



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, April 5, 2016 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel and Council Members Tom Goltzené and Ryan Liang. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Virginia Walton. Council Member Jim Rockett was absent.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Presentation of Palm Beach County Canvassing Board Certification of March 2016 Election of Town of Loxahatchee Groves Candidates

Town Clerk read the certified results of the election for Seat #2, with Todd McLendon received 489 votes and Jim Rockett receiving 396 votes; and for Seat #4, with Dave Browning receiving 579 votes and Thais Hagen Gonzalez receiving 310 votes. Dave Browning and Todd McLendon were declared the winning candidates.

d. Oath of Office for New Council Members

Town Clerk Walton swore in Dave Browning and Todd McLendon.

Mayor Browning called a short recess for a Cake Ceremony at 7:05 pm. Meeting reconvened at 7:16 pm.

2. ORDER OF BUSINESS

a. RESOLUTION NO. 2016-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXHATHCEE GROVES, FLORIDA, DESIGNATING A MAYOR AND VICE MAYOR FOR THE ENSUING YEAR 2016-2017, PURSUANT TO THE TOWN CHARTER, SECTION 2 (2)(a) AND 3(a); AND PROVIDING AN EFFECTIVE DATE.

Motion: a motion to appoint Dave Browning as Mayor was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Motion: a motion to appoint Tom Goltzené for Vice Mayor was made by Council Member McLendon and seconded by Council Member Goltzené. Motion passed 3 -1, with current Vice Mayor Jarriel dissenting.

b. Additions, Deletions or Modification, and Approval of Agenda

Motion: a motion to approve the agenda, including addendum items #1 thru #4, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4-0.

3. PUBLIC COMMENTS

Bill Louda, B Road, stated he hoped upcoming year would be calm and steady and that the RETRAG would be starting soon.

Thais Gonzalez, Raymond Drive, congratulated Mayor Browning and jokingly stated she was happy that he was elected instead of her. Also commented to Todd that he deserved to win and let him know that he had support.

4. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: March 1, 2016 Town Council Meeting
- b. Minutes: May 19, 2015 Joint Workshop Town Council/LGWCD
- c. Minutes: May 19, 2015 Town Council Meeting
- d. Minutes: June 16, 2015 Town Council Meeting
- e. February/March Invoices for Goren, Cherof, Doody & Ezrol, PA
- f. Notification to Council that during the Town Council Meeting on April 19, 2016, each Council Member will be appointing board members of their choice to the FAAC Advisory Committee, the Planning & Zoning Board, and the RETGAC Advisory Committee (see attachments).
- g. RESOLUTION NO. 2016-12 (Award of Bid)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AWARDED BID NO. 2016-003 FOR DRAINAGE IMPROVEMENTS ON "C" ROAD/GRUBER LANE AND "D" ROAD/TRIPP ROAD TO WBI CONTRACTING OF PALM BEACH INC., IN THE AMOUNT OF \$27,460.00 FOR "C" ROAD/GRUBER LANE, AND \$6,670.00 FOR "D" ROAD/TRIPP ROAD, FOR A TOTAL AMOUNT OF \$34,130.00, AND AUTHORIZING THE EXECUTION OF A CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

- h. RESOLUTION NO. 2016-14 (Fees) **pulled for discussion**

i. RESOLUTION NO. 2016-15 (Bank Signatures)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, UPDATING THE AUTHORITY OF TOWN COUNCIL MEMBERS FOR THE PAYMENT OF MONEY, TO SIGN VOUCHERS AND CHECKS, AND TO AUTHORIZE ALL TRANSACTIONS AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

j. RESOLUTION NO. 2016-16 (Change Orders)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING TWO CHANGE ORDERS TO THE CONTRACT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND BLACKBAUD, INC., FOR MUNICIPAL FINANCIAL SYSTEM SOFTWARE AS A SERVICE (SAAS), AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Council Member Jarriel asked if the cost could change from the original amount. Manager Underwood stated the additional cost would only be if the implementation was delayed.

k. RESOLUTION NO. 2016-17 (Interlocal Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF PURCHASING MAPPING PRODUCTS AND SERVICES FOR THE USGS 3DEP PROGRAM, AND AUTHORIZING THE EXPENDITURE OF FUNDS NOT TO EXCEED \$20,000; AND PROVIDING AN EFFECTIVE DATE.

Manager Underwood clarified that this was for surveying elevations for the flood maps.

Add from Addendum #1:

1. RESOLUTION NO. 2016-18 (Interlocal Agreement) **pulled for discussion**

Council Member McLendon asked that item #4h be pulled from the consent agenda for discussion. Vice Mayor Goltzené asked that addendum item #4l be pulled from the consent agenda for discussion.

Motion: a motion to approve the agenda as revised was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Discussion items

h. RESOLUTION NO. 2016-14 (fees)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A SCHEDULE OF RATES, FEES, AND CHARGES FOR PLANNING AND ZONING, PERMITTING AND OTHER

SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT;
AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Underwood stated that Council Member McLendon had some concerns about not having a CPI or automatic review included as part of this approval.

Motion: a motion to postpone this item until the April 19, 2016 agenda was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0.

1. RESOLUTION NO. 2016-18 (Interlocal Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF DISTRIBUTION OF PROCEEDS FROM ONE CENT SURTAX FOR INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Goltzené stated he was in support of the one cent surtax for infrastructure improvements, but was not in support of cultural facilities being included. Council discussion was in favor of adopting the resolution, signing the agreement; however, sending a cover letter that the Town was unanimously not in favor of cultural facilities obtaining revenue from this surtax. The Town Council felt that roads, bridges, sidewalks, school buildings, etc. was more important right now.

Motion: a motion to approve the resolution, subject to the cover letter being included, was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 4 – 0.

5. PRESENTATIONS – none scheduled

6. COMMITTEE REPORTS

- a. Finance Advisory and Audit Committee (FAAC) Report
Anita Kane, Chair

Ms. Kane stated the Committee had been reviewing the financial policies and procedures manual, but was not ready to present revision suggestions yet. The Committee had looked at several investment opportunities and made several recommendations for Council consideration. Ms. Kane stated she had copies of all prospectuses the Committee had reviewed.

Motion: a motion to receive and file the FAAC Report was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 4 – 0.

7. RESOLUTIONS

- a. RESOLUTION NO. 2016-07 (contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A CONTRACT BETWEEN THE TOWN OF

LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES GROUP, LLC; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member Jarriel felt it was too early to consider this agreement and wanted to wait until June. Vice Mayor Goltzené stated it was time for the Town to begin thinking of transitioning to Town employees. This was a three year agreement until 2018, and the Town could use this time to enable Manager Underwood to bring code enforcement and building & zoning on Staff. Then consider the administrative staff additions. This would alleviate the concerns of a management company getting too large, and also if the management company left, the Town would have no Staff to maintain Town Hall functions. Council Member McLendon agreed with the Vice Mayor that the contract should be approved now and not keep changing personnel. Mayor Browning also agreed and added that the employees need continuity.

Motion: a motion to approve the resolution and execute the contract was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 1, with Council Member Jarriel dissenting.

b. RESOLUTION NO. 2016-13 (Award of Bid)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AWARDING BID NO. 2016-01 FOR “B” ROAD PAVEMENT SURFACING, AND AUTHORIZING THE MAYOR, AND/OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH HARDRIVES OF DELRAY, INC. d/b/a HARDRIVES, INC., IN THE AMOUNT OF \$1,033,008.80; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Goltzené stated that he would recuse himself from discussion and vote on this item because he was in partnership with a company that owned property on B Road.

After review, it was determined that the mid-range option of 8” base rock and 1 ½” asphalt was the best option for a better product and stronger road that would last longer the OGEM. Town Attorney Cirullo advised the Council that there would need to be an amendment to the contract to substitute asphalt from OGEM. There was also a provision in the contract for possible additional contributions from the College and SolarSport if necessary. Manager Underwood also added that there would be a \$15,000 engineer’s bill for the culverts.

When asked about the culverts, Randy Wertepny, with Keshavarz & Associates, responded that there were six for B Road that would have culverts and catch basins, and six additional that were private and would have culverts only. There was extensive discussion on speed humps amount, size and distance between. Clarification on what Council had previously decided on speed humps would be researched. Manager Underwood encouraged the Town Council to award the bid as is and then Staff could come back with any changes after researching.

There was further discussion on using striping as a traffic calming option; however, this would be an additional charge. Curbs were also discussed, but Mr. Wertepny stated that there were no curbs in the bid and curbs would impact existing drainage. However, stabilizing the shoulders was included in the bid.

Ken Johnson, Collecting Canal Rd, agreed with the topics discussed but had questions on stability standards.

Motion: a motion to approve the resolution and award the bid to Hardrives of Delray Inc. in the amount of \$1,033,008.80 was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 3 – 0, with Vice Mayor Goltzené recusing himself.

8. **ORDINANCES – none scheduled**

9. **MANAGER’S REPORT** – Town Manager Underwood

a. Agenda Item Report – Updates on various activities and issues concerning the Town

- An emergency authorization was given to Bergeron for short term pothole repairs to provide temporary safety measures for drivers on the Town’s OGEM roads. The Town needed to adopt a comprehensive plan to mitigate the damaged and deteriorating OGEM roads.
- 6th Ct North (Red Clover Nursery) – survey work was almost ready and owner would give space for horse trails
- Culvert replacement on C Road was completed and looked good
- Manure dumping – only one new complaint was made and the PBSO Sgt. Got right on it.
- It was anticipated that the Debris Monitoring contract would be on the April 19th agenda
- Folsom Road Traffic Calming was anticipated for the April 19th agenda

b. Report on Surveyed Roads, pursuant to Florida Statutes 95.361(2)(b)

10 miles of roads had been surveyed. The Town Attorney was good with the language. Maps were at Town Hall for the residents to view and mailings would go to all parties notifying them of this. This item would be coming to the May 3rd Council Meeting and then the maps would be filed after final approval.

- c. Palm Beach County Sheriff’s Monthly Report for February 2016
- d. Palm Beach County Fire-Rescue Monthly Report for January 2016
- e. Palm Beach County Fire-Rescue Monthly Report for February 2016

Add from Addendum #3 and #4

- f. Palm Beach County Sheriff’s Monthly Report for March 2016
- g. Discussion and Direction on Finalization of Payment to PSG

Town Council, Town Manager and Town Attorney discussed options for finalization of this issue. Town Attorney Cirullo advised the Council that if this went to litigation, there would be attorney’s fees and trial costs, and breach of contract would not be covered by the Town’s Insurance policy. Further discussion ensued on what to offer PSG as a final settlement.

Motion: a motion to make a \$30,000 final settlement offer, in conjunction with a signed settlement agreement, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 1, with Council Member Jarriel dissenting.

10. OLD BUSINESS – none scheduled

11. NEW BUSINESS – none scheduled

12. COUNCIL REPORTS

a. Council Member Tom Goltzené

1. Discussion and direction for reconsideration on schedule for Council Meetings For 2016

Mayor Browning stated he agreed with skipping some of the meetings; however, possibly the required ethics training could be scheduled at Town Hall on one of those nights. Also, the ULDC needs work.

Motion: a motion to adopt the revised meeting schedule presented, with the exception of moving the first September meeting from Sept. 5th to Sept. 8th, was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 4 – 0.

2. Discussion and direction for possible Charter Review Committee

Vice Mayor Goltzené stated this was a topic during this past election and the Council should schedule a workshop to discuss the Charter and get residents comments on changes. Some items that might be considered would be term limits, form of government, such as strong Mayor versus Council/Manager and the Canvassing Board members. It was noted that Wellington had just had a referendum ballot issue on canvassing boards this past March. Council Member McLendon agreed and asked if this could be done in a timely manner in order to make the November ballot. It was requested that the Village Clerk obtain ballot language deadlines from the Supervisor of Elections.

3. Discussion and direction for possible ULDC Review Committee

The Town had previously formed a ULDC Review Committee in 2013 and consensus was that this type committee should be re-formed. The Comp Plan and Code Enforcement codes were also mentioned as in need of revisions. The Okeechobee Boulevard moratorium was coming up for expiration in June and Council wanted an update on where the Town was on this issue. Staff could bring a resolution to re-form the ULDC Committee to the April 19th meeting and it was consensus of Council that members of this committee should not be from any other already existing committee.

4. Discussion and direction on scope of all Town Committees

After discussion, it was consensus of Council that Manager Underwood would bring to the April 19th meeting ideas on how often the existing could or should meeting and what their scope should be. Possible resolution amendments would be needed.

Mayor Browning called for a break at 8:49 pm and reconvened at 8:59 pm.

b. Council Member Todd McLendon

1. Discussion and direction on road grading and watering for 161st Terrace North

Council Member McLendon stated that roads were deplorable and there were other roads that needed grading more than this one. All roads should be treated the same.

Motion: a motion to rescind the resolution approving weekly grading for 161st Terrace North was made by Council Member McLendon and seconded by Vice Mayor Goltzené.

Council Member Jarriel stated the Water Control District had graded his street every Friday for years and when the Town took over, the Council voted 5 – 0 to continue. Council Member Jarriel stated the road was used as a cut through and had heavy traffic. Once Bergeron took over the road work, the grading was stretched to every two weeks. The Water Control District used to do courtesy grading in the past after rains and Council Member Jarriel believed the Town should pay for this service from Bergeron. Council Member McLendon suggested that they could cut the cost of one of the two weeks from 161st Terrace and use that for other high density roads.

Vice Mayor Goltzené stated the Town needed to stop pushing direct and get moving to come up with a surface that lasted. A suggestion was asphalt on top of red clay. Vice Mayor Goltzené stated that he had a list of 161 homes on roads that needed as much work as 161st. The Town was now paying \$36,000 a year just for the extra work on 161st. Someone should check with Deer Run. They had smaller roads, but had no drainage problems. How do they do it is the question. Mayor Browning agreed that just pushing the dirt was a bad idea. The Council needed to prioritize the roads and get them improved. The residents deserved good roads. Manager Underwood stated he had previously offered a policy on roads and prioritizing and could bring it back for further consideration.

Robert Snowball, 161st Terrace, thanked Council Member McLendon for bring this topic up. He was glad to see this happening.

Keith Harris, C Road, stated he would like to see all the roads kept in good condition, including 161st Terrace, with equal sharing of expenses and work.

Ken Johnson, Collecting Canal Road, stated that if the roads were paved, then horse trails should be added at the same time, and also fix the guard rails that have been run over by the Water Control District equipment.

2. Discussion and direction on legislation for sexual predators and offenders (attachment)

Town Attorney Cirullo advised the Council that the sample ordinance presented had been recently upheld in Appellate Court. Regarding the employment section, this meant that any vendor working in the Town could not knowingly send a worker who was a convicted sexual offender/predator. In order to create this ordinance, the horse trails would need to be designated as parks.

Motion: a motion to instruct the Town Attorney to research and create an ordinance for the Town was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 4 – 0.

3. Discussion and direction on 1917 Quit Claim for Easements to LGWCD

Council Member McLendon stated he wanted to work cooperatively with the Water Control District, but the Town needed to get better ownership of the roads and trails. Vice Mayor Goltzené stated the Town could study the IGC Committee suggestion.

Motion: a motion to ask the Water Control District to give the Town the 1917 Quit Claim for Easements was made by Council Member McLendon and seconded by Vice Mayor Goltzené.

Council Member Jarriel stated this subject should be left alone until after the Water Control District's elections in June. He realized the District need to become dependent, but that has to come through the residents.

Council Member McLendon responded that if the was good for the Town, then the Town should move forward now and let the Water Control District vote on it. If they vote against, the Town could ask again when the new Board was in place.

John Ryan, A Road, stated the 1917 Deed was not a valid mechanism to give the Town the trails. A local bill said the District would give a perpetual permit to put in the trails and it was up to the Town to decide where to put the trails. There was a fictitious conflict being talked about that the College was concerned with the recorded map.

Vice Mayor Goltzené stated that Brian Seymour, the Tallahassee Attorney for the College, had directly told him he had a problem with the Deed. Local Bills can change and maybe the Town needed to talk to our Legislators. The Town is fiscally responsible and the Water Control District has not been. Their infrastructure is failing.

Laura Danowski, E Road, responded that she didn't care what Brian Seymour said, the trail permit was ready for the Town to act on it. Just leave the west side of the Town alone since the District and the College were now in litigation. Just sign the permit and move one. She was in support of dependency of the District, but not now. Nina Corning, E Road, agreed with leaving the west side out.

Town Attorney Cirullo stated the Town did receive a letter from the College Attorney about a disagreement with the maintenance easement and agreed with the suggestion to leave the College portion out of the permit.

Council Member Jarriel stated that Mr. Seymour had been wrong before and believed the Town should accept the permit as is. The Town Surveyor knows the history of this easement.

Motion: a vote on the motion to ask the District for the Quit Claim failed 1 – 3, with only Council Member McLendon in favor.

Motion: a motion to accept the perpetual permit, excluding the west side, was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 1, with Council Member Jarriel dissenting.

13. CLOSING COMMENTS

a. Public

Ken Johnson, Collecting Canal Road, stated the Town needed a Special Taxing District to cover the costs of additional services that would be needed with the businesses and shopping centers going into the Town.

Motion: a motion to extend the meeting to finish public comment was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

Dr. Omar, D Road/8th Place North, stated he was very frustrated. When he purchased his property he was told his road was a public road and he had signed a letter stating he wanted it to stay a public road. Now someone had a fence built on the public portion of the road, restricting his access to his property. He needed enforcement and wanted to know what steps he needed to take.

b. Town Attorney - none

c. Town Council Members

Council Member McLendon thanked everyone for their support. This past election had the biggest turnout in the history of Loxahatchee Groves. It was time to put any personal issues aside.

Council Member Jarriel wanted to correct a previous statement in that the Water Control District did not raise assessments. They did the best for the residents and continued to improve. Thank you to everyone for coming.

Vice Mayor Goltzené thanked everyone for their support for the Vice Mayor position. Congratulations to Mayor Browning and Council Member McLendon and he looked forward to working with the Water Control District in the future. He reminded them that the Town still needed F Road turned over, since it was OGEMED a long time ago. Also North Road, which the Town had paid for.

Mayor Browning thanked everyone for their support during the election and also the council members for continuing as Mayor. He was there to represent everyone. Thank you for coming.

14. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:08 PM.


Virginia Walton
Virginia Walton, Town Clerk

David Browning
David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, 2016.

APRIL 19