



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, April 1, 2014 at 7:00 p.m.

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

Mayor David Browning (Seat 4)
Vice Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney
Town Clerk Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:05 pm. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, and Jim Rockett. Councilman Ryan Liang was not present at this time. Also in attendance was Town Manager Mark Kutney, Town Planning Technician Braeden Garrett, Town Attorney Mike Cirullo, Perla Underwood, for Underwood Management Services Group, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Vice-Mayor Jarriel requested adding a 9.c. to discuss mowing of ditch bank on 22nd Road North.

Town Manager Kutney requested that Old Business 9.a. be moved to be discussed after Public Comments.

Motion: Councilman Goltzené made a motion to accept the agenda, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

d. Appointment of Mayor

Motion: Vice-Mayor Jarriel made a motion to appoint Dave Browning as Mayor. Councilman Goltzené seconded the motion. Upon vote, the motion passed 4/0.

e. Appointment of Vice-Mayor

Motion: Councilman Rockett made a motion to appoint Ron Jarriel as Vice-Mayor. Councilman Goltzené seconded the motion. Upon vote, the motion passed 4/0.

Mayor Browning stated to let the records show, Councilman Liang arrived at 7:08 p.m.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: **March 4, 2014**
- c. Consideration of First Amendment of the Interoperable Radio Communications Agreements with Palm Beach County.

Motion: Councilman Goltzené made a motion to approve the Consent Agenda as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

Melissa McKinlay, 675 Belle Grove Lane, Royal Palm Beach, and candidate for Palm Beach County Commission, District six (6), introduced herself to Council and provided a brief presentation and that she will have an open door policy.

David Self, 3730 161st Terrace North, passed out a flyer concerning traffic and noise on 161st Terrace North, at the Rayside property and A Road to 161st Terrace North – cut through; then provided a presentation.

Motion: Councilman Rockett made a motion to receive and file document submitted by Mr. Self. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Vice-Mayor Jarriel commented on roads that are considered cut throughs, and how dangerous they were and also that there was extensive partying on vacant lots. Vice-Mayor Jarriel hopes the Town can work with Lt. Combs from PBSO (Palm Beach County Sheriff's Office) on the problem.

Mayor Browning directed Town Manager Kutney to look into the problem.

Marge Herzog, 966 A Road, reported that on April 12, 2014, the residents will have an Adopt a Road day. There will be approximately sixty (60) kids helping to clean up the Town from Collecting Canal Road to North Road, and Okeechobee Boulevard. Mrs. Herzog was worried about insurance coverage for Frank Schiola when he conducted surveillance of manure trucks.

Mayor Browning stated Mr. Schiola was required to have his own insurance, as he was not an employee of the Town.

Mrs. Herzog reported the Landowners Association purchases refreshments for the kids that are working, most preferred only water, and she requested any adult who would like to volunteer would be greatly appreciated.

Phyllis Maniglia, 359 West D Road, had written a letter to the *Town Crier* newspaper, concerning a violation she received on September 2013, from Frank Schiola regarding an unsafe house on her property. Ms. Maniglia only found out about the violation in March 2014. She stated there is no unsafe house on her property, and she wanted to know why she had not been notified of the violation. The Code Enforcement Officer had not contacted her to date.

Mayor Browning directed Town Manager Kutney to look into this matter, and report back to Council.

Motion: Councilman Rockett made a motion to receive and file documents from Ms. Maniglia. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Ken Johnson, 15409 Collecting Canal Road, expressed his concern with water conditions and the amount of manure being produced, how to regulate, and how is the Town going to monitor and clean up the problems already in existence. Mr. Johnson discussed amending current regulations rather than being passive on code enforcement, he felt the Town must be proactive on some issues of code enforcement. He also noted that there is a pond that is being filled and he does not know where the fill is coming from. He stated whatever you do with a pond you must have a permit. Also there is a requirement for businesses to have dumpsters.

Town Manager Kutney had researched the Town Code concerning the pond issue; sent the Town's Code Enforcement Officer Russ Elgin out to investigate the activities. Staff called Mr. Johnson to inform him that a written complaint was required.

Council discussed pond filling requirements.

9.a. Old Business: Procurement of Construction Services for Compton Road, Bryan Road, and Marcella Boulevard roadways was moved to this point of the agenda.

Town Manager Kutney explained what had been sent to Council from Keshavarz and Associates concerning the three sets of plans for Compton road, Bryan Road, and Marcella Boulevard.

Maziar Keshavarz and Randy Wertepny, Senior Project Manager, provided their presentation on Town Council directed, engineering specifications and designs on Bryan Road, Compton Road and Marcella Boulevard. The designs can be put out for bid or whatever Council chooses to do with them.

Randy Wertepny gave a brief summary of the three (3) roads. Compton Road had three (3) elements of design. Bryan road had two (2) components with no drainage improvements, and the islands in the middle of roads on Compton Road and Marcella Boulevard would be removed, pitch the road for drainage and add drainage ditches.

Council discussed various alternatives and components for road design with the Town Engineers. It was noted by the Town Attorney that piggybacking could only be applied to items addressed in the original contract. Road issues would be addressed during the second Town Council Meeting of the month.

Mr. Keshavarz stated that these roads are not new roads, and based on the Council directives this will be a restoration project.

Town Manager Kutney stated that from a discussion he had with Mr. Keshavarz, and Town Attorney Cirullo it had to be determined that the contract had to match the piggyback contract from Volusia County. According to the scope of work, there are approximately five (5) to six (6) different elements than on the original contract; this becomes somewhat problematic. On the surface it appears that a piggyback would not work because of the scope of the work. The contract could be scaled back to piggyback or go out for an Invitation to Bid (ITB), the contract could be scaled back and then do the piggyback. Cost estimates are available.

Town Attorney Cirullo stated if there were separate projects then the Town would follow its own Procurement Code in how to deal with this matter. In order to piggyback, the Town has to have a line item for all the services. The Town would have to go through its own Code to find other vendors to do the work not covered on the piggyback. The Volusia county contract does not procure all the services that are required by these plans.

Town Manager Kutney noted the costs the Town received from Keshavarz are more expensive than the unsolicited estimates the Town received from North Florida Emulsions. If the Town proceeds, a budget amendment from one of the other (CIP's) Capital Improvement Programs will be necessary to fund the project.

Mr. Keshavarz reported that the estimated cost for complete construction for each road of the project would be: Marcella Boulevard, \$89,891; Bryan Road; \$63,000; and Compton Road, \$101,000.

Motion: Councilman Rockett elaborated on redoing the three (3) roads, and made a motion to approve the proposed piggybacking contract for resurfacing, and move ahead and any separate work will be sent out for other proposals. Councilman Goltzené seconded the motion for discussion.

Council discussed quality of work, realistic quotes, drainage, and hedging matters.

Upon vote, the motion passed 4/1, with Councilman Goltzené casting the dissenting vote.

Mayor Browning called for a break, 8:20 p.m. to 8:25 p.m.

Motion: Vice-Mayor Jarriel made a motion to direct Town Manager Kutney to do a Notice to Proceed/Work Order for the Loxahatchee Groves Water Control District (LGWCD) to do the hedging on the north side of Compton Road. Councilman Rockett seconded the motion.

Town Manger Kutney noted that if the work was related to drainage impacting the roadway then the District could do the work under road repairs.

Upon vote, the motion passed 3/2, with Councilman Goltzené and Mayor Browning casting dissenting votes.

Motion: Vice-Mayor Jarriel made a motion for the Town to go out for bid/quote (not an RFP (Request for Proposal)) from three (3) licensed contractors in Loxahatchee Groves for the drainage according to the engineering plans.

Council discussed the cost factor and the procurement policy

Councilman Rockett seconded motion for discussion, asking how the Town could write the proposal.

Vice-Mayor Jarriel stated the Town did not have to go through the bid process, and that the Town would support local contractors. Only three (3) quotes are needed; with his goal of having the work completed before hurricane season.

Town Manager Kutney in reviewing the engineer's opinion of probable costs, he does not feel that quotes under \$25,000 are a possibility, and the Town will have to go out for bid.

Town Attorney Cirullo reminded Council that there is a motion on the floor for the Town to procure bids for the drainage. If the bids are over \$25,000 the Town will have to go through a selective bid process. We have to get competitive quotes.

Council discussed with Town Attorney Cirullo alternatives to the bid process.

Motion failed for lack of vote.

Motion: Vice-Mayor Jarriel made a motion to turn the process over to Town Manager Kutney to do an RFP (Request for Proposal) for drainage, and awarded no later than the middle/end of May and the resurfacing could be completed in June. The RFP could be completed by the end of April.

Town Manager Kutney will try to minimize cost, and for the record he is restating that Council is asking for an ITB (Invitation to Bid).

Council discussed with Town Manager Kutney line items, drainage, and any major scope of work involving the District

Motion: Vice-Mayor Jarriel amended his motion to do an ITB (Invitation to Bid) for drainage on Compton Road only; according to the engineer's specifications and it will be up to Council if the proposal is accepted. Councilman Goltzené seconded the motion.

Keith Harris, 2560 C Road, stated that there are more than three (3) contractors in the Town who could do drainage work, and he asked if they could be included when the Town went out for bid.

Upon vote, the amended motion passed 5/0.

4. PRESENTATIONS

- a. Ms. Shelly Townsend, Equine Eco Green, to provide a presentation on a recycling process for equine waste.

Shelly Townsend provided information on solutions concerning livestock waste with the recycling process her company provides. She was requesting ten (10) acres possibly being allocated by the Town in order to build her facility.

Council appreciated Ms. Townsend's presentation and effort to alleviate a grave problem the Town is having with excessive livestock waste; however, it was noted that Loxahatchee Groves was a residential community and not the place for a commercial facility.

Council continued to discuss the facility and process with Ms. Townsend, and suggesting alternative location.

Bill Louda, 1300 E Road, clarified some of Ms. Townsend's presentation. Mr. Louda also provided scientific analysis of waste products such as phosphorus, and how it could be removed. He encouraged the Council to be proactive.

Member of the audience came to the podium to express their opinions on the process of recycling livestock waste.

Mayor Browning called for a break, 9:35-9:41 p.m.

5. COMMITTEE REPORTS

Note: Councilman Goltzené not present after break.

- a. Approval of the FAAC (Financial Advisory and Audit Committee) February 2014 Financial Report

Elise Ryan provided the Financial Report for February 2014. Mrs. Ryan noted the FAAC requested a need for a Financial Software Program, and recommended to Council that an RFP (Request for Proposal) be sent out. She provided a bid package for review.

Motion: Councilman Rockett made a motion to receive the bid package from Mrs. Ryan. Councilman Liang seconded the motion. Upon vote, motion passed 4/0.

Council discussed accounting software.

The Finance Committee will review any recommendation with Perla Underwood of Underwood Management Services, and bring back to Council during the April 15, 2014, Town Council Meeting.

Council discussed with Mrs. Ryan funding for Town roads, and grant funding.

Town Manager Kutney will verify any grant match requirements.

Lung Chiu, Chair of the FAAC, spoke of funding sources, and suggested that Town Manager Kutney come up with a plan with priorities for funding.

Motion: Councilman Rockett made a motion to accept the Financial Report for February 2014. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

b. Report by RETGAC (Roadway, Equestrian Trails, and Greenway Advisory Committee).

Nina Corning, Chair for the Roadway, Equestrian Trails, and Greenway Advisory Committee, provided information on many projects the Committee has been working on over the last few months.

6. RESOLUTIONS - None

7. ORDINANCES

ORDINANCE NO. 2014-03: 1ST READING/PUBLIC HEARING (Livestock Waste Haulers) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HAULING OF LIVESTOCK WASTE WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND PERMIT FEES; PROVIDING FOR THE DISPOSAL OF LIVESTOCK WASTE ONLY AT APPROVED DISPOSAL SITES WITHIN THE TOWN; PROVIDING FOR PERMITTED HOURS OF HAULING LIVESTOCK WASTE WITHIN THE TOWN; PROVIDING FOR REQUIRED RECORDS AND AUDITING OF SUCH RECORDS BY THE TOWN; PROVIDING FOR CHANGES TO LIVESTOCK WASTE

REGULATIONS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (*Ordinance No. 2014-03 is back for a 2nd 1st reading due to revisions of the wording within the document*)

Town Attorney Cirullo reviewed changes and noted Ordinance No. 2014-03 in the agenda packet did not reflect the changes that had been made. The corrected ordinance was provided on the dais. Town Attorney Cirullo read the title of Ordinance No. 2014-03.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-03 on first reading. Councilman Liang seconded the motion. Upon vote then motion passed 4/0.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. Gas Tax Map

Councilman Rockett requested Town Manager Kutney send to Council the information he has on the Gas Tax Map.

b. IGC

The next IGC (Intergovernmental Committee) Meeting will be at 8:30 a.m. on April 23, 2014.

Town Manager Kutney will bring information concerning the grant monies to the April 15, 2014 Town Council Meeting.

9. OLD BUSINESS

a. Procurement of Construction Services for Compton Road, Bryan Road, and Marcella Boulevard roadways

- 1) Update on Plans by Keshavarz & Associates (**moved to beginning of agenda**)
- 2) Discussion of Piggybacking and Plan of Action (**moved to beginning of agenda**)

b. Speed Humps

Councilman Rockett requested and spoke on this item, suggesting ideas on how many speed humps per distance were needed.

Motion: Councilman Rockett stated that speed humps vary, and Council should use discretion as to how many per road, such as five-hundred (500) feet for all roads coming off Okeechobee Boulevard, and eight hundred (800) feet all others such as Bryan Road. Councilman Liang seconded the motion.

Council discussed speed hump spacing.

Motion: Councilman Rockett amended his motion to change the spacing to allow between 750 to 1000 feet.

Council discussed standards and allowing the residents the opportunity to choose speed humps and the distance between.

On a suggestion by Councilman Liang it was the consensus of the Council to discuss the speed hump issue when all Council Members are present, and include distance at the end and beginning of roads be shorter, and vote during next meeting.

The original motion made by Councilman Rockett was withdrawn.

10. NEW BUSINESS

a. Miscellaneous Budget Issues

Town Manager Kutney reported the Town Council agreed to give a \$5,000 contribution for a lobbyist. The funds will come from the Special Events Contributions line item in the Budget.

The actual culvert related to Compton Road cost \$7,320. Mrs. Underwood reported that a journal entry would be made, and the funds will come out of the General Fund/Elections, since there was no election in 2014 funds were available.

The RETGAC (Roadway, Equestrian Trails, and Greenway Advisory Committee) is requesting \$144.00 each for seventeen (17) signs.

Council discussed the signs and it was a consensus to bring the item back up during another meeting.

Motion: Councilman Rockett made a motion to approve the \$5,000 for the lobbyist and the \$7,320 for the culvert on Compton Road. Councilman Liang seconded the motion. Upon vote the motion passed 4/0.

- b. Discussion on content, and direction for Town Attorney to prepare a Town Management RFP (Request for Proposal). (*Requested by Councilman Rockett*)

Council discussed in length the contract with Underwood Management Services and whether to retain their services or go out for an RFP (Request for Proposal).

Mayor Browning would like this item to be brought up before the entire Council.

Council then discussed contract matters with Mrs. Underwood on renewal and the possibility of an RFP. Further discussion will during the April 15, 2014 meeting.

11. CLOSING COMMENTS

- a. Public

Keith Harris, 2580 C Road, stated he had compiled a report on the roadway canal crossings, and would like to put this on the agenda for a Town Council Meeting.

- b. Town Attorney

Town Attorney Cirullo stated "Go Gators".

- c. Town Council Members

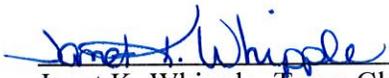
Councilman Rockett thanked everyone for coming, and thanked Mrs. Underwood for her presentation, and wondered why Council was being paid at the beginning of the month. He would prefer the end of the month.

Vice-Mayor Jarriel also stated "Go Gators" and said he liked being paid at the beginning of the month.

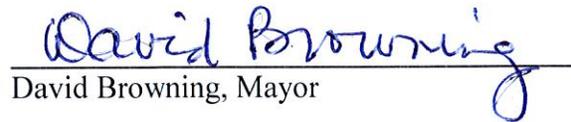
Councilman Liang thanked everyone for coming and also stated "Go Gators".

12. ADJOURNMENT

There being no further business before Council, Mayor Browning adjourned the meeting at 11:26 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

These minutes were approved during the May 6, 2014 Town Council Meeting.

