



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, May 7, 2013 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 Susan A. Eichhorn  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

#### 1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Vice Mayor Ronald D. Jarriel, and Councilmen Jim Rockett. Councilman Goltzené and Councilman Liang were not in attendance. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., and Town Planning Technician Braeden Garrett.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Vice Mayor Jarriel requested the addition of Item d., under Old Business – “County donated parcels of land”.

**Motion: Councilman Rockett made a motion to approve the Agenda, as amended. The motion was seconded by Vice Mayor Jarriel. The motion passed 3/0.**

## 2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: March 19, 2013; April 2, 2013, April 16, 2013
- c. Amended Administrative Policy 3-13 - Rules of Procedure for Town Council Meetings (Approved through Resolution No. 2013-03, and amended at Town Council Meeting of April 2, 2013).

**Motion: Vice Mayor Jarriel made a motion to approve the Consent Agenda. The motion was seconded Councilman Rockett. The motion passed 3/0.**

## 3. PUBLIC COMMENT

Mayor Browning called for public comment. There was none.

## 4. PRESENTATIONS

- a. Presentation by Loxahatchee Groves Elementary School (*Liz McKean. PTO representative*)

Liz McKean, on behalf of the Loxahatchee Groves Elementary School PTO addressed the Mayor and Town Council regarding the Loxahatchee Groves Elementary School carnival on May 18, 2013.

**Motion: Vice Mayor Jarriel made a motion to donate \$500 to the Loxahatchee Groves Elementary School PTO for the school carnival. The motion was seconded by Councilman Rockett. On roll call, the motion passed 3/0.**

- b. Comprehensive Annual Financial Report (CAFR) (*Terry L. Morton, Jr., CPA, Nowlen, Holt & Miner, P.A.*)

Terry Morton addressed the Town Council and provided a brief report on the CAFR.

- a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the February 2013 Financial Reports – *Committee Member Virginia Standish*

Councilman Rockett noted that the March 2013 Financial Reports were being reported.

FAAC Member Virginia Standish provided a brief report.

**Motion: Councilman Rockett made a motion to approve the March 2013 Financial Reports. The motion was seconded by Jarriel. The motion passed 3/0.**

**6. PUBLIC HEARINGS** (Ordinances 2<sup>nd</sup> Reading) – *None*

**7. ORDINANCES** (1<sup>st</sup> Reading)

- a. Public Hearing: - *None*

**8. RESOLUTIONS** -*None*

**9. ADMINISTRATIVE UPDATE** – *Town Manager Kutney*

Town Manager Kutney provided information regarding the tentative budget timetable; discussion with FDOT regarding a traffic signal at Southern and D Road; the FDOT pond siting meetings; the presentation by Representative Mark Pafford at the June 4, 2013 Town Council meeting; the RFQ for town engineering services; a town newsletter, and the Land Design South project (Loxahatchee Groves Commons) considered by the Planning and Zoning Board at the April 11, 2013 meeting. Mr. Kutney explained that the item had been tabled at the Planning and Zoning Board meeting, and he would be returning to them to request that it be taken off the table, due to time delays to the developer that would result.

Discussion took place regarding the town newsletter. It was suggested that a post card is sent out to residents to ask if they want a newsletter periodically listing news and what was being accomplished, of whether they wanted to rely on email

**Motion: Councilman Rockett made a motion to direct the town Manager to send out a post card, as discussed, with results provided back to the Town Council. The motion was seconded by Vice Mayor Jarriel. On roll call, the motion carried 3/0.**

## 10. OLD BUSINESS

### a. Discussion regarding speed humps (*Councilman Rockett*)

Discussion took place regarding which speed table device would be adopted by the Town.

Town Manager Kutney stated that he understood the desire to move quickly. The Town would be taking over the roads from the LGWCD, and one issue with speed humps was the type of hump being utilized and the distance between humps. When the engineer comes on board a study could be done to be sure that we get a recommendation for the future template that the Town would seek to use.

### Public Comment:

Marshall Newell, 3508 C Road: Commented regarding speed bumps, and how they affect her back.

Penny Riccio 12795 71<sup>st</sup> Place North, in the acreage: Commented on the method and procedure used in paving of various roads, and that speed humps on Orange had cut the accidents down to zero

John Ryan, 3508 A Rd.: Commented regarding how the speed humps were selected by the LGWCD.

b. Discussion Regarding Cleaning Compton Road Drainage Ditch Prior to Road Being Resurfaced (*Vice Mayor Jarriel*)

Vice Mayor Jarriel stated that the drainage ditch on Compton Road needed to be cleaned out before the road is resurfaced. The culverts on Compton and F Road also needed to be replaced.

**Motion: Vice Mayor Jarriel made a motion that after the ITB was finalized, that the lowest bidder is allowed to work on the drainage ditch while the Town was waiting on a contract.**

Town Attorney Cirullo advised that a contract would be ready for the May 21, 2013, Town Council meeting, and staff could also have a notice to proceed on the drainage ditch project that same evening.

**Councilman Rockett seconded the motion for discussion.**

**After further discussion, Vice Mayor Jarriel withdrew his motion and Councilman Rockett withdrew his second.**

Public Comment:

Frank Schiola, 13434 Marcella Blvd.: Provided information on Marcella, Compton and Bryan Roads.

Town Attorney Cirullo noted that Bryan road is different because there was no paperwork or survey. It would be different from Compton and Marcella. It will take some time to put things in place for Bryan Rd.

Discussion continued regarding right-of-way easements, the need for surveys of the roads, getting a plan in place for road resurfacing, Town Attorney Cirullo stated that staff would present a plan for the Town Council to review at the next meeting.

- c. Discussion Regarding Cost To Micro-Resurface Bryan Road, Compton Road, and Marcella Blvd. (*Vice Mayor Jarriel*)

Vice Mayor Jarriel stated that he had looked at some road projects in Jupiter Farms, and that when the Town issued a bid for the roads, two quotes were needed, one for asphalt and one for micro surfacing over the OGEM.

Public Comment:

Jorge Perez, 1544 B Rd: Commented regarding micro surfacing, and suggested that when the ITB was put out for the resurfacing, the drainage work should be included

Vice Mayor Jarriel stated that the drainage needed to be done before the OGEM. He noted that Mr. Perez and the LGWCD had a list of culverts that needed to be fixed, and he suggested that they work together to see where better drainage is needed right now.

- d. Palm Beach County donated parcels

Vice Mayor Jarriel commented that Palm Beach County had offered parcels of land in Loxahatchee Groves that were not accepted when Town Manager Spence was here. He suggested that staff work with Marge Herzog on this issue, since she was very familiar with the history of this.

Town Manager Kutney thanked Ms. Herzog for the information that she had provided, and noted that staff had followed up on it, and apparently most of the parcels were still available. He suggested that the staff be given authorization this evening to contact the County to see what was involved.

Public Comment:

Marge Herzog, A Road: Commented regarding the County owned properties, noting that most of them were easements. The County would like to have the Town take some action to use the property for easements or turn them back to the residents.

Vice Mayor Jarriel stated that he would like to see staff could work with Ms. Herzog regarding this issue.

**Motion: Councilman Rockett made a motion to direct staff to move forward and contact Palm Beach County, and return to the Town Council with a report on related costs. The motion was seconded by Vice Mayor Jarriel. On roll call, the motion passed 3/0.**

## **11. NEW BUSINESS**

- a. Invitation to Bid (ITB) No. 2013-001: Gravel Road Grading, Mowing, and Vegetative Removal Services

Town Manager Kutney provided a report on ITB 2013-001. He recommended that contracts are awarded to the low bidders, and that the Town Council direct the Town Manager to provide contracts for approval of the Town Council for the following:

Road grading and Base Rock: Loxahatchee Groves Water Control District (LGWCD)

Road repairs: Loxahatchee Groves Water Control District (LGWCD)

Emergency Call Out: Loxahatchee Groves Water Control District (LGWCD)

Mowing: C & C Loader

**Motion: Councilman Rockett made a motion to accept the recommendation of Town Management to negotiate with the lowest bidders; including waiving bidder deficiencies that were identified. The motion was seconded by Vice Mayor Jarriel. On roll call, the motion carried 3/0.**

Discussion took place regarding a rotational schedule. Town Attorney Cirullo explained that the contractors that were not awarded the bid would be a resource for the Town Manager to use for emergency work. If a contract was terminated, there was a procedure in place for how that would be handled.

Public Comment:

Penny Riccio, 12795 71<sup>st</sup> Place No., in the acreage, representing Sidhar Trucking, Inc., commented regarding the requirement of the bid, and that some bidders did not follow some of the requirements, such as providing a DVD copy and five printed copies of the proposal.

Town Manager Kutney stated that he believed Ms. Riccio was referring to the fact that the LGWCD did not submit two of the forms that were required.

Town Attorney Cirullo stated that it was the prerogative of the Town Council to waive any deficiencies that had been identified this evening.

Public Comment:

Jorge Perez, 1544 B Road: Commented regarding the bid, and that the lowest bidder should do all of the work. He suggested that the bid specs were vague, and that the bid should be thrown out and started over with something more detailed.

John Ryan, 3508 A Road: Commented that all prospective bidders were invited to a meeting. If there were any questions it should have been brought up them.

Councilman Rockett stated that most of the budget of the LGWCD comes out of the Town's pocket and he was concerned if there was not a backup contractor provided. He also questioned the requirement for road grading twice a month. Town Attorney Cirullo replied that would be clarified and may be worded "up to" twice per month.

## **12. CLOSING COMMENTS**

a. Public

Kevin Gareau, 13650 6<sup>th</sup> Court North: Commented that he had attending the Planning & Zoning Board meeting, and two projects had been presented. Solar Sports (Groves Town Center) were quickly approved because they provided very little information. I think that was unfair and I agree with and concur with management that the tabling of the Simon property engineers (Loxahatchee Groves Commons) caused them undue delay. He also thanked Town Manager Kutney for providing him information regarding the FDOT pond siting conference call line.

Marge Herzog, 966A Road.: Commented that the list she has for email is a private list that would not be forwarded without the permission of those on it. She suggested that putting a newsletter on the website would be a better idea than sending out a postcard.

Ronny Correll, 3442 C Road: Commented that there was a problem on D road where a spotlight had been installed that blinded people as they were driving past. He suggested that the post is moved to the front, or get some dogs and get rid of the spotlight. He will contact Town Manager Kutney and give him that address.

b. Town Attorney

Town Attorney Cirullo requested a closed door/attorney client session at 5:30 p.m.on May 21, 2013, in the lawsuit: Willie H. Day an Frankie J. Day v Town of Loxahatchee Groves, in the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida, Case No. 50 2012CA014543XXXXMB. The request was being made by the Town's legal counsel, Attorney Michael Burke. F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in an Attorney Client Closed Door Session for the purpose of discussing strategy related to litigation.

c. Town Council Members

**Vice Mayor Jarriel:** Thanked Marge Herzog again for all of the information on County properties. Asked Town Management to use her help if she can.

**Councilman Rockett:** Commented that the Town approved a purchase of CERT radio equipment a while ago, and it has never been installed. We have a table top coming up this week, and I would like to direct Town management to install an antenna on the LGWCD building. He asked Town Manager Kutney to see if he can get someone out here before the table top meeting.

Town Manager Kutney replied that CERT had supplied only one provider and the quote to install the equipment required two more verbal quotes. He had asked CERT for more names, and they were having a problem finding suppliers. If the quote was under \$1,000, he could approve the installation.

Town Attorney Cirullo stated that the Town Council would not be waiving competitive bidding, and could direct the Town Manager to accept the quote under code provisions for disaster preparedness.

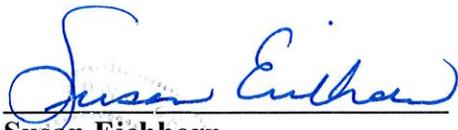
**Motion: Councilman Rockett made a motion to authorize Town Manager Kutney to accept the quote provided by CERT for installation of an antenna on the LGWCD building, under the code provisions for disaster preparedness. The motion was seconded by Vice Mayor Jarriel. On roll call, the motion carried 3/0.**

Discussion took place regarding vegetation removal prepping before hurricane season. Frank Schiola provided comments regarding how it had been done in the past. It was the consensus of the Town Council to discuss it at the next Town Council meeting.

### 13. ADJOURNMENT

There being no further business, the Town Council meeting of May 7, 2013, was adjourned at 9:50 p.m.

**These minutes were approved at the May 21, 2013, Town Council meeting.**



Susan Eichhorn  
Town Clerk

(SEAL)



David Browning  
Mayor