

Loxahatchee Groves Town Council

Regular Town Council Meeting

Tuesday, January 8, 2008

Loxahatchee Groves Water Control District Council Chambers

7:00PM– 10:30PM

Members Present:

Dave Browning, Mayor

Marge Herzog, Vice-Mayor

Dave Autrey, Council Member

Dennis C. Lipp, Council Member

Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Michelle Kantor (NCS)

Matthew Lippman, Interim Town Clerk (NCS)

Julie Klahr, Esq., Town Attorney

Members of the Public

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

Mayor Dave Browning called the meeting to order at 7:01 p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, the Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Vice-Mayor Herzog MOTIONED to accept the agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. Approval of Minutes from:

- a. December 4, 2007 Regular Town Council Meeting

Vice-Mayor Herzog mentioned that on Master Page 10 it says the buffer is 30" and it should say 30 feet. She also mentioned to correct the spelling of seam roof, dormer, and mutton. On Master Page 12 she said the spelling of charrette was incorrect. On Master Page 21 she said in the middle of the page the motion said to move ahead with Comprehensive Plan and it should say to move ahead with the Strategic Visioning and Planning.

Councilman Lipp said on Master Page 6 the Members Present section did not list Councilman Louda in attendance.

Councilman Autrey said on Master Page 9 on the 5th bullet that it was Mr. Hammond not Ms. Wolter that said the life span and cost of the landfill.

- 7. Approval of Goren, Cherof, Doody & Ezrol November Invoice**
8. Financial Report
9. PBC Planning, Zoning, & Building Town Report

Councilman Autrey MOTIONED to approve the Consent Agenda with corrections to the minutes as noted, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

REGULAR AGENDA:

DUE TO A POWER POINT PROBLEM THE COUNCIL MOVED ON TO ITEM 11.

11. Interview and Selection of an Audit Firm (response to RFP 2007-004)

Town Clerk Lippman asked the Council to interview the 2 firms and come up with a decision on one of them.

Town Attorney Klahr explained for the record that the Council had previously been named the audit committee and they would be making a decision to allow Staff to negotiate with one of the firms.

- a. Grau & Associates**

Tony Grau, a partner and owner of Grau & Associates introduced himself and said his firm had been around for over 28 years. He said they have done previous work with LGWCD. He pointed out that the firm has a consistent staff and very low turnover.

Councilman Louda asked if he could explain on the Schedule of Fees what the difference between a Basic Financial Statement and a Comprehensive Report.

Mr. Grau responded that a basic financial statement is all you are required to do. He explained that for a Comprehensive Report you need a letter of transmittal and a statistical section. He said since the Town is just starting off that they would really only need the Basic.

Vice-Mayor Herzog asked if he could explain the advantages he thought of working with a new municipality.

Mr. Grau said that his firm has done hundreds of new entities. He suggested since it is the Town's 1st year that the critical thing would be to make sure they collected all the revenues they are entitled too. He said they would be auditing a 1 year dated 9/30/07.

Councilman Autrey said that Mr. Grau had made a comment that the first year is more difficult and asked if he meant for his firm.

Mr. Grau responded yes for his staff.

Councilman Lipp inquired about gas tax revenue and asked if they check that the money is spent in the right places.

Mayor Browning asked if they represented LGWCD.

Mr. Grau responded yes.

Town Clerk Lippman said he wanted to point out that since the Town's financial picture is so small we could speak to them about price negotiation for the 1st year. He said the interview process would be minimal due to the small Town Staff.

Vice-Mayor Herzog said that we are unique because we have the management company as opposed to all of the other expenses we would have had to pay.

b. Alberni Caballero & Castellanos, L.L.P.

Nestor Caballero, a CPA Engagement Partner introduced himself and said he had over 9 years of governmental auditing experience. He said his firm is made up of 5 partners and over 20 professionals. He pointed out that the firm uses paperless audit software so it is cost efficient and documents are never lost. He said they have experience with newly incorporated cities.

Councilman Lipp said tell me about the start up with Cutler Bay and the other newly incorporated city and what was involved and if they are familiar with gas tax revenues.

Mr. Caballero said that the thing with the allocation of revenues is making sure that it is correct and what belongs with the Town goes to the Town and what belongs with the County goes to the County. He said you can set up special revenues funds to make sure what it is being spent on is what the revenue is for. He said they get the minutes for a whole year and research the Town. He said his fee is all inclusive and the Town wouldn't get any bills for conversations that take place with his staff.

Councilman Autrey asked when the Audits were due.

Mr. Cabllero said they are due by March so they have a whole year.

Vice-Mayor Herzog asked since they didn't provide a financial quote would they be prepared to do so tonight. She also asked about the time frame of the audit.

Mr. Caballero said yes.

Councilman Louda asked if the quote offered was for a Basic Audit.

Mr. Caballero responded yes, since there is only one year of data the cost wouldn't be that much.

Councilman Louda questioned Town Clerk Lippman if the Comprehensive Plan was in the RFP.

Town Clerk Lippman said no, it was not.

Councilman Autrey MOTIONED to retain the services of Alberni Caballero & Castellanos, L.L.P., SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Autrey said the reason he made the motion is that he liked what Mr. Caballero had to say.

Vice-Mayor Herzog said the reason she seconded the motion was that it will avoid a conflict of interest since the other firm represents LGWCD. She also said that this firm seemed to have more experience with new towns.

The MOTION passed 4-1, with Councilman Lipp opposed.

THE COUNCIL THEN MOVED BACK TO ITEM 10.

10. Public Hearings to hear Appeals for Exemption from the Moratorium:

a. (Control No.1984-186) (Acts 2 Worship Center)

PROPOSED REQUEST TO THE TOWN: The applicant is requesting an exemption from the Town's moratorium in order to continue with their application with the county. The applicant would still be required to seek approval from the Town Council on the Final Site Plan.

PROPOSED REQUEST TO THE COUNTY: Proposed for review by the DRO is a request for final site plan approval for the Acts 2 Worship Center (1984-186). The subject property is located within the Town of Loxahatchee Groves and is located approximately 0.25 miles west of Folsom Road on the south side of Okeechobee Boulevard.

Town Clerk Lippman said that this is the 1st request for exemption from the Moratorium and it has been legally advertised in the Palm Beach Post. He said this is not a quasi judicial hearing.

Whitney Carroll, Whitney Carroll Planning and Design introduced herself and said the property meets the provisions of Section 4B of the recently enacted Moratorium Ordinance. She said the project is active and its current status with PBC is it is in the final stage of DRO to approve the site plan.

She said approval of this exemption would allow the Subject Property:

-To continue to proceed through the Development Review (DRO) process to ultimately obtain a Certified Site Plan.

-A Certified site plan which will enable property to proceed to Commence Development.

-To conclude an action taken by the Board in 2005.

Ms. Carroll went over the reasons the Council should grant exemption:

- ▶ Property has been approved as a Place of Worship since early 1980's – established use and will not change as a result of the visioning.
- ▶ Well established project in this community for many years and continues to meet the needs of the community.
- ▶ Acts 2 has been actively operating at this location since 1992.
- ▶ Consistent approval activity on project to meet the growing needs of the congregation.
- ▶ Considered an Active project and was in process prior to Incorporation and prior to the Moratorium.
- ▶ Project is in good standing with previous conditions of approval.
- ▶ The church is a non-profit organization and has already invested much of its' resources to move this project forward in recent years.
- ▶ Church is in need of new facilities to meet its' growing needs.

Ms. Carroll went over the reasons what would happen next if the Council granted exemption.

- ▶ Project will continue to be reviewed by the Development Review staff. Review staff includes Town of Loxahatchee Groves Representative.
- ▶ At some point prior to reaching the conclusion of the Development Review process we will be required to come back before the Council for your input on the site plan and architectural. Kuoppala and Associates are the architects on the project and are very familiar with the Rural Vista Guidelines as well as the Rural Tier standards.

Ms. Carroll said if the Council had questions on the site plan she could answer them but she knows she will have to come back before the Council with it later.

Councilman Autrey asked if there will be more activity on the site with the changes.

Ms. Carroll responded nothing that would generate more traffic.

Councilman Autrey asked if there would be a kitchen on the property.

Pastor Calvin Lyerla responded there are no plans for any working kitchens.

Councilman Louda asked if the peak hour trips include pick up and drop off of day laborers.

Vice-Mayor Herzog asked when the proposed ground breaking would be.

Ms. Carroll responded ASAP but that they are still in the final process with DRO so it would still be at least a few months. She said maybe at the beginning of next year.

Vice-Mayor Herzog asked if there would be a need for officers to direct traffic like some of the other churches have on Okeechobee.

Pastor Lyerla said that they don't need it now but it is in their future plans to hire off duty officers to help with traffic issues. He said as of now there are adequate turning lanes so it doesn't pose any issues.

Councilman Louda asked if in going through the process they were asked to provide additional setback for the future widening of Okeechobee.

Ms. Carroll responded yes.

Councilman Louda said that he wanted to draw a huge distinction between anything on Southern Boulevard and Okeechobee Boulevard and that the two are completely different.

Councilman Lipp MOTIONED to approve the exemption from the Moratorium Ordinance for Acts II Worship Center, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

b. (Control No.2002-057) (First Holiness Church)

PROPOSED REQUEST TO THE TOWN: The applicant would like to request that the Development Order Amendment that is currently in process be permitted to continue through the process until it is complete or deemed insufficient or withdrawn. In addition, anticipating the project's approval, the applicant would like to request to be permitted to continue to Final DRO once the DOA is approved.

PROPOSED REQUEST TO THE COUNTY: Project is in process for review of a Development Order Amendment (DOA) to reconfigure the site plan. Project is required to be certified by DRO to proceed to Public hearing by February 13, 2008.

Town Clerk Lippman said that this is the 2nd request for exemption from the Moratorium and it has been legally advertised in the Palm Beach Post. He said this is not a quasi judicial hearing.

Whitney Carroll, Whitney Carroll Planning and Design introduced herself and said this property is requesting exemption from the Moratorium Ordinance and that it refers to the same section above. She said the current status at the County is that the project is in process for a review of a Development Order Amendment and is on hold pending Town Council approval of exemption.

She said approval of this exemption would allow the Subject Property:

- The First Holiness Project to continue to proceed through Development Order Amendment (DOA) process to modify the existing development order to reduce square footage and reconfigure the approved site plan.

Ms. Carroll went over the reasons the Council should grant exemption:

- Project has been actively pursuing approvals since 2003.
- Project was actively in process prior to incorporation by the Town of Loxahatchee as well as prior to the effective date of the Moratorium.
- Project is in compliance with previous conditions of approval. Church needs to continue to move forward to construct the minimum facilities it needs to meet the current demands of its congregation.

Ms. Carroll went over the reasons what would happen next if the Council granted exemption.

- We will file a resubmission package with Palm Beach County.
- This submission will continue to be reviewed by the Development Review Officer(s) and will ultimately be certified for Public Hearing.
- We will then be back before you to request the approval of the Development Order Amendment (DOA) to reduce square footage and reconfigure the site plan.
- If DOA is approved at that time we would like the opportunity to proceed onto Final Site Plan – this may need to occur prior to the end date of the Moratorium.

Town Clerk Lippman explained that the way it would work is they would be certified by DRO but would still have to come to the Town for approval. He also said that no further exemption would have to be granted, and if one is granted now it will be from the beginning to end of the project.

Councilman Lipp asked if there are any plans to phase this back up to 15,000 square feet.

Ms. Carroll responded no there are not.

Councilman Louda asked how long the process would take. He also asked what would happen to the project if they waited till after the Moratorium was over.

Ms. Carroll responded that the Pastor and small congregation would lose any fees already invested with the County and would have to start the entire process over again.

Vice-Mayor Herzog asked if they were going to continue to use the existing building and build to attach to it. She asked what changes to the existing building would be used to confirm to Rural Vista Guidelines.

Ms. Carroll said that she handed out the look of the new addition and there would be a wrap-around porch.

Councilman Lipp MOTIONED to approve the exemption from the Moratorium Ordinance for First Holiness Church of the Living God Center, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

Supplement #10:

a. (Control No.2004-961) (Application PDD-2006-188) (Southern Crossing MUPD)

GENERAL LOCATION: NW corner of Southern Blvd & "E" Road

TITLE: An Official Zoning Map Amendment to a Planned Development District.

REQUEST: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

APPLICATION SUMMARY: Proposed is the rezoning of 9.13 acres of land from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Unit Development (MUPD) Zoning District to allow for the development of 7,552 square feet of financial institutions and 29,856 square feet of medical office for a total of 37,408 square feet. The proposed Preliminary Site Plan indicates two (2) financial institution buildings and five (5) medical office buildings for a total of seven (7) buildings. The site plan shows a total of 157 parking spaces with access to the site from Southern Boulevard and Loxahatchee Avenue.

Town Attorney Klahr said that this would be a quasi judicial hearing and she would have to swear in anyone who will speak on the project. She then swore in Bradley Miller and his 2 staff members, Chris Gillman, Anne Parker, and Nancy Neil from the Public, and Kevin McGinley and Town Clerk Lippman from Town Staff.

Bradley Miller, Miller Land Planning and Design introduced himself and gave a recap on this project and why it was postponed until tonight. He said he went through a history of the project and won't again tonight but did show how the project complies with both the Neighborhood Plan and Rural Vista Guidelines. He said he wanted to address previous comments made specifically by the Council. He said they have gone to DOT with the concerns that Councilman Lipp had brought up in regards to Southern Boulevard. He said they also sent out 19 letters to the home owners that live directly behind the project and its park. He said they held a meeting with 4 of the 19 property owners at Chris Gillman's property last Thursday night, January 3, 2008. He said during this meeting they discussed traffic flow from the project and how it would impact Citrus Drive. He said they committed to these property owners that they would construct with a directional turn lane as a deterrent. He said that in regards to the park issues that had come up they wouldn't be able to move the park due to restrictions from the Land Use Amendment. He explained that for the buffer on the North property line they would have a 6 ft high fence installed along the bushes with a mix of canopy trees that would be every 25 feet mixed within. He said all of this came from the Town's guidelines.

Rob Renebaum, Traffic Engineer for the project, said he got answers from DOT since the last Council meeting on December 18, 2007. He said to reiterate what Mr. Miller said about people exiting to go North and South on E Road that it would be easy to put a raised concrete median to direct traffic only to the South.

Councilman Lipp said that we will know by July 2008 what will happen to Southern Boulevard. He said that he met with George Webb and Commissioner Santamaria and that they feel unless the Town can find a way to have Highland Dunes Palm Beach Aggregates put back into the County and under the proposed Sector Plan that this will move forward. He said right now it is a 40 ft median at E and D Roads and 55 ft at B. He said the thing he is concerned about is a 6 lane highway with people coming out at E Road and dashing down to D Road to make a U-turn. He said traffic and public safety are huge issues and he doesn't see that going away with this design.

Councilman Autrey said he was going to ask about the traffic coming out of the project and that they had already answered it for him with the "pork chop" median. He said that it is a wonderful project but it is just in the wrong spot.

Vice-Mayor Herzog asked if they could put the same type of median on Loxahatchee Avenue.

Mr. Renebaum said that they could do a directional exit to be left out only but that might hurt the community if people couldn't make a right out of the project to go home.

Councilman Louda asked if they could put an exit only on Loxahatchee Avenue and close off the rest of Loxahatchee Avenue to Tangerine.

Nancy Neil, 14141 Tangerine Drive- Ms. Neil said that she lives directly across from the project and she is opposed to the project. She said she doesn't think realistically that this site

will remain vacant forever, but a property, such as, a John Deere might be a better fit for this location. She said parking will be tight, heavy traffic problems will exist, and she doesn't see it being a comfortable fit for Loxahatchee Groves and its landowners. She says she sees it as a disaster waiting to happen.

Ann Parker, 15565 Collecting Canal Road- Ms. Parker said her biggest concern is the traffic. She said that with the banks being in the project that lines could be backed up around the building. She said she sees a lot of problems with people trying to exit the plaza. She said it is already a nightmare now to try and cross Southern Boulevard when leaving the Post Office.

Chris Gillman, E Citrus Drive- Mr. Gillman said that he appreciates that they are being proactive with this project, but unfortunately he doesn't believe the traffic situation has been addressed to his satisfaction. He said this project impacts his business and neighbors and that the traffic on Citrus Drive will be hit hard. He said he is not happy with what they had come up with in terms of a resolution. He said the project will have a huge impact on the community with traffic.

Mr. Miller responded that he would like to address those issues. He said the parking Ms. Neil spoke about is based on code requirement. He said the project would be a mix of professional and medical. He said addressing the impact of traffic going North that there are a couple of things they could consider. He said they liked Councilman Louda's idea. He also said they might want to consider closing another section as well.

Vice-Mayor Herzog said maybe we could go to the County to have them relocate the entrance to the park.

Councilman Louda asked when in the history of the project the 2 banks were added. He said the original project didn't have them in it.

Town Clerk Lippman advised the Council they had 4 options:

1. Approve the project.
2. Approve the project with your own conditions.
3. Deny the project completely.
4. Postpone and have them come back with conditions addressed.

Councilman Lipp MOTIONED to postpone the project until DOT has completed the PD & E Study and what will happen with Southern Boulevard, SECONDED by Councilman Louda, and discussion continued:

Mr. Miller said that his client told him he needed a yes or no after tonight. He said he was sent to the meeting to have an answer so they could act accordingly if it was a no.

Mayor Browning said he thinks it is a good looking project but our Neighborhood Plan was always to have low impact and non residential on Southern Boulevard. He said these are our choices not Mr. Miller's choices.

The MOTION passed unanimously 5-0.

b. (Control No.2005-00393) (Application Z-2006-00271) (Lox. Retail Center LOX)

GENERAL LOCATION: Approximately 1,000 feet west of D Road on the north side of Southern Boulevard

TITLE: An Official Zoning Map Amendment

REQUEST: To adopt a resolution rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Community Commercial (CC) Zoning District

APPLICATION SUMMARY: Proposed is the rezoning of a 2.62-acre parcel from the Agricultural Residential (AR) and the Commercial General (CG) Zoning Districts to the Community Commercial (CC) Zoning District to allow for the development of a retail use. The proposed site plan indicates a one story 11,400 square foot building with 60 parking spaces. Access to the site is from Southern Boulevard. 2005-00393

Town Attorney Klahr said that this would be a quasi judicial hearing and she would have to swear in anyone who will speak on the project. She then swore in Bradley Miller and his 2 staff members, Anne Parker from the Public, and Kevin McGinley and Town Clerk Lippman from Town Staff.

Bradley Miller, Miller Land Planning and Design introduced himself and gave a recap on this project and said it dates back many years. He said for the record that they are fine not putting any traffic on Tangerine. He said he would like to get a yes or no tonight on this so they would know which direction to go from here.

Ann Parker, 15565 Collecting Canal Road- Ms. Parker said her biggest concern is still the traffic. She asked if they knew how many people already go in and out of the AG Market and Shell Station. She said the last time the project was brought to the Council that they talked about closing the access in to Tangerine but it still shows on the plans. She said she thought we should wait until we have something from DOT.

Councilman Lipp MOTIONED to postpone the project until DOT has completed the PD & E Study and what will happen with Southern Boulevard, SECONDED by Councilman Autrey, and discussion was opened:

Councilman Louda said he was against the motion because he felt there is enough room for this project. He said if they close off Tangerine then there would be no traffic into the Community.

He said it is naïve to think that no project will happen along Southern and this has at least 85% of its boundary commercial low usage. He said as they go forward if they lose anything at the front they might have to move the building a little back. He said he would like to see this project go forward.

Vice-Mayor Herzog asked if there would be a connection between the AG parking lot and create sort of a frontage back to the Palms West Plaza in front of the Post Office.

Mr. Miller said it was something they could investigate but it would only work if 2 landowners agreed.

Councilman Lipp said we have to have some new ideas for the Town and not more of the same. He said these projects have met all the criteria and we have read the staff reports and now I would like to engage the people in thinking differently about how this section in the Groves between C & E Roads can evolve. He said we need to get the visioning flowing on what can be not what has been.

Councilman Autrey said everything Councilman Lipp said was excellent. He said we have an opportunity to do something unique here with community involvement and once we understand what the State wants to do with Southern we can discuss more. He said it is a timing thing and he would encourage for us to look forward. He said it won't take long, hopefully about a year.

Mayor Browning said he agreed with Councilman Louda and the project fits the Rural Vista Guidelines. He said he felt we could do a lot worse than this there and he thinks it looks good. He said he didn't have any problem with this project.

Town Clerk Lippman said since the Council seems slightly split he would recommend an individual vote so we can be sure in which direction the decision is headed.

Councilman Lipp-yes (to postpone)
Councilman Autrey-yes (to postpone)
Vice-Mayor Herzog-no (to accept)
Mayor Browning-no (to accept)
Councilman Louda-no (to accept)

The MOTION did not pass 3-2.

Town Clerk Lippman said he would send a letter to County Staff that the project had been approved.

MAYOR BROWNING GAVE A 10 MINUTE BREAK.

12. Approval of agreement with Darlene Crawford on behalf of Catrina Crawford for the use of the Town Logo

This item was tabled until the next meeting scheduled for Tuesday, January 22, 2008.

13. Southern Blvd (Widening of SR 80):

- a. Consensus on strategy relating to the widening SR80.
- b. Discussion relating to drafting a resolution

Councilman Lipp said that he had a meeting with Commissioner Santamaria and he expressed his support in us sending him a Resolution in the source of the widening, stating that Palm Beach Aggregates Highland Dunes has to be investigated as part of the Masiloti kick- back scheme and to remove their approval of Highland Dunes.

Councilman Louda said we could come up with a Resolution in opposition to Highland Dunes and the FP & L Power Plant and bring it all back to the County for reexamination.

Councilman Lipp suggested presenting one issue at a time. He said if there is a way to delay this and get our Comprehensive Plan done-that would be great.

Councilman Lipp MOTIONED to have Town Staff draft a Resolution in opposition to the requesting that Highland Dunes be brought back into the Rural Tier and that their development order be rescinded, SECONDED by Councilman Louda, and discussion was opened:

Councilman Autrey said his suggestion was to retain a traffic engineer to attend these meetings immediately. He said he spoke with Robert Carballo and he said it would be fine if the Town wanted to have a Representative at these meetings. He said that we should either enlist a lobbyist or do it ourselves, and as we approach the County to ask for time so the Groves can do their Comprehensive Plan.

Town Clerk Lippman said that we have 2 different issues to deal with. First, we need to deal with the Resolution and vote on it. Second, we need to have an action plan, which Councilman Autrey has already provided for us.

Town Attorney Klahr confirmed that the Council was looking for a Resolution for opposition for the moving ahead of these 2 development approvals.

Councilman Lipp corrected Town Attorney Klahr that Highland Dunes Palm Beach Aggregates is 1 development.

The MOTION passed unanimously 5-0.

Town Clerk Lippman said he was looking for a plan of action to retain the services of a traffic engineer . He said he had gotten a rate from Calvin Giordano of \$75 per hour.

Vice-Mayor Herzog asked if there is a way they can field the situation with Wellington, Royal Palm Beach, and Indian Trails.

Councilman Autrey said at a League of Cities function we ourselves should talk to our peers or have a lobbyist speak on our behalf.

The Council gave a Town Staff the general consensus to retain the services of an engineer.

Mayor Browning said we could each approach different municipalities in eliciting their help in slowing this thing down.

Town Clerk Lippman said we all want to stay on the same page, so make sure you communicate with me.

Town Attorney Klahr said she would caution the Sunshine Law Issue.

Councilman Lipp asked if Town Staff could communicate with David Farber and Charlie Lynn.

Vice-Mayor Herzog asked if there is anything you want brought up at the Board Meeting with the League of Cities on January 23, 2008. She said the Groves is hosting the meeting at the park.

Councilman Autrey said the operative words are slow down not stop.

14. Approval of Water Connection Requests

- a. Akram Ayesh (14701, 14703 and 14705 Southern Blvd)
- b. Roy Parks (14900 North Road)

Town Clerk Lippman added c to Agenda Item 14.

- c. Community of Hope (Handout given out at the meeting-not on original Agenda)

Councilman Autrey MOTIONED to approve the 3 water connection requests, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

15. Election Update:

a. Presidential Preference Primary: January 29, 2008

Town Clerk Lippman said that next election will be the Presidential Primary on January 29, 2008. He said the two issues coming up are the Presidential Preference and the Proposed Tax Amendment. He said he had prepared some handouts on the Amendment and would be giving those out. He said that Town Manager Dr. Rosenbaum would have been here tonight to speak on this but he has come down with shingles and will be out of commission for a week. He said

he would put information on the Town's website and will make a point to get the word out to the Public. He said he didn't recommend a mailer going out.

Vice-Mayor Herzog asked if any information about the 2nd exemption for senior citizens was included in the last newsletter and on the website

Town Clerk Lippman responded yes.

b. Candidate Filing: Tuesday, January 29, 2008-Tuesday, February 5, 2008

Town Clerk Lippman said there will be a Seat #5.

Councilman Lip announced he was planning on running for a full term.

Town Clerk Lippman said that the Candidate Filing Period is from Tuesday, January 29, 2008-noon on Tuesday, February 5, 2008. He said he will have all the paperwork in our office and everything would be done from there. Mayor Browning asked if there would have to be an election if someone ran unopposed.

Town Clerk Lippman said he thought there would have to be an election anyway and the candidate would have to receive at least one vote.

Town Attorney Klahr said that she would research the Town Charter to see if an election would be needed.

c. Town Municipal Election: March 11, 2008

Town Clerk Lippman said this election will only be for Seat #5. He said Sharyn Browning will be assisting him in running these elections.

16. Administrative Updates:

a. Solid Waste Billing

Town Clerk Lippman said that the intent had been to have all the bills out in November but there has been a lot of difficulty with the billing list. He said instead of sending out the bills wrong we waited. He said in doing so we still got 50 plus bills back that were wrongly addressed. He said we will work with the post office and see if we can get the bills out. He said any bills that go out late will be due 30 days from the date sent and for anyone looking for an extension we will work with them on that. He said to date we have received about \$200,000 which is half of the amount needed.

b. Local Gas Tax Revenue Distribution

Councilman Autrey asked if Town Clerk Lippman had received a memo from Clete at the LGWCD.

Town Clerk Lippman said not as of yet and then apologized after John Ryan said it had been sent out at 12 noon today.

Councilman Autrey said he thought what we needed to do was authorize Staff to issue a check for the gas tax revenues for this first period which would be strictly population based and then to address the allocation of funds next year when the gas tax revenue will be derived by lane miles in the Town.

Councilman Louda asked if the monies had been received.

Town Clerk Lippman said yes. He said his understanding was the ILA provides language that allows. He said Councilman Autrey is just reporting back to us that he feels we can authorize these funds.

Councilman Autrey said the monies need to be spent according to the State Statue.

John Ryan, LGWCD- Mr. Ryan said that the memo is a thorough discussion of how the monies are spent the 1st year of the ILA and asked Matthew to forward the memo to the Council.

c. RFP 2007-005 Comprehensive Planning

Town Clerk Lippman reminded the Council that the bids are due next week.

He then went on to the added agenda Item #16 d (Engineering Agreement with Calvin Giordano) and then decided to table it due to time restrictions.

Councilman Louda suggested Jim call Clete Saunier since it was after 10:30PM to ask for 15 minutes permission to finish the meeting at LGWCD.

Jim called Clete Saunier and was granted permission to allow the Council and Town Staff to continue.

17. Application for Variance to SFWMD Update

Councilman Autrey said he typed out a memo for the Council and handed it out. He said in conversations with SFWMD they are willing to help us out but they want to know what we have done as a Town to help ourselves. He said the BMP Reports should be available by the summer. He said he spoke with Clete and the District doesn't have any way to figure out how much water we are using. He said we need to take seriously the direction from SFWMD and they want to have a meeting with both the Town and LGWCD to refocus LGWCD to think a little differently about water conservation and storage. He said he wanted to put this on the Agenda for the 1st meeting in February.

Councilman Louda handed out some grant information he had gotten from the Department of Agriculture.

John Ryan, LGWCD, said that they had actually received a letter from SFWMD today and because of some of the misunderstood comments in the letter they are planning to have an individual meeting with Clete and the engineers and then they can follow with the meeting that Councilman Autrey is requesting. He said that he looked over the memo from Councilman Autrey and he thought that LGWCD had some information he could forward to Town Staff before the next meeting.

18. Public Comments

There were no Public Comments at this time.

19. Town Clerk Comments

Town Clerk Lippman said that one of the messages he got out of the meeting this evening was in regards to SR80 we are all on the same page. He said he thinks the Town has been asked to help out with issues of the LGWCD and that we need to work together with them and not independently. He also acknowledged the work Michelle has done in the office lately.

20. Town Attorney Comments

Town Attorney Klahr said that in the Town Charter, Section 7, Paragraph 7B it says that if a Council member runs unopposed that an election is not needed. She also said that Mr. Tolces had sent a memo to the Council in regards to a letter received from Southwest Services regarding opposition to the franchise.

21. Council Member Comments

Councilman Lipp said he can't wait to get the Visioning Process going.

Councilman Autrey said none.

Vice-Mayor Herzog said she just wanted to know if anyone was planning on going to the State of Work Force Housing Meeting on January 30. She then volunteered to attend.

Councilman Louda said he just wanted to make sure that the grant opportunities were looked into.

22. Adjournment

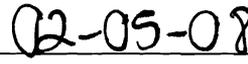
Councilman Louda MOTIONED to adjourn meeting, SECONDED by Vice-Mayor Herzog and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 10:44p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk


Date Approved