

**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

November 9, 2017

13400 Griffin Road

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Present:

Mayor Doug McKay

Vice Mayor Steve Breitkreuz

Council Member Freddy Fisikelli

Council Member Gary Jablonski

Council Member Denise Schroeder

Town Administrator Andrew D. Berns

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 McKay at 7:01 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The Davie Police Honor Guard presented the colors. Madison Sullivan led the meeting with the National Anthem. In honor of Veterans Day a ceremony honoring Veterans was held. At the conclusion of the ceremony all Veterans in attendance were asked to stand and be recognized.

**3. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPOINTING COUNCIL MEMBER FREDDY FISIKELLI AS THE NEW VICE MAYOR OF THE TOWN OF SOUTHWEST RANCHES; AND PROVIDING AN EFFECTIVE DATE.**

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

**MOTION: TO APPOINT FREDDY FISIKELLI AS VICE MAYOR.**

**4. Annual Arbor Day Proclamation**

Town Clerk Muñiz read the proclamation for the record which was then presented to Parks, Recreation, and Open Space Manager December Lauretano-Haines.

**5. Public Comment**

The following members of the public addressed the Town Council: Christine Nanfeldt, Joann Bau, Raymond Mas, Glenford Gayle, Todd Tongen, and David Kuczenski.

**6. Board Reports**

None presented.

## **7. Council Member Comments**

Council Member Schroeder asked for a moment of silence for Jeffrey Paul Hagen. She asked David Kuczenski to pass along the names of residents from Sunshine Ranches who have expressed concerns to him so that she could follow up with them.

Council Member Jablonski announced that Town Hall would be closed on November 10<sup>th</sup> in honor of Veterans Day. He mentioned upcoming events including the Hawkes' Bluff Elementary Food Truck event in conjunction with the School Education Advisory Board, on November 17<sup>th</sup> and the Ride for the Ranches Car Show on November 18<sup>th</sup> from 11 am to 3 pm, and the Fun Horse Show on December 9<sup>th</sup> at the Equestrian Park. Lastly, he spoke about the Halloween festivities at the Rolling Oaks Barn. He thanked all of the volunteers who made this event a success.

Vice Mayor Breitreuz announced that the Council authorized repairs to the irrigation system out west have been completed. He thanked December and Town Administration for their efforts.

Mayor McKay wished everyone a Happy Thanksgiving. He invited everyone to drive by his house to see the holiday display that his wife puts together.

## **8. Legal Comments**

Town Attorney Poliakoff thanked all Veterans for their service. He thanked Madison Sullivan and Savannah Hodgers for their contribution to the Veterans Day ceremony earlier in the evening. He offered condolences to Council Member Schroeder on the loss of Mr. Hagen for whom she had served as a foster parent. He advised that Pembroke Pines' appeal to the 4th District Court of Appeals in the CCA case was rejected which meant they would be heading to trial on damages. He advised that Pembroke Pines intended to appeal the case to the Florida Supreme Court but he believed the Court was unlikely to hear this case. He advised that the placeholder on the agenda for an agreement with Witt O'Brien for financial recovery assistance was being withdrawn for a future meeting as the Town was still in negotiations with Witt O'Brien regarding indemnification language contained in the proposed agreement. He advised that when the agreement was ready a Special Meeting of the Town Council may need to be called.

## **9. Administration Comments**

Town Administrator Berns offered no comments as everything he wished to discuss had been covered.

### Resolutions

**10.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE {Tabled from the October 26, 2017 Regular Meeting}.

The following motion was made by Council Member Breitkreuz, seconded by Vice Mayor Fisikelli and passed by 4-1 roll call vote. The vote was as follows: Council Member Schroeder voting No. Council Members Breitkreuz, Jablonski, Vice Mayor Fisikelli, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**11.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A YEAR END BUDGET ADJUSTMENT FOR THE FISCAL YEAR 2016/2017 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**12.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND PRESTIGE PROPERTY MAINTENANCE, INC. FOR TOWN-WIDE RIGHT OF WAY MAINTENANCE SERVICES; APPROVING AN ADDITIONAL TWO (2) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**13.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND PRESTIGE PROPERTY MAINTENANCE, INC. FOR TOWN-WIDE PARKS AND PROPERTY MAINTENANCE SERVICES; APPROVING AN ADDITIONAL TWO (2) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**14.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND PRESTIGE PROPERTY MAINTENANCE, INC. FOR TOWN-WIDE IRRIGATION MAINTENANCE SERVICES; APPROVING AN ADDITIONAL TWO (2) YEAR TERM;

AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**15.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND RELIANCE CONTRACTORS FOR TOWN-WIDE FACILITIES MAINTENANCE SERVICES; APPROVING AN ADDITIONAL TWO (2) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**16.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, OPPOSING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S CURRENT PLAN TO INSTALL A TRAFFIC SIGNAL AS PART OF THE IMPROVEMENTS PLANNED FOR THE INTERSTATE 75 (I-75) INTERCHANGE AT GRIFFIN ROAD; REQUESTING THAT A COPY OF THIS RESOLUTION BE SENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**17.** Witt O'Brien Disaster Debris Monitoring & Financial Recovery Assistance Services  
This item was withdrawn earlier in the meeting.

#### Discussion

**18.** Town Vendors Taking Adverse Positions  
Mayor McKay announced that he had spoken with Ron Bergeron by phone earlier in the day. He characterized the actions of Mr. Bergeron and the Town Council's lack of awareness to regarding the proposed de-annexation bill filed with the Broward County Legislative Delegation as miscommunication. Town Administrator Berns advised that he met with Mr. Bergeron shortly before the bill was filed and spoke about Mr. Bergeron's dissatisfaction with the Town Council

concerning his land and the land use category affecting his property. He believed that Mr. Bergeron was not explicit in communicating that he intended to be included in the bill that was to be filed the next week. Mayor McKay wished the record to reflect that Mr. Bergeron did attempt to make us aware of the impending de-annexation bill.

Council Member Jablonski felt that this didn't change the fact that Mr. Bergeron wanted to de-annex his properties from the Town. Council Member Schroeder felt that what Mr. Bergeron and the Weekleys did was inexcusable. She was concerned that Pembroke Pines would continue to buy property and attempt to de-annex it.

Council Member Jablonski referenced the audio of the Broward County Legislative Delegation meeting and indicated his disappointment with our State Representative. He wondered how it was possible that the Town was not notified. He asked what could be done to stop this in the future. He suggested having someone attend all future Pembroke Pines meetings. He felt that both of these firms, which had built up a lot of good will with the Town over the years, caused real harm.

Council Member Schroeder wondered if anything can be done when the Town enters into contracts with vendors to prevent them from taking an adversarial position to the Town. Council Member Jablonski agreed. Council Member Breitzkreuz also agreed and cited examples of actions taken by Pembroke Pines to threaten the future existence of the Town. He felt that while we may have been successful at the Delegation level, future attempts will be made. While he was unhappy with the actions of our vendors, he understood they were business decisions. He supported putting provisions in future contracts to prevent a reoccurrence but he felt that the responsibility for the proposed de-annexation bill laid with Pembroke Pines. He supported Council Member Jablonski's idea to have someone attend their meetings.

Town Attorney Poliakoff played a short video clip from a recent City of Pembroke Pines meeting in which a resolution was read into the record to purchase property within the Town of Southwest Ranches that was owned by Weekley Brothers Leasing, Ltd. In the video clip the Pembroke Pines Mayor can be heard asking "Will this ever end?" Their City Attorney then replied "We're working on it, we need to buy up all the property in Southwest Ranches." Town Attorney Poliakoff also referenced the letter that City Attorney Goren copied the Town Council which concluded with a statement indicating that Pembroke Pines would continue to pursue the de-annexation effort.

Town Attorney Poliakoff wished to clarify that Bergeron and Weekley's desire to de-annex has nothing to do with water and sewer, but rather the Town's zoning category and allowable uses. He advised that he could place an anti-adversarial clause in future contracts. He also suggested that we have a member of Town staff review every Pembroke Pines agenda and set of minutes to flag anything that may impact the Town. He also suggested reviewing the agendas of the Broward County Legislative Delegation. He implored the members of the Town Council to become more political, and asked them to ask Representative Stark why he took the position he did. Lastly he suggested that Town Administrator Berns continue to develop our relationship with the City of Sunrise to possibly increase their service delivery in the Town.

Mayor McKay asked if a bill could be crafted that would essentially defeat a de-annexation effort when the municipality doesn't consent. Town Attorney Poliakoff indicated that the difficulty with that approach is that a Special Law trumps a General Law. Annexations and de-annexations are accomplished through Special Law.

**19. Approval of Minutes**

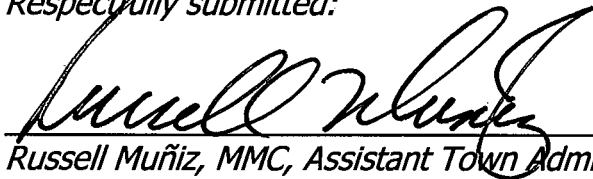
- a. September 13, 2017 - First Budget Hearing
- b. September 13, 2017 - Regular Meeting
- c. September 28, 2017 - Second Budget Hearing
- d. September 28, 2017 - Regular Meeting
- e. October 12, 2017 - Regular Meeting

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

**MOTION:** TO APPROVE THE MINUTES.

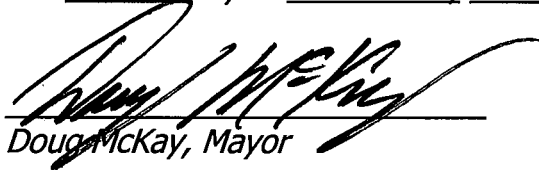
**20. Adjournment** - Meeting was adjourned at 9:31 p.m.

*Respectfully submitted:*



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

*Adopted by the Town Council on this 14th day of December, 2017.*



*Doug McKay, Mayor*

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