



Town of Loxahatchee Groves

Regular Meeting, June 21, 2011 at 7:00 p.m.

MINUTES

Loxahatchee Groves Water Control District
101 West "D" Road, Loxahatchee Groves

Frank R. Spence, Town Manager
Michael D. Cirullo, Jr., Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
James P. Fleischmann, Vice President, Land Research Management, Inc., Town Planner
Ann Harper, Town Clerk

1. OPENING

- A. Call to Order/Roll Call
- B. Pledge of Allegiance
- C. Invocation

Mayor David Browning called the meeting to order at 7:05 p.m. In addition to Mayor Browning, the following Council members were present: Vice-Mayor Ryan Liang, Councilmen Ron Jarriel, and Jim Rockett. Councilman Tom Goltzené was out of town. After the Pledge of Allegiance, Mayor Browning gave the Invocation. Present from Staff were Frank Spence, Town Manager, Michael Cirullo, Town Attorney, and Ann Harper, Town Clerk.

D. Additions and Deletions

Councilman Rockett added the report of the Finance Committee for item 4, and for the Consent Agenda he added the financial reports for April and May 2011. (Note: The financial statements were not included in the agenda backup and were not available for review.) Vice-Mayor Liang added for item 9D consideration of establishing a drainage policy and 9E Evaluation of Manager.

E. Approval of Agenda

Motion was made by Vice-Mayor Liang, seconded by Councilman Rockett, to approve the agenda with the changes. The motion carried by voice vote, 4/0.

2. CONSENT AGENDA – Financial Statements for April and May, 2011 (added by Councilman Rockett)

Motion was made by Vice-Mayor Liang, seconded by Councilman Jarriel, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

3. PRESENTATIONS - None

4. COMMITTEE REPORTS – Finance Committee meeting of April 21, 2011 (added by Councilman Rockett)

Elise Ryan said the Finance Committee approved the financial statements for April and May, 2011 and requested that new accounts be established under the gas tax category.

Councilman Rockett said he would like for the FAAC to review the Manager's proposed new budget before it is presented to the Town Council.

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to direct the Town Manager to present his proposed budget to the FAAC prior to the Town Council seeing it and have the FAAC report back to the Council.

Mr. Spence said at the next Town Council meeting the Council will be establishing the maximum millage rate and the solid waste assessment.

Councilman Rockett asked the Finance Committee to meet prior to July 5th.

Mayor Browning called for a voice vote on the motion for the FAAC to review the budget prior to the Council review, and the motion carried 4/0.

Councilman Jarriel said the FAAC should review all reports submitted in response to RFP's before they are presented to the Council for action. The Council agreed to this procedure.

5. PUBLIC HEARINGS – Ordinances 2nd Reading – None

6. ORDINANCES - 1st Reading (Continued from Council Meeting on June 7, 2011)

ORDINANCE 2011-010 (Revised)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REGISTRATION OF ABANDONED RESIDENTIAL PROPERTIES AND OTHER MATTERS RELATING TO ABANDONED REAL AND PERSONAL PROPERTY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR MAINTENANCE REQUIREMENTS; PROVIDING FOR SECURITY REQUIREMENTS; PROVIDING FOR ENFORCEMENT, CODIFICATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Attorney Ciullo read the title of the Ordinance and said all changes requested by the Council have been made.

Motion was made by Councilman Rockett, seconded by Vice-Mayor Liang, to approve the Ordinance on first reading and schedule second reading for July 5th, 2011. The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel and Rockett, Vice-Mayor Liang and Mayor Browning

NAYS: None.

ABSENT: Councilman Goltzené.

7. RESOLUTIONS – None

8. OLD BUSINESS

9. NEW BUSINESS

A. Consideration of Award of Bids as follows:

(Town Manager)

(1) RFQ 2011-003 Disaster Debris Removal and Disposal

*Bergeron Land Development, Ft. Lauderdale, FL
Byrd Brothers Emergency Services, Wilson, NC
Ceres Environmental Svcs., Brooklyn Park, MN
C & C Loader Service, Royal Palm Beach, FL
DRC Emergency Services, Mobile AL
Omni Pinnacle, Pearl River, LA
Rio-Bak Corporation, Wellington FL
Tag Grinding Services Inc, Dadeville AL*

Mr. Spence said as a result of ads being placed in the Palm Beach Post and the Town Crier and the Town's website, we received 22 inquiries of interest and requests for copies of our specifications. By the deadline of 2 pm on May 26, 2011, we received eight sealed proposals. The list of their names and their quoted costs for providing this service is in the agenda backup.

The most important qualify in selecting a company is their experience working previous hurricanes in Florida, and particularly South Florida. Since the Town has not experienced a hurricane since its incorporation in 2006, we must rely on these companies' performance during previous hurricanes in other areas.

Pricing should not be the primary reason for selection of a contractor; however, it is a consideration since the Town must up-front payment to contractors for services rendered. The Town's Debris Management Contractor then compiles all of the required documentation and submits it to FEMA for reimbursement. Currently, the formula for reimbursement is 75% from FEMA, 12 ½ % from the State, and the Town is responsible for the remaining 12 ½%. Full settlement and close-out takes many months, and sometimes years.

Mr. Spence recommended that the Council select two companies to be put under contract for these services. He said he believes that local companies can be more responsive, and in the specifications, he advised them that they have to hire local haulers.

Attorney Cirullo stated that Council members received copies of the responses submitted in response to the RFP and had the opportunity to review them individually prior to this meeting. If the Council feels they would like to hear a presentation from any of the applicants, he recommended that they set a time certain for the presentation. Because a presentation is not required, Council can proceed based on the materials provided.

Brian Thompson, representing Bergeron Emergency Services, introduced himself to the Council. Mayor Browning called for any other representatives from companies to introduce themselves, but no one came forward.

Council Discussion

Councilman Jarriel, Vice-Mayor Liang, Councilman Rockett and Mayor Browning reviewed their choices of companies for debris removal and disposal.

Motion was made by Councilman Rockett, seconded by Vice-Mayor Liang to rank the companies as follows:

1. Bergeron Emergency Services
2. Tag Grinding Services
3. C & C Loader Services

Public Comments

Frank Schiola said he agrees with the three companies chosen.

Council Action

Mayor Browning called for a vote on the motion to approve the three companies. The motion carried by voice vote, 4/0.

Mr. Spence said he has notified the Palm Beach County Office of the Inspector General regarding these items on the agenda and that Council would be considering award of contracts. In addition, he attended an orientation meeting at the IG's Office.

(2) RFQ 2011-004 Disaster Debris Monitoring

O'Brien's Response Management, Ft. Lauderdale FL (Hourly rates – page 91)

Mr. Spence said the Debris Monitor is responsible for having their personnel personally observe the loading of debris on every hauler's truck and then signing the Load Ticket for that truck verifying the information required by FEMA and the Solid Waste Authority (SWA). If these load tickets are not accurate and contain errors, they will be rejected by FEMA and SWA and the Town will not be paid for that load.

Mr. Spence continued saying the solicitation and specifications for Debris Monitoring were sent to all 22 companies on our contact list of interested vendors. Only one company responded: O'Brien Response Management Company of Ft. Lauderdale. I am familiar with this company and its principals and know that they are experienced and knowledgeable about the requirements of this service. Also, the rates are much lower than the current contractor, Calvin Giordano & Associates, with which the Town has a contract. With multiple contractors available, the Town can call whichever one it wants to perform these services.

Mr. Spence recommended the Council make a motion to award a contract to O'Brien Response Management for Disaster Debris Monitoring and accepting their proposal.

Council Discussion

In response to Councilman Rockett's question, Mr. Spence described the advertisements which were placed in newspapers and the method of contacting the vendors who indicated interest in the RFP.

Mayor Browning said monitoring and managing does not have the profit line that debris removal has. Attorney Cirullo said the monitoring has to be done by a different group. Mayor Browning said we already have Calvin Giordano in place as a backup contractor. Councilman Rockett said he would still like to see if anyone else is interested.

Council Action

Motion was made by Councilman Rockett, seconded by Councilman Jarriel to approve O'Brien for the disaster monitoring. The motion carried by voice vote, 4/0.

(3) RFP 2011-005 Hurricane Debris Management

GRD Solutions, Palm Bch Gardens, FL

Mr. Spence said the Debris Management function is responsible for receiving and compiling the load tickets from the Debris Monitor as well as all reports from the Solid Waste Authority and filling out all of the required

reports and documentation and submitting them to FEMA for reimbursement. This is a very important function because if there are any errors or problems with the paperwork, you are not going to be reimbursed.

Mr. Spence continued saying the solicitation and specifications for Debris Management were sent to all twenty-two companies on our contact list, plus ads placed in our local papers and on the Town's Website. Only one company responded: GRD Solutions of Palm Beach Gardens. I have reviewed their proposal and experience and consider them qualified to carry out duties and responsibilities of this contract. Their price list is in the agenda backup.

Mr. Spence recommended the Council approve a motion to award a contract to GRD Solutions for Disaster Debris Management by accepting their proposal.

Council Discussion

Councilman Rockett asked Mr. Spence whether or not this debris management is something he can do, and Mr. Spence said no. Councilman Rockett said in that case, he would like to have another company as an alternate if GRD is not available. Mr. Spence said the Ashbritt contract could be renewed for another year. Councilman Jarriel said he agreed with having Ashbritt as a backup contractor. Attorney Cirullo said for a backup, he would recommend doing a second round of solicitation. Mayor Browning said he is not concerned with having a backup for this function, but he has no problem with having one contractor and looking for a backup.

Public Comments

John Ryan recommended using Clete Saunier as backup for the debris management.

Council Action

Motion was made by Councilman Jarriel, seconded by Councilman Rockett, to award the contract for debris management to GRD. The motion carried by voice vote, 4/0.

B. Revisit Section 170 (Special Exceptions) of the Town's ULDC *(Vice-Mayor Liang & Councilman Goltzené)*

Mr. Spence said after receiving a number of complaints about the stringent requirements for getting a permit to do something relatively simple, like locating a mobile home on a vacant parcel, Councilman Goltzené requested a workshop to revisit the requirements for getting a Special Exception. After reviewing Article 170, attached pages 218-221, he agrees. This process is very time-consuming, expensive by requiring a newspaper public notice and to notify property owners within 1,000 feet of the applicant, and many other requirements that might not be relevant to what the applicant is requesting. As a result of this he requested our Planning Consultant Jim Fleischmann to analyze the article with the thought in mind of breaking down the two or three land uses that require a Special Exception into minor, medium, or large impact to the community. They all should not have to jump through the same hoops. There's a vast difference between the application for a mobile home siting and a multi-million dollar church or a large expensive equestrian training center. In any case, all applications for a Special Exception will be reviewed first by the newly created Planning & Zoning Board. Jim Fleishmann will review his report. The report is attached to these minutes.

Mr. Spence gave a PowerPoint presentation outlining his recommendations for special permits and showing that applications for low-impact events would be placed on the Council's Consent Agenda and the high-impact event applications would be placed on the regular agenda.

Council Discussion

Vice-Mayor Liang asked about the application process for a mobile home, and Mr. Fleischmann responded. Attorney Cirullo said for low-impact special exceptions, the Council could make them a permitted uses with certain criteria. There was further discussion regarding trailers used as homes and as offices. Mayor

Browning said we need to proceed cautiously. He would like to streamline the application process for all building projects, but not to the point that the Groves becomes a large lot mobile home park. We want to encourage people to build houses.

Public Comments

Todd McLendon asked if "permitted" means you need to get approval. Mr. McLendon was advised that a meeting would be scheduled with him.

Virginia Standish spoke about equestrian uses.

Nina Corning spoke about the ULDC's and said they are confusing.

Staff/Council Comments

Attorney Cirullo said the Council must decide on the next step in this process and whether or not they would like another meeting.

Vice-Mayor Liang said he would like to continue discussions.

Councilman Rockett suggested the second meeting in July be set aside for continued discussion.

Mr. Fleischmann asked the Council how they felt about "special permits" being administratively approved or a reduced process that does not require as much advertising or a Public Hearing and reduced application requirements.

Councilman Rockett said the process could be streamlined and cost less, but not so streamlined that the people in the community don't have the opportunity to speak.

Councilman Liang said right now it seems like the process would take two months, and he would not like to see it take four to six months.

Council agreed to have this on the agenda at the July 19th meeting for further discussion.

C. Discussion of Position/Policy Paper regarding water retention ponds/lakes in new developments (Councilman Rockett)

Councilman Rockett said he is looking for a position paper or resolution specific to water retention and the capacity and setting a goal beyond a "good idea." He asked Clete Saunier what acreage would be required to double the water retention capacity in Loxahatchee Groves. Mr. Saunier described how that topic was discussed at an earlier workshop on that subject and explained the drought situation. Councilman Rockett said he knows we are all interested in doing what we can to enhance our water retention. No action was taken on this agenda item.

D. Drainage Issues (added by Vice-Mayor Liang at beginning of meeting)

Vice-Mayor Liang said year once it starts raining we get folks asking for help with drainage along the various roads. He would like to set a policy so people asking for help will know what will happen. He would like for the Council to discuss whether or not they would like a policy for help with drainage.

Councilman Jarriel said he does not believe we can set a policy right now. We have to justify the cost of cleaning out a drainage ditch and we need a standard so we do the same job for everyone. It must benefit more than one person.

Vice-Mayor Liang said it would be difficult to set a policy that a specific number of persons must be utilizing the road.

Councilman Jarriel said we should prioritize anything that we do for the Town. We could get a list of roads needing the work, and they must be gas tax roads, then justify that the drainage ditch would benefit and protect our roads, then prioritize the roads according to how many people would benefit.

Public Comments

Dominic Fusca talked about his appearance before the Council at their last meeting and the problems with drainage on his property. The Code Enforcement Officer told him he was in violation.

Staff/Council Discussion

Mr. Spence said the courtesy citation issued to Mr. Fusca will be withdrawn. Council agreed to remove "courtesy" from the citations issued by Code Enforcement.

Motion was made by Councilman Jarriel for the Town to finish cleaning out the 22nd Road North drainage ditch. There was no second to the motion.

Public Comments

Virginia Standish gave some information about surveys on the roads.

Nina Corning spoke about water retention issues.

E. Manager Evaluation (added by Vice-Mayor Liang at beginning of meeting)

Vice-Mayor Liang asked Mr. Spence the status of forms for evaluating the Manager. Mr. Spence said he obtained evaluation forms from other cities and furnished them to the Council so they could develop their own form. Councilman Rockett said all Council members have a copy of Mr. Spence's contract, and he has developed his own criteria for evaluation based on that contract. Mayor Browning asked Councilman Rockett to share his evaluation form with the other Council members. Council decided to discuss the form at the July 5th meeting and then schedule the evaluation.

10. ADMINISTRATIVE UPDATE

- A. July 2011 Calendar
- B. Bucket List

Vice-Mayor Liang said he would like the bucket list to include everything the Council has asked him to do beginning with this meeting.

11. CLOSING COMMENTS

- A. Public Comments

Don Roby said he objected to the Town Ordinance which prohibits fireworks.

Nina Corning commented on the "definitions" section of the Ordinance on abandoned properties.

Todd McLendon commented on the ULDC's.

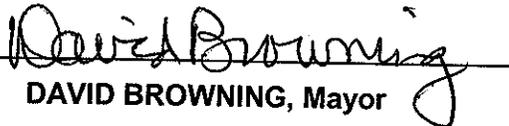
- B. Town Attorney Comments – Attorney Cirullo said the new Special Counsel for the Callery Judge case is in the process of getting an expert witness

C. Town Council Member Comments

Vice-Mayor Liang said he would like to attend the Florid League of Cities Conference in Orlando in August. Council agreed to sponsor his attendance.

D. Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:25 p.m.


DAVID BROWNING, Mayor

_____¹⁶ August 2, 2011_____
Date Council Approved

Attest: 
Ann Harper, Town Clerk