



Town of Loxahatchee Groves

Regular Meeting, July 19, 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.
Ann Harper, Town Clerk

1. OPENING

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

Vice-Mayor Liang called the meeting to order at 7:05 p.m. In addition to Vice-Mayor Liang, present were Councilman Tom Goltzené, Councilman Ron Jarriel, and Councilman Jim Rockett . Mayor Browning was out of town. Present from Staff were Frank Spence, Town Manager; Michael Cirullo, Town Attorney, and Ann Harper, Town Clerk.

D. Additions and Deletions

Mr. Spence added item 9E, Resolution 2011-009, extension of State Road 7

E. Approval of Agenda

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve the Agenda as amended. The motion carried by voice vote, 4/0.

2. CONSENT AGENDA

- A. Approval of Town Council Minutes of Regular Meeting May 3, 2011
- B. Approval of Town Council Minutes of Regular Meeting May 17, 2011
- C. Approval of Invoice from Gunster Law Firm

Motion was made by Councilman Goltzené, seconded by Councilman Rockett, to approve the Consent Agenda. The motion carried by voice vote, 4/0.

3. PRESENTATIONS - None

4. COMMITTEE REPORTS

- A. Finance Committee (Special Meeting July 14, 2011) *(Lung Chiu, Chairman)*

Vice-Chair Elise Ryan said the Committee approved the RFP for Management Services with changes recommended. The Committee also asked the Council to clarify some dates in the RFP before it is issued.

5. PUBLIC HEARINGS – Ordinances 2nd Reading

ORDINANCE 2011-011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF THE PLANNING AND ZONING BOARD; PROVIDING COMPOSITION AND TERM OF OFFICE FOR MEMBERS OF THE BOARD; PROVIDING FOR PROCEDURAL AND ADMINISTRATIVE MATTERS RELATING TO THE BOARD; DESIGNATING THE BOARD AS THE TOWN'S LOCAL PLANNING AGENCY; PROVIDING POWERS AND DUTIES, AND THAT THE BOARD ACTS SOLELY IN AN ADVISORY MANNER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (2ND Reading)

Attorney Cirullo read the title of the Ordinance and announced the Public Hearing. He said the Council members should appoint members to the Committee at the next meeting, and he will provide a Resolution for the appointments.

Councilman Goltzené asked if a member had to be a resident who was registered to vote. Attorney Cirullo said the person must be a resident and a registered voter. Councilman Goltzené recommended removing "elector" as a requirement for membership.

Councilman Rockett said people who are property owners but live out of town should be eligible to be a Committee member.

Public Comments

Dennis Lipp said he served on the County's Planning and Zoning Committee, and members had to be a resident in order to be appointed. He said it was not a good idea to let non-residents serve on the Committee even though they own property in the Groves.

Grace Joyce said she does not agree that people who own property but do not live here should be entitled to be Planning and Zoning Board members. There are many absentee owners who own a lot of property who could persuade a decision while sitting on the Board.

Elise Ryan said Board members should be a resident, not just a property owner.

Nina Corning said she agreed that Board members should be residents.

Council Action

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to remove "and electors" from the qualifications for membership. The motion carried by voice vote, 4/0.

Motion was made by Councilman Rockett, seconded by Councilman Goltzené, to include in the membership eligibility requirements land owners who are not residents. The motion failed 2/2 with Councilman Rockett and Vice-Mayor Liang voting yes, and Councilman Jarriel and Councilman Goltzené voting no.

Motion was made by Councilman Rockett, seconded by Councilman Goltzené, to approve the Ordinance on second and final reading as amended. The motion carried by roll-call vote, as follows:

AYES: Councilman Goltzené, Councilman Jarriel, Councilman Rockett, and Vice-Mayor Liang.
NAYS: None.

ABSENT: Mayor Browning.

6. ORDINANCES – 1st Reading - None

7. RESOLUTIONS

RESOLUTION NO. 2011-008

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, URGING THE GOVERNOR OF FLORIDA, THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF CORRECTIONS TO PREVENT THE CLOSURE OF GLADES CORRECTIONAL INSTITUTION IN BELLE GLADE, FLORIDA; PROVIDING FOR DELIVERY OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

Mr. Spence read the title of the Resolution and said this action was requested by the Palm Beach County League of Cities.

Motion was made by Councilman Jarriel to approve the Resolution.

Councilman Jarriel said we need to hold on to the jobs the people have in Belle Glade.

Public Comments

Nina Corning said she heard on the radio that they are closing the institution because of poor condition.

Grace Joyce said they are the major employer in Belle Glade, and the facility has been neglected. She thinks it is important that we stand together to support this institution because Belle Glade is a small community like Loxahatchee Groves.

Council Comments/Action

Councilman Goltzené said he does not think the Florida League of Cities should run our agendas.

There was no second to the motion to approve the Resolution, and no action was taken on this agenda item.

8. OLD BUSINESS

A. Appointments to Roadway, Equestrian Trails & Greenway Advisory Committee – no action

B. Appointments to Planning and Zoning Board

Councilman Jarriel appointed Grace Joyce.

Vice-Mayor Liang appointed Keith Harris.

C. Manager Evaluation – no action

D. RFP for Town Management Services

Attorney Cirullo said he prepared the RFP, and it was reviewed by the Finance Committee. The RFP shows the changes recommended by that Committee and is on this agenda for Council direction.

Councilman Goltzené said this RFP seems to be aimed at the Town Manager position rather than the Town Management service company that will provide the management, Town Clerk and assistant and Finance Director. He suggested that it be changed to include these aspects. He also asked whether or not the Council would want to be more broad in its requirements rather than delineating the specific tasks. Councilman Rockett said he preferred a long list of specifics. Councilman Jarriel said it covers everything, and we need to get it out.

Public Comments

Lung Chiu made various suggestions for further changes to the RFP.

Dennis Lipp said when the Town was incorporated it was with the understanding this would be "government light." This RFP has references to "employee" and "employment" which could bring about problems relating to pensions and other benefits for individuals. Councilman Goltzené said the Town is looking for a firm, not an individual, to do this work. Councilman Rockett said people will be hired only as a contractor.

John Ryan said he respects Councilman Goltzené's comments, but he thinks he is wrong.

Nina Corning said one way to get around micro-managing grants is to say "Manager is to assist" rather than "oversee."

Grace Joyce said there are certain requirements in the new interlocal agreement with Palm Beach County for Federal Funding eligibility, and the new management team needs to be aware of these requirements.

Council Comments

Council agreed to add the requirement that the applicant must have certification in NIMS (National Incident Management System) courses.

Further changes to the RFP were made and are reflected in the attached red-line version of the RFP which is attached to these minutes.

9. NEW BUSINESS

A. Designation of Voting Delegate & Alternates to Palm Beach County League of Cities (*Manager*)

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve Frank Spence as the voting delegate and all Council members as alternates. The motion carried by voice vote, 4/0.

B. Request from Water Control District for amendment to Agreement transferring funds (*Manager*)

Mr. Spence said this is the 2011 amendment to the Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads Located Within the Town of Loxahatchee Groves. This is a change in the amount of money that has been requested, which is \$150,000. This amount will be budgeted.

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve the Amendment to the Agreement. The motion carried by voice vote, 4/0.

C. Discussion of increase in Water Control District Assessment *(Councilman Jarriel)*

Councilman Jarriel said he feels that the increase in the Water Control District assessment is unfair to owners of larger properties such as farmers and nurseries, and he hoped the Town could foot this assessment cost without raising it for residents of Loxahatchee Groves. He asked the Attorney for legal advice. A few of the properties are outside of the Town boundary lines. Attorney Cirullo said the District's boundaries and the Town's do not match up, and funds could not be used to benefit residents outside of the Town.

Councilman Goltzené said he did not think the Town should get into this issue. Issues like this and the gas tax should be discussed during the budget process.

No action was taken on this item.

D. Approval of Contracts for Emergency Services (All contracts attached as Exhibit 1 to this agenda)

Mr. Spence said the Council approved proposals from the following five firms, and the Attorney has drafted contracts and sent them to the firms. Four of the companies have returned the signed contracts, and Staff recommends that the Town Council accept and sign the following contracts.

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

(a) Bergeron Emergency Services, Royal Palm Beach, FL

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve the Bergeron contract. The motion carried by voice vote, 4/0.

(b) Tag Grinding Services Inc, Dadeville, AL

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve the TAG Grinding Services contract. The motion carried by voice vote, 4/0.

(c) C & C Loader Service, Royal Palm Beach, FL

Motion was made by Councilman Jarriel, seconded by Councilman Rockett, to approve the C&C Loader contract. The motion carried 3/1 with Councilman Goltzené abstaining. Form 8B, Voting Conflict, is attached to these minutes.

(2) RFQ 2011-004 Disaster Debris Monitoring

(a) O'Brien's Response Management, Ft. Lauderdale FL

Motion was made by Councilman Goltzené, seconded by Councilman Jarriel, to approve the O'Brien Contract. The motion carried by voice vote, 4/0.

- (3) RFP 2011-005 Hurricane Debris Management
(a) GRD Solutions, Palm Bch Gardens, FL

Motion was made by Councilman Jarriel, seconded by Councilman Rockett, to approve the GRD Solutions contract. The motion carried by voice vote, 3/1 with Councilman Goltzené voting no.

- E. Addendum items (if needed) (Added at beginning of meeting)

RESOLUTION 2011-009

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA SUPPORTING THE PROPOSED EXTENSION OF STATE ROAD 7 FROM OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD AND URGING THE METROPOLITAN PLANNING ORGANIZATION TO KEEP THIS PROJECT IN THE COUNTY'S 5-YEAR TRANSPORTATION IMPROVEMENT PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence read the title of the Resolution.

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve the Resolution. The motion carried by voice vote, 3/1, with Councilman Goltzené voting no.

Councilman Goltzené said he opposes the project and objects to the League of Cities setting our agenda. He said the road should be re-directed and not put through sensitive wetlands.

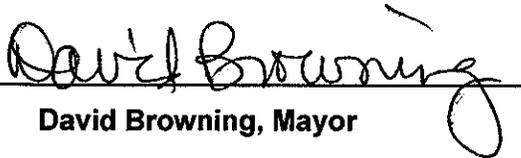
10. ADMINISTRATIVE UPDATE

- A. August 2011 Calendar

11. CLOSING COMMENTS

- A. Public Comments
B. Town Attorney Comments
C. Town Council Member Comments
D. Adjournment

There being no further business or public comment to come before the Council, the meeting was adjourned at 11:30 p.m.



David Browning, Mayor

____ September 6, 2011 ____
Date Council Approved

Attest: 

Ann Harper, Town Clerk