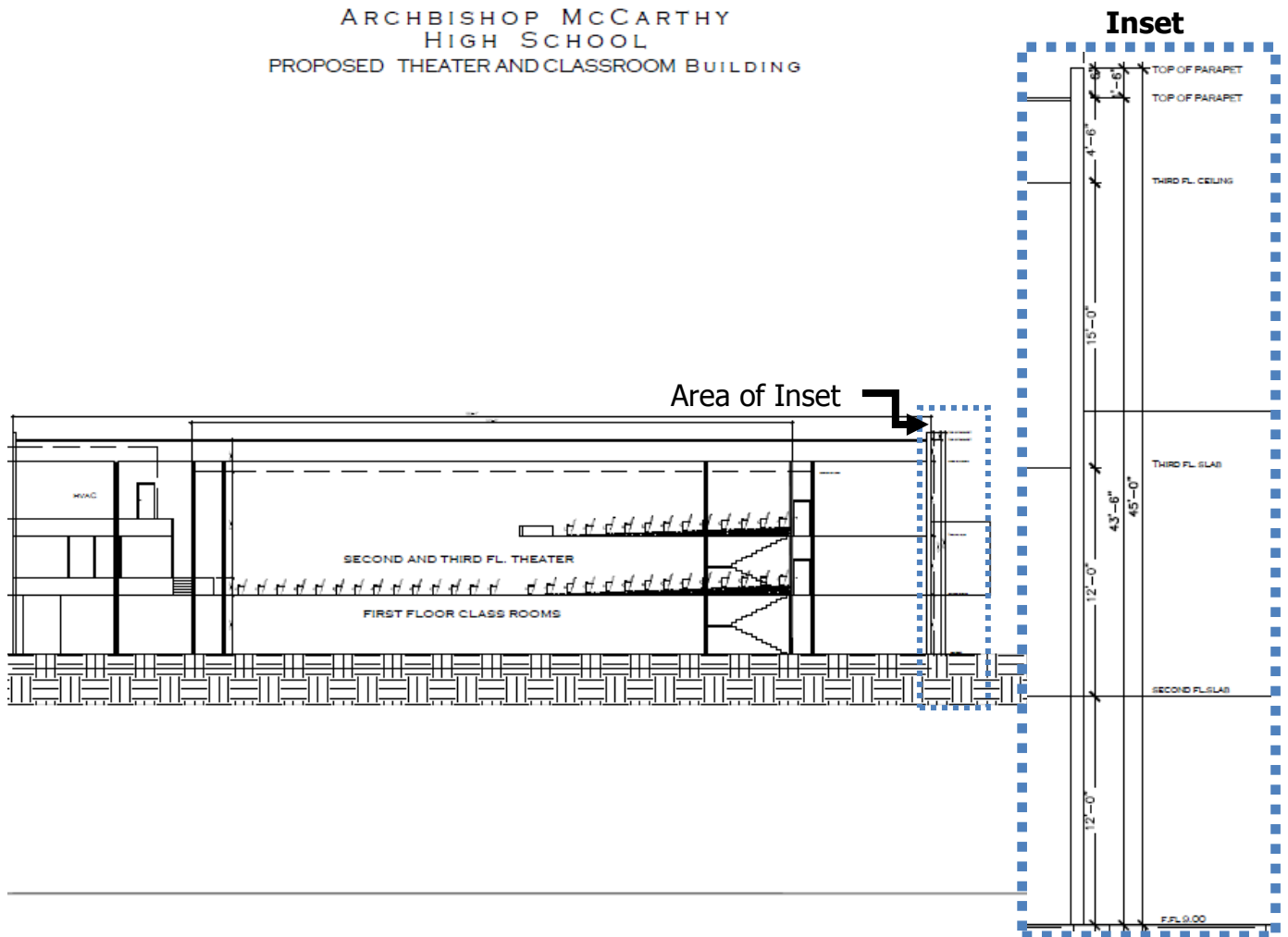
Russel Muiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney

EXHIBIT "A"

ARCHBISHOP MCCARTHY
HIGH SCHOOL
PROPOSED THEATER AND CLASSROOM BUILDING



ARCHBISHOP MCCARTHY
HIGH SCHOOL
PROPOSED THEATER AND CLASSROOM BUILDING



SOUTH ELEVATION



ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL

5-25-2016

Town of Southwest Ranches Planning and Zoning Department.

Re: Archbishop Edward A. McCarthy High School
5451 South Flamingo Road.
Southwest Ranches Fl.
Request for Variance in allowable height of Construction

Mr. Katims,

Archbishop Edward McCarthy High School is requesting the ability to increase the allowable building height of Construction to be increased from the existing 35'-0" to an elevation not to exceed 45'-0"

Archbishop Edward A. McCarthy High School is a College Preparatory school that prides itself with being one of the best in the State of Florida. Archbishop McCarthy High School is currently looking to expand in its seating capacity for the students to accommodate its lengthening waiting list for admissions as well as expand on its award winning theatrical department and assembly area.

The basis of this request is that the school does not have the available land area to expand horizontally any further. Since inception the school has proposed and intended on installing a permanent 2 story classroom wing in the location requested but over time we have realized the importance of having a dedicated auditorium/theater for the student body. As this has become a necessity along with the limited available land area the only choice we have is to build vertically. The new building would replace the five existing portables that are located in the same approximate area and would be similar in exterior appearance to the existing permanent structures. The original site plan approval includes the expansion of the existing building for the same area of the property.

The additional height is required to achieve a three story structure to house 10 permanent classrooms to house the current and future student body and the Auditorium/Theater space that is desperately needed for the Campus. The Auditorium/Theater due to its nature and intended use typically requires a clear ceiling height of 25 feet from the floor to the bottom of the roof structure; as a result we are requesting the additional height variance. This would also allow for additional ceiling clearance as the floors will be sloped to assist in the line of site for the students who would be sitting at the rear of the Auditorium.

The building has been designed so it attaches to the existing east building which will provide ease of access to the new building from both, the first and second floors of the existing wing. It also will have access points on the west end that will allow for access to the existing Cafeteria. The classrooms are located on the first floor of the new building for ease of access by the students as they will be used on a daily basis.

Due to the quantity of students that are to attend Archbishop McCarthy High School the facility is requesting a 2000 seat capacity of the Auditorium/Theater. In order to accomplish this, the design includes a third floor balcony which created the necessity for the additional overall height of the building.

Please refer to elevation provided for spacing requirements.

Sincerely,

Paul Fluty
Archbishop Edward A. McCarthy High School

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**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

DATE: June 23, 2016

SUBJECT: Variance Application VA-72-2016

ADDRESS: Archbishop Edward A. McCarthy High School, 5451 South Flamingo Road, Southwest Ranches, FL

LOCATION: Generally located on Flamingo Road north of Stirling Road and South of Griffin Road.

ZONING: CF, Community Facility

**APPLICANT:
(OWNER)** Archbishop Thomas Wenski

PETITIONER: Richard Jean

AGENT: Paul Fluty (General Contractor)

REQUEST: Variance:

FROM: Subsection 060-080-Height, establishing a maximum height of thirty-five (35) feet for all buildings and structures (except telecommunication towers and antennas, and non-residential farm buildings) in the CF District;

TO: Exceed the maximum height limit by 8.5 feet as measured to the roof deck, and an additional 1.5 feet measured to the top of the parapet, for a total height of 43.5 feet to the roof deck and 45 feet to the parapet. The variance pertains to the last phase of permanent construction for the school, which incorporates first-floor classrooms and a second-floor theater with balcony.

EXHIBITS: Staff Report, Applicant Justification, Aerial Photograph, Conceptual Site Plan, Elevation, Section Drawing, Lobbyist Registration and Ethics Form, and Mail Notification Radius Map and Mailing List.

BACKGROUND

The subject property ("Property") is located on the west side of Flamingo Road, between Griffin Road (to the north) and Stirling Road (to the south). The Property contains approximately 32 acres of land and is zoned CF, Community Facility, and is also designated CF, Community Facilities on the Future Land Use Plan Map.

The applicant is proposing to construct a permanent addition on the south side of the school, between the cafeteria (to the west) and an existing classroom wing (to the east). This addition would consist of first-floor classrooms and a second-story theater (including a third-floor partial balcony), and would replace the five existing portable classrooms that are located in the same approximate area. The original site plan approval includes the expansion of the existing building for the same area of the property. Originally, the expansion was to include a two-story classroom wing. However, over time, the school has realized the necessity of a dedicated auditorium/theater space.

The applicant's justification letter states the need to exceed the height limit by building the theater over classrooms is a result of existing site constraints that generally preclude enlarging the school's footprint. The justification letter also states that the theater balcony portion of the addition is required to accommodate the growing number of students.

The Applicant will submit applications for site plan amendment and plat note amendment should the Council grant the variance.

ANALYSIS:

The variance would allow the roof deck 8.5 feet above the maximum permitted height of 35 feet in the CF District. However, the perceived height of the building will be only 5.0 feet above the height limit because Sec. 15-030 of the ULDC allows parapet walls to extend up to 5 feet above the allowable height of a building. If the building were to comply with the height regulations, the roof deck could be 35 feet above ground level and the parapet could top out at 40 feet above ground level. As requested, the parapet would top out at 45 feet above ground level.

Section 140-020 authorizes the Town Council to grant a variance from the maximum height standards of the ULDC.

Pursuant to Section 140-030, the petitioner bears the burden of proof of demonstrating by competent substantial evidence that the evidence on the record demonstrates that the relief sought should be granted. The application is subject to quasi-judicial procedures, and as such, four affirmative votes of the Town Council are required to grant approval of the application.

Consideration of a variance request must be in conjunction with the five criteria contained in Section 140-040 of the Unified Land Development Code. These include

testimony by the applicant (see attached letter), the public and staff, as well as the following five considerations:

- (1) That special conditions and circumstances exist which are unique to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same zoning district.
- (2) That any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the ULDC, but is instead the result of one or more of the special condition(s) found above.
- (3) That literal interpretation of the ULDC would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and an undue hardship.
- (4) That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the property any special privilege that is denied to any other properties in the same zoning district.
- (5) That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

STAFF RECOMMENDATION:

1. The Council can choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council can choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council can table this item to seek additional information.
4. The Council can choose to approve the application subject to conditions that address any concerns that the Council may have regarding the variance request and subject to the following condition:
 - (A) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
 - (B) Pursuant to Section 140-060, the variance will expire if a permit or development order has not been issued by the Town within six (6) months

from the date the variance was granted, unless the Town Administrator grants an extension for cause as authorized in Section 140-160.



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

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Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
VIA: Andy Berns, Town Administrator
FROM: Martin Sherwood, Town Financial Administrator
DATE: 6/23/2016
SUBJECT: External Auditor contract extension agreement

Recommendation

To place this item on the agenda for Council consideration and approval for a contract extension agreement (the option years) with Marcum LLP for external audit services.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management

Background

External audit services are required to be performed annually in accordance with generally accepted auditing standards and the standards for financial audits set forth by the U.S. General Accounting Office (GAO) Government Auditing standards, the provisions of the Federal Single Audit Act, US Office of Management and Budget (OMB) Uniform Guidance and the provisions of the Florida Single Audit Act F.S. 215.97 and F.S. 218.39, Comprehensive Annual Financial report.

During FY 2012, after a request for proposals (RFP) was evaluated by a selection negotiation committee ranking Marcum LLP as the highest ranked proposal. Town Council ratified via resolution #2012-008 a five-year contract with three, one-year extensions. The contract provided for 4% annual CPI escalators throughout the five-year period. At this time, due to the fact that at least FY 2016 and possibly FY 2017 may require federal and state grant single

audits in addition to the regular financial audit and, for time and cost efficiency, Staff is recommending that we exercise the option years on the existing external audit contract.

Fiscal Impact/Analysis

Michael Futterman, CPA and Partner of Marcum, LLP has offered the Town a “roll-back” and single audit discount in pricing depending on the Towns choice of contract commitment length. Please refer to Options #1 and #2 below. Additionally, Mr. Futterman has agreed to include color graphic pages, binding and supplies for either option selected.

Factoring a 4% CPI escalator moving forward under the current contract terms for FY 2016-2018 audits the pricing would be as follows:

Fiscal Year	Financial Audit	Federal Single Audit	State Single Audit	TOTAL
2016	\$48,057	\$7,300	\$7,300	\$62,657
2017	49,979	7,592	7,592	65,163
2018	51,978	7,896	7,896	<u>67,770</u>
Grand Total				\$195,590

OPTION 1 –

Three-Year contract commitment (“roll-back” to FY 2013 pricing and single audit discount)

2016	\$42,723	\$5,000	\$5,000	\$52,723
2017	44,432	5,200	5,200	54,832
2018	46,209	5,400	5,400	<u>57,009</u>
Grand Total				\$164,564

OPTION 2 –

One-Year contract commitment, with two, one-year extensions remaining (“roll-back” to FY 2015 pricing and single-audit discount)

2016	\$46,209	\$5,000	\$5,000	\$56,209
2017*	48,057	5,200	5,200	58,457
2018*	49,979	5,400	5,400	<u>60,779</u>
Grand Total				\$175,445

Note: * if extended and would be subject to the CPI –Miami/Fort Lauderdale Index, April, 2016 year-to-year to a maximum of 4% annually.

Accordingly, pursuant to the above, **OPTION 1**, the three-year contract commitment, has a potential three-year total savings of \$31,026 (\$195,590 - \$164,564) while **OPTION 2**, one-year contract commitment increments, with two, one-year extensions, would have a potential three-year total savings of \$20,145 (\$195,590 - \$175,445). Staff is aware that, pursuant to GFOA “Best Practices” (October 2002 – Audit Procurement): “Governmental entities should undertake a full-scale competitive process (i.e. RFP) for the selection of independent auditors at the end of the complete term (including all option years) of each audit contract”. Additionally, “the principal factor in the selection of an independent auditor is the auditor’s ability to perform a quality audit” which Marcum LLP has proven admirably and “in no case should price be allowed to serve as the sole criteria for selection”. However, the cost savings proposed above by Marcum LLP are significant and are being presented to Council at this time.

There is no current FY 2016 fiscal impact since the audit engagement commence and are budgeted subsequent to each fiscal year.

Staff Contact:

Martin Sherwood, Town Financial Administrator
Rich Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
Marcum Extension Reso	6/16/2016	Resolution
Marcum Exhibit A - First Modification	6/16/2016	Exhibit

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RESOLUTION NO. 2016 –

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH MARCUM, LLP; APPROVING AN ADDITIONAL THREE (3) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 27, 2011, pursuant to Resolution No. 2012-008, the Town Council approved an agreement with Marcum, LLP to provide External Audit Services; and

WHEREAS, the original five year term, which also covered the 2011 fiscal year, has expired; and

WHEREAS, the Agreement allows for a three (3) year extension upon mutual agreement of the parties; and

WHEREAS, the Town's staff has performed a review of the contractor's performance and has found that the contractor has consistently performed all services in accordance with the terms of the original Agreement; and

WHEREAS, the Town Council believes that it is in the best interest of the Town to extend the Agreement with Marcum, LLP to provide External Audit Services for an additional three (3) year term, specifically through September 30, 2018; and

WHEREAS, although the Town and Marcum, LLP have been acting in good faith and in accordance with the terms of the extension, both parties wish to formally recognize same.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby approves the First (1) Modification to the Agreement with Marcum, LLP, in substantially the same form as that

attached hereto as Exhibit "A", to provide External Audit Services for the Town for an additional three (3) year term, specifically through September 30, 2018.

Section 3: The Town Council authorizes the Mayor, Town Administrator, and Town Attorney to enter into an Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of June, 2016, on a motion by _____ and seconded by _____.

Nelson _____
McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

**FIRST MODIFICATION TO THE AGREEMENT BETWEEN
MARCUM, LLP
AND
THE TOWN OF SOUTHWEST RANCHES
ANNUAL AUDIT SERVICES**

THIS FIRST MODIFICATION is made and entered into this ____ day of June, 2016 by and between the TOWN OF SOUTHWEST RANCHES, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as "TOWN") and MARCUM, LLC (hereinafter referred to as "MARCUM").

WITNESSETH:

WHEREAS, on October 27, 2011, pursuant to Resolution No. 2012-008, the Town Council approved an agreement with Marcum, LLP to provide External Audit Services; and

WHEREAS, the original five year term, which also covered the 2011 fiscal year, has expired; and

WHEREAS, the Agreement allows for a three (3) year extension upon mutual agreement of the parties; and

WHEREAS, although the Town and Marcum, LLP have been acting in good faith and in accordance with the terms of the extension, both parties wish to formally recognize same.

NOW, THEREFORE, in consideration of the sum hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The above recitals are true and correct and incorporated herein.
2. In accordance with Section 3.1 of the Original Agreement, the term is hereby extended for three (3) additional years, specifically through September 30, 2018.

3. Section 29.1 entitled "Public Records" shall be created to read as follows:

Article 29
Public Records

29.1 IF MARCUM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, AS TO MARCUM'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT PHONE: (954) 434-0008; EMAIL: RMUNIZ@SOUTHWESTRANCHES.ORG; RUSSELL MUNIZ, ASSISTANT TOWN ADMINISTRATOR/TOWN CLERK, TOWN OF SOUTHWEST RANCHES, 13400 GRIFFIN ROAD, SOUTHWEST RANCHES, FLORIDA, 33330.

4. All other Sections shall remain in full force and effect.

[Signatures on Following Page]

FIRST MODIFICATION TO THE AGREEMENT BETWEEN MARCUM, LLP AND THE TOWN OF
SOUTHWEST RANCHES FOR ANNUAL AUDIT SERVICES

WITNESSES:

CONTRACTOR:

MARCUM, LLP

By: _____

Print Name & Title Above

____ day of June, 2016

TOWN:

TOWN OF SOUTHWEST RANCHES

By: _____

Jeff Nelson, Mayor

____ day of June, 2016

By: _____

Andrew D. Berns, Town Administrator

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Keith A. Poliakoff, Town Attorney

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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
Doug McKay, Vice-Mayor
Freddy Fisikelli, Council Member
Steve Breitzkreuz, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
VIA: Andy Berns, Town Administrator
FROM: Sandy Luongo, General Services Manager/Emergency Manager
DATE: 6/16/2016
SUBJECT: Kessler Consulting Services

Recommendation

This Resolution has been placed on the agenda for Town Council's review and consideration for utilizing the services of Kessler Consulting Inc. as a sole source provider, for the preparation of the Solid Waste RFP contract specifications.

Strategic Priorities

A. Sound Governance

Background

On June 1, 2011 the Town entered into an Agreement with Kessler Consulting, Inc., to assist the Town in drafting Solid Waste Contract RFP specifications. On March 8th 2012, a first modification to the agreement was approved to expand the original scope for an additional amount of \$6,000 for a total of \$43,000 for the services.

The Town's current franchise agreement with Southern Waste Systems, Inc., d/b/a LGL Recycling, Inc. is expiring on September 30, 2017. The Town anticipates that the subsequent collection franchise agreement will be approximately five (5) million dollars for the next five (5) year franchise agreement term and will require the services of a professional consulting agency to ensure the specifications will reflect best practices and efficiencies.

Due to past experience and subject matter expertise, staff recommends that the Town

recognizes Kessler Consulting, Inc. as a sole source provider and to assist the Town in drafting Solid Waste Contract RFP specifications for the next franchise agreement.

Fiscal Impact/Analysis

The proposal from Kessler consists of seven (7) tasks as follows (listed in sequential order):

1. Project Initiation and Information Analysis - \$4,000
2. Service Provider Meetings - \$6,110
3. Town Council Charrette - \$4,685
4. RFP and Franchise Agreement Development - \$11, 340
5. Pre-Proposal Meeting and Agenda Preparation - \$5,545
6. Proposal Review and Analysis- \$11,295
7. Final Agreement and Rate Development - \$6,545

Kessler proposes to conduct the aforementioned tasks on a time-and-material basis for an amount not to exceed \$49,520. The Town has the option to not include *Service Provider Meetings* (Task 2 -\$6,110) and the *Charrette* (Task 3 -\$4,685) if not desired.

As in the previous RFP, it is anticipated to incorporate the consulting fees paid by the Town to conduct the RFP process into the service fees paid by the selected collection franchise.

Staff Contact:

Sandy Luongo, General Services Manager/Emergency Manager

ATTACHMENTS:

Description	Upload Date	Type
Kessler Reso	6/17/2016	Resolution
Kessler Agreement	6/16/2016	Resolution

RESOLUTION NO. 2016 –

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SOLE SOURCE PROVIDER AGREEMENT WITH KESSLER CONSULTING, INC. ("KESSLER") FOR THE PREPARATION OF THE SOLID WASTE RFP CONTRACT SPECIFICATIONS IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND FIVE HUNDRED AND TWENTY DOLLARS (\$49,520.00); WAIVING THE REQUIRMENTS OF THE TOWN'S PROCUREMENT CODE BY FINDING THAT KESSLER IS PROVIDING A SPECIALIZED SERVICE PURSUANT TO SECTION 2-215 THEREOF; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE A WORK ORDER AUTHORIZING THE SCOPE OF WORK ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On January 18, 2011 in furtherance of the Towns Procurement Code, the Town published Request for Letters of Interest (RLI) procuring qualified consultants for drafting Solid Waste Contract RF Specifications; and

WHEREAS, on March 29, 2011, at the conclusion of RLI presentations at a publically advertised meeting, the SNC ranked Kessler Consulting, Inc. ("Kessler") as the highest ranking proposal and;

WHEREAS, on May 26, 2011, pursuant to Resolution No. 2011-065, the Town Council determined that the recommendation and ranking of the SNC was in the best interests of the Town, and it approved an agreement with Kessler to draft Solid Waste Contract RFP Specifications; and

WHEREAS, on June 1, 2011, the Town entered into an Agreement with Kessler to assist the Town in drafting Solid Waste Contract RFP specifications; and

WHEREAS, on March 8, 2012, pursuant to Resolution No. 2012-030, the Town Council approved the First Modification to the Agreement providing for additional expertise and services to the Town; and

WHEREAS, the current Solid Waste Contract with Southern Waste Systems (SWS), dba LGL, Recycling Inc., expires on September 30, 2017, and it will not be renewed; and

WHEREAS, the Town Council recognizes that previous services provided by Kessler has enabled Kessler to obtain a unique and specialized knowledge of the Town and its waste needs; and

WHEREAS, based on Kessler's prior services and its ability to pick back up without delay, the Town Council desires to enter into a Sole Source Provider Agreement with Kessler Consulting, Inc. in an amount not to exceed Forty Nine Thousand Five Hundred and Twenty Dollars (\$49,520.00) to draft a new solid waste RFP and to assist the Town with procuring such services.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town Council hereby approves a Sole Source Provider Agreement with Kessler Consulting, Inc. for the preparation of the solid waste RFP contract specifications in an amount not to exceed Forty Nine Thousand Five Hundred and Twenty Dollars (\$49,520.00).

Section 3: The Town Council hereby waives the requirements of its Town's Procurement Code by finding that Kessler Consulting, Inc. is providing a specialized service pursuant to Section 2-215 thereof.

Section 3: The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to execute a Work Order authorizing the scope of work substantially delineated in Exhibit "A", attached hereto and incorporated herein by reference, and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

Section 4: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this ____ day of _____, 2016, on a motion by

_____ and seconded by _____.

Nelson _____
McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, Town Attorney

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June 13, 2016

Andrew Berns, Town Manager
Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330

Transmitted electronically

Re: Proposed Scope of Work for Solid Waste Collection RFP Assistance
KCI No.: 99-99.00

Dear Mr. Berns:

As requested, Kessler Consulting, Inc. (KCI) is pleased to provide this proposed scope of work to assist the Town of Southwest Ranches (Town) with procuring waste collection services.

Background

In 2011, KCI assisted the Town with procuring solid waste and recyclables collection services, as well as bulk waste disposal. The resulting franchise agreement with Southern Waste Systems, LLC (SWS) expires September 30, 2017. Although SWS has been acquired by Waste Management, Inc. (WMI), our understanding is that the Town and WMI were unable to reach agreement for assignment of the franchise agreement to WMI, and SWS (now LGL) will therefore continue to provide service until the term expires.

In 2013, KCI assisted the Town with procuring waste disposal and recyclables processing services. The resulting contract with Sun-Bergeron expires July 2, 2018, but could potentially be renewed for two additional five-year terms.

Through this previous work, KCI has knowledge and understanding of the Town and its waste management system. This will enable us to work efficiently in assisting with the upcoming collection procurement process.

Scope of Work

Provided below are the tasks and activities KCI anticipates for successful completion of the competitive service procurement.

Task 1 Project Initiation and Information Analysis

- Prepare for and participate in a project initiation call with Town staff to discuss and clearly define the Town's primary objectives during the procurement process and in the next franchise agreement, identify desired changes in current franchise agreement provisions, and discuss any changes in service level the Town might want to consider.
- Review all relevant information provided by the Town including, but not limited to, all franchise agreement amendments, tonnage data throughout the term of the agreement, current service

fees, performance reports, and any liquidated damages assessed throughout the term of the agreement.

- If applicable, obtain a copy of the Town's Request for Proposals (RFP) template.

Task 2 Collection Service Provider Meetings

- Prepare topics and questions, for discussion with potential collection service providers, that will assist in development of an RFP and draft agreement that best meet the Town's needs and objectives.
- Provide a list of suggested collection service providers to participate in one-on-one meetings with Town and KCI staff.
- Once the Town approves the topics/questions and suggested service providers, coordinate and schedule the meetings, to occur during a one-day period.
- Prepare for and facilitate the meetings with collection service providers.

Task 2 Deliverables:

- Discussion topics/questions
- List of suggested collection service providers
- Participation in one day of service provider meetings

Task 3 Town Council Charrette

- Develop a presentation of potential service changes the Town might want to consider.
- Prepare for and participate in a charrette to obtain input from the public and Town Council regarding potential and desired service changes.

Task 3 Deliverables:

- PowerPoint presentation
- Participation in charrette

Task 4 RFP and Franchise Agreement Development

- Based on the information and input obtained in above tasks, develop draft specifications for the RFP to help ensure the Town's objectives for the procurement process are met.
- Develop a draft franchise agreement for inclusion in the RFP that incorporates the desired services, requires reliable and efficient service, and provides a stable rate structure.
- Work interactively with Town staff to finalize the RFP specifications and draft agreement. This includes revising the RFP specifications and draft agreement based on consolidated comments provided by the Town's single point of contact.
- Prepare a list of vendors to be notified of the RFP release.

Task 4 Deliverables:

- Draft and final RFP specifications and draft franchise agreement
- List of potential vendors

Task 5 Pre-Proposal Meeting and Addenda Preparation

- Facilitate, provide technical support, and assist with responding to vendor questions during a pre-proposal meeting.
- Review any written questions or comments received by the Town regarding the RFP.
- Assist in drafting any necessary addenda in response to questions.

Task 5 Deliverables:

- Participation in pre-proposal meeting
- Draft language for RFP addenda

Task 6 Proposal Review

- Review proposals for completeness, ability to meet any specified minimum qualifications, technical content, and price.
- Prepare a summary sheet of price proposals.
- Provide a technical opinion regarding the sufficiency of the number of vehicles and personnel each proposer plans to assign to the new agreement and the demonstrated financial ability of each proposer to acquire the identified equipment and provide the required services.
- Provide technical assistance, as requested, during an Evaluation Committee meeting.
- Upon request, provide a written recommendation to the Evaluation Committee regarding the proposals.
- Participate in a Town Council meeting or workshop to discuss the results of the RFP, any service changes under consideration, and Evaluation Committee recommendations.

Task 6 Deliverables:

- Summary of price proposals
- Technical opinion regarding proposers' vehicles, staffing, and demonstrated financial ability
- Written recommendation regarding proposals (upon request)
- Participation in Evaluation Committee meeting and Council workshop

Task 7 Final Agreement and Rate Development

- Review and provide comments on any changes to the final franchise agreement negotiated between the Town and selected vendor, and drafted by Town staff or legal counsel.
- Participate in the Town Council meeting to approve the final agreement.
- Review and provide comments on any necessary Town Ordinance revisions drafted by Town staff or legal counsel.
- Review and provide comments regarding adequacy of the non-ad valorem assessment calculated by Town staff.

Task 7 Deliverables:

- Comments on final franchise agreement
- Participation in Town Council meeting
- Comments on Ordinance revisions
- Comments on non-ad valorem assessment calculation

Other Potential Tasks

KCI is able to assist with other tasks related to or resulting from the procurement process. Such tasks include, but are not limited to, those outlined below. These tasks are not included in the project budget provided, but KCI would be happy to assist with any of them on a time-and-materials basis.

- Participation in additional meetings.
- Reference checks of proposers responding to the RFP.
- Assistance negotiating a final contract with the highest-ranked vendor.
- Identification and research regarding processing and disposal options available to the Town.
- Preparation of an article regarding the procurement process for the Town newsletter.

- Development of proposed ordinance changes (in lieu of development by Town staff or legal counsel).
- Coordination and technical assistance during any transition period resulting from the procurement.
- Assistance with public outreach and education following contract award.

Compensation and Schedule

Because of our familiarity and previous procurement experience with the Town, we believe we can conduct this project very efficiently. Therefore, KCI proposes to conduct Tasks 1-7 outlined herein on a time-and-materials basis for an amount not to exceed \$49,520 without the Town's prior approval. Attached is a more detailed budget estimate by task. As requested, the service provider meetings (Task 2) and charrette (Task 3) are provided as distinct tasks so you can make a decision regarding whether or not you wish to include them.

Once approved, budget may need to be shifted between tasks as the project progresses and based on the actual level of effort required. Labor will be invoiced in accordance with the rates included in the budget breakdown and expenses will be invoiced at cost without markup.

As we did in the previous RFP, we anticipate incorporating the consulting fees paid by the Town to conduct the RFP process into the service fees paid by the selected collection franchisee.

A proposed timeline for conducting the procurement process is also attached. This timeline may need to be adjusted as the project progresses to meet the Town's needs and objectives and based on timely receipt of requested information and feedback from Town staff.

We look forward to continuing our working relationship with the Town of Southwest Ranches by assisting with this important procurement. If you have any questions regarding this scope of work, please do not hesitate to contact me or Robin Mitchell, the Project Manager.

Sincerely,

Kessler Consulting, Inc.



Mitch Kessler
President

Attachments

ATTACHMENT 1

Proposed Budget

LABOR										
		Task 1 Project Initiation & Information Analysis	Task 2 Service Provider Meetings	Task 3 Town Council Charrette	Task 4 RFP & Franchise Agreement Development	Task 5 Pre-Proposal Meeting & Addenda Preparation	Task 6 Proposal Review	Task 7 Final Agreement & Rate Development	TOTAL HOURS	TOTAL DOLLARS
CATEGORY (NAME)	HOURLY RATE									
Mitch Kessler, Principal	\$195.00	4.0	2.0	2.0	4.0	2.0	4.0	2.0	20.0	\$3,900
Robin Mitchell, Project Manager	\$150.00	12.0	24.0	16.0	24.0	20.0	40.0	20.0	156.0	\$23,400
Don Ross, Senior Consultant II	\$130.00	0.0	2.0	2.0	4.0	2.0	4.0	0.0	14.0	\$1,820
Lisa Lampert, Senior Consultant I	\$110.00	0.0	0.0	0.0	8.0	0.0	0.0	8.0	16.0	\$1,760
Shane Barrett, Consultant II	\$95.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0
Jeaux Brown, Consultant I	\$85.00	0.0	0.0	0.0	0.0	0.0	8.0	0.0	8.0	\$680
Ryan Graunke, Research Analyst II	\$70.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0
Taylor Cremo, Research Analyst I	\$65.00	20.0	16.0	16.0	80.0	20.0	40.0	24.0	216.0	\$14,040
Nikki McNew, Administrative Assistant	\$60.00	2.0	2.0	2.0	6.0	2.0	4.0	4.0	22.0	\$1,320
SUBTOTAL LABOR HOURS		38.0	46.0	38.0	126.0	46.0	100.0	58.0	452.0	\$46,920
SUBTOTAL LABOR DOLLARS		\$4,000	\$5,410	\$4,210	\$11,340	\$5,070	\$10,820	\$6,070		\$46,920
DIRECT COSTS										
TRAVEL		\$0	\$700	\$475	\$0	\$475	\$475	\$475		\$2,600
SUBTOTAL DIRECT COST		\$0	\$700	\$475	\$0	\$475	\$475	\$475		\$2,600
TOTAL PROJECT BUDGET										
LABOR + DIRECT COST		\$4,000	\$6,110	\$4,685	\$11,340	\$5,545	\$11,295	\$6,545		\$49,520

ATTACHMENT 2

Proposed Schedule

Task No.	TASK DESCRIPTION	Month											
		Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	Sep-17	Oct-17
1	Project Initiation & Information Analysis												
2	Service Provider Meetings	M											
3	Town Council Charrette		M										
4	RFP & Franchise Agreement Development												
5	Pre-Proposal Meeting & Addenda Preparation				X M	X M	X						
6	Proposal Review							M	M				
7	Final Agreement & Rate Development									M			
	Transition Period											----->	
	Service Start Date												X
M = onsite meeting, workshop, or charrette													
X = project milestone, such as RFP release, proposal due date, and service commencement date													

REGULAR MEETING MINUTES OF THE TOWN COUNCIL

Southwest Ranches, Florida

Thursday 7:00 PM

May 26, 2016

13400 Griffin Road

Present:

Mayor Jeff Nelson

Vice Mayor Doug McKay

Council Member Steve Breitreuz

Council Member Freddy Fisikelli

Council Member Gary Jablonski

Andrew D. Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, 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 Nelson at 7:07 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: Oscar Ganet, Willie Jones, Nancy Cooke, and Newell Hollingsworth.

4. Board Reports

Newell Hollingsworth, Chair of the Comprehensive Plan Advisory Board, announced that the Board had finished its review of the U.S. 27 District ordinance and would be coming before Council in the near future. He further advised that the representatives of the property located at Sheridan and Flamingo Road met with the Sunshine Ranches HOA and wanted the Town Council to be aware that some proposal would be forthcoming.

5. Council Member Comments

Council Member Breitreuz felt that the annual cap for TSDOR needed to be \$500,000 even though it might lengthen the total project timeline. Council Member Jablonski asked how streets would be completed if the annual cap was nearing. Council Member Breitreuz explained that the road would be completed and if it exceeded the \$200,000 contingency fund, the annual cap could be reduced the following year to replenish the contingency fund. Addressing comments made during Board Reports, he stated that representatives of the property at Sheridan Street and Flamingo Road will be returning to the Sunshine Ranches HOA meeting in June so interested parties would have an opportunity to attend and see what was being proposed. Lastly, he asked that on Council Meeting nights, CAP Government be asked to move their vehicles to the grass lot.

6. Legal Comments

He spoke of the deposition of Pembroke Pines Mayor Frank Ortis relating to their breach of the two agreements with the Town for the development of the CCA property. He believed that Mayor Ortis' position on the agreement was that since the agreement specified the "City" shall not interfere with the development of the site, the Mayor and Commissioners were not the "City." Relating to the case regarding the gate on 207th Avenue he believed Pines would be removing the

existing gate, vacating all of the roadways, and installing a gate in the Trails community to make that a private community. He spoke about the Pembroke Pines officials invoking "Legislative Privilege" during the deposition which he objected to. These objections would need to be decided by the courts.

7. Administration Comments

Town Administrator Berns spoke of a previous meeting discussion regarding a portion of canal bank along Griffin Road and SW 207th Avenue that appeared to be eroding. He indicated that Town Engineer Ley inspected the canal bank along with South Florida Water Management District and verified that there was no erosion, but actually there was a headwall that was recessed back a little further than the rest of the canal bank. While there was no erosion, along with the guardrail there is little room for a horse and rider to make safe passage. He indicated that he would discuss with the County to try to correct that. He provided an update on the "dueling" sales tax proposals. He advised that the cities have forwarded their infrastructure sales tax ballot question to the Supervisor of Elections. The County has also sent the Supervisor of Elections their version of the cities' infrastructure surtax ballot question which the cities object to. He advised that the cities were awaiting a decision from the Supervisor of Elections which ballot question would be accepted. He further advised that the County's transportation surtax would be sent to the Supervisor as well. He indicated that the politics of these surtax questions continues and staff would be monitoring them and reports back as developments occur.

Ordinance – 2nd Reading

8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CREATING CHAPTER 27, OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "PUBLIC NUISANCES THAT DRAIN MUNICIPAL SERVICES"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. {APPROVED ON FIRST READING MAY 12, 2016}

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

MOTION: TO APPROVE THE ORDINANCE.

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING A PURCHASE ORDER IN THE AMOUNT OF \$20,490.00 TO BENNETT FIRE PRODUCTS CO. INC. TO PURCHASE TEN (10) SETS OF PERSONAL PROTECTIVE EQUIPMENT ("BUNKER GEAR") TO REPLACE EXPIRED OR EXPIRING BUNKER GEAR; PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2015/2016 BUDGET FOR ENTRANCEWAY SIGNAGE; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE TOWN OF DAVIE FOR DELIVERY OF EMERGENCY MEDICAL, FIRE PROTECTION, AND FIRE PREVENTION SERVICES, TO AMEND THE CONTRACT TO ALLOW FOR ADDITIONAL TIME FOR THE PARTIES TO DISCUSS AN ADDITIONAL CONTRACT TERM; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

12. Approval of Minutes

a. April 28, 2016 Regular Meeting

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

MOTION: TO APPROVE THE MINUTES.

13. Adjournment – Meeting was adjourned at 7:50 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 23rd day of June, 2016.*

Jeff Nelson, 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.