

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS  
MINUTES OF REGULAR MEETING - JANUARY 11, 2010**

Call to Order at 7:30 P.M.

Roll Call: David DeMarois, Don Widing, Darlene Crawford, John Ryan, and Robert Snowball present.

Also Present: Clete J. Saunier, P.E., District Administrator, Mary M. Viator, Esquire, and Lynnette R. Ballard, Administrative Secretary.

Invocation / Pledge of Allegiance led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. There were no additions, deletions, or substitutions to the Regular Agenda.

MOTION: Mr. Widing made a motion to approve and adopt the Regular Agenda. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: CONTRACT RENEWAL - AQUAGENIX/DEANGELO BROTHERS, INC. Mr. Saunier stated the District's existing aquatic vegetation control agreement with Aquagenix/DeAngelo Brothers, Inc. expires January 31, 2010. Aquagenix has agreed to provide the same scope of services for one year beginning February 1, 2010. The cost of services provided by Aquagenix remains the same, at \$23,700.00. Aquagenix has not increased its fees since the original contract executed on February 1, 1998.

Mr. Saunier requested a motion to approve the aquatic vegetation control contract between the Loxahatchee Groves Water Control District and Aquagenix / DeAngelo Brothers, Inc. in the amount of \$23,700.00.

MOTION: Mr. Snowball made a motion to approve the aquatic vegetation control contract between the Loxahatchee Groves Water Control District and Aquagenix / DeAngelo Brothers, Inc. in the amount of \$23,700.00. Mr. Ryan seconded the motion.

Mr. Ryan requested the word "costs" be inserted in Paragraph #5, Licenses and Permits, after the phrase "at no additional..."

Mr. Ryan asked Mr. Saunier whether Aquagenix has performed well over the several years that they worked for the District. Mr. Saunier replied in the affirmative.

There were no additional comments from the Board or the public on this item.

**ACTION: MOTION PASSED 5 TO 0.**

**SUBJECT: "D" ROAD CANAL MAINTENANCE PROJECT (PHASE II) - BID RESULTS.** Mr. Saunier stated the Board of Supervisors approved Staff's recommended shortlist of interested bidders on December 14, 2009. The lowest responsive bidder, WBI Contracting of Palm Beach, Inc. ("WBI"), submitted all required documentation supporting their bid of \$68,950.00. District Staff contacted all listed references and found no unfavorable responses regarding WBI's performance. All contract documents have been prepared for issuing a formal "Notice of Intent to Award" of the project contract to WBI contingent upon proof of all required insurance policies and licenses, legal counsel review, and Board approval.

Mr. Saunier requested Board approval to proceed with issuing formal "Notice of Intent to Award" to WBI Contracting of Palm Beach, Inc. and authorization for the District Administrator to contractually bind the District for the proposed work contingent upon satisfactory legal counsel review.

Ms. Viator noted the word "costs" should be inserted in Paragraph #5, Licenses and Permits, after the phrase "at no additional..."

**MOTION:** Mr. Snowball made a motion to authorize the District Administrator to issue a formal "Notice of Intent to Award" to WBI Contracting of Palm Beach, Inc. and to contractually bind the District for the proposed work contingent upon satisfactory legal counsel review. Mr. Widing seconded the motion.

There were no comments from the Board or the public on this item.

**ACTION: MOTION PASSED 5 TO 0.**

**SUBJECT: TOWN-DISTRICT INTERGOVERNMENTAL COORDINATION COMMITTEE REPORT.** Mr. Saunier stated the Town and District Intergovernmental Coordination (IGC) Committee meeting was held on December 18, 2009. In attendance were Mayor David Browning, Town Manager Frank R. Spence, Clete Saunier, and Supervisor John Ryan. Topics of discussion included:

1. 40<sup>th</sup> Street North / North Road Canal
2. 43<sup>rd</sup> Road North
3. Status Report Re: Meeting with Palm Beach County Water Utilities Department Director (Bevin Beaudet)

Mr. Saunier announced that the next IGC Committee meeting is scheduled for January 22, 2010 at 3:00 p.m. The next Board Supervisor scheduled to represent the District for a two-month term (January/February) is Robert Snowball.

There were no comments from the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: OGEM LANDOWNER SURVEY – SOUTH “C” ROAD. Mr. Saunier stated on November 9, 2009, the Board of Supervisors directed Staff to prepare and issue survey letters to the landowners of South “C” Road, detailing the estimated costs for stabilizing the road surface with Open Grade Emulsified Mix (OGEM).

Survey letters were prepared and mailed out to all affected landowners. The landowners were shown the projected costs for improving their road with OGEM stabilization in comparison to the projected costs for maintaining the road in its current unpaved condition over a ten (10) year period.

As of January 8, 2010, the average survey response from all affected landowners is 64% based upon acreage of surveys received (i.e., 239.92 acres) to total acreage of affected areas (i.e., 347.08 acres). The response results are as follows:

	<u>Responding For</u>	<u>Responding Against</u>	<u>Total</u>
Acreage	125.88 (52%)	114.04 (48%)	239.92 (64%)
Landowners	28 (52%)	26 (48%)	54 (55%)

Mr. Saunier requested direction from the Board as to how to proceed with scheduling (or not) a referendum vote of the affected South “C” Road landowners.

Mr. Saunier noted the deadline for responding to the initial survey letter was December 10, 2009. As of December 10, 2009, there were more landowners against the OGEM than for the OGEM (25 landowners against, and 22 landowners for). Presently, there are 26 landowners against and 28

landowners for. The schedule for this referendum process is contingent upon the District being able to work out an agreement with Palm Beach County Information Systems Services (ISS). They are responsible for setting up the assessment roll to collect the debt assessment that would pay off the debt. Palm Beach County ISS has indicated they could extend the deadline to March 1, 2010. Statutorily, the District is required to submit the required data to ISS to create an assessment roll by January 10 of the calendar year in which the next fiscal year would commence the assessments. Palm Beach County ISS stated they would work with the District and allow it to submit the data as late as March 1, 2010.

Ms. Crawford stated it does not seem like the South "C" Road landowners are very enthusiastic about the OGEM stabilization process. She did not want to spend the District's time and money to proceed with the referendum for South "C" Road at this time.

Mr. Widing stated he would like to proceed with the referendum process.

Mr. Widing asked if stimulus money would be available. Mr. Saunier replied in the negative. Mr. Widing stated perhaps the District and Town could work together to pursue some type of funding and/or financing.

Mr. Ryan stated 52% is a slim positive response and the District would be spending money up-front for the referendum. More importantly, District Staff would be utilizing their time for the referendum process.

Mr. Snowball stated Mr. Ryan has some good points and stated he would like to proceed with the South "C" Road OGEM referendum process.

Mr. DeMarois stated he understands the viewpoints of the other Board Members. He stated this might be the only chance for South "C" Road landowners to obtain the lowest costs for OGEM stabilization. He stated although the 52% positive response is small, he would still like to proceed with the referendum process.

Town Council Member Ron Jarriel, 2800 161<sup>st</sup> Terrace North commented on this item.

Mr. Saunier emphasized that, although Palm Beach County ISS has verbally indicated they would extend the assessment data submittal deadline to March 1, 2010, they are under no legal requirement to do so.

MOTION: Mr. Snowball made a motion to proceed with the referendum process for South "C" Road OGEM stabilization. Mr. Widing seconded the motion.

Mr. Ryan stated he is disappointed that none of the South "C" Road affected landowners were present at this meeting.

Mr. Widing stated he is pleased with the survey results for South "C" Road. He noted that support of the OGEM stabilization process over the last few weeks has increased.

There were no additional comments from the Board or the public on this item.

**ACTION: MOTION PASSED 5 TO 0.**

**SUBJECT: EASEMENT ACQUISITION PROCESS FOR OGEM ROAD IMPROVEMENTS.** Mr. Saunier stated an essential component in accomplishing the recently-approved OGEM road improvement projects (i.e., North A Road, North C Road, and North D Road) is the acquisition of all required road easements. Over the years, a large portion of the existing, unpaved roadway has been maintained outside of the sixty (60) foot right-of-way. The width of road easement to be acquired will vary from road to road, but will only extend to the edge of the existing unpaved roadway surface. Only that portion of private property that has been encumbered for many years by the unpaved roadway will need to be dedicated to the District.

One process for accomplishing this is to file a quiet title action to secure the "judicial adjudication of all prescriptive easement rights" on those unpaved roadways. The District's legal staff has prepared an overview report of this process.

Mr. Saunier noted the District will request landowners to approve and sign a grant of easement form. The District will allow those landowners a 60-day period in which to respond to the easement request.

Mr. Saunier requested Board direction as to how it wanted Staff to proceed with the road improvement easement acquisition process.

Mr. DeMarois asked for confirmation that Mr. Saunier would like to wait 60 days for responses from the affected landowners. Mr. Saunier replied in the affirmative.

Mr. DeMarois asked for confirmation that this issue would be presented at future Board meetings. Mr. Saunier replied in the affirmative.

Mr. Snowball requested that the letter clearly state that the District does not want to pay for its own property and thus increase the cost of the project. The letter should be written in clear, concise, layman terms.

Ms. Crawford stated the Board needs to be prepared to meet with the affected landowners and address their concerns.

Elise Ryan, 3508 "A" Road commented on this item.

There were no additional comments from the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF THE BOARD TO PROCEED WITH THE ROAD IMPROVEMENT EASEMENT ACQUISITION PROCESS.**

SUBJECT: NORTH ROAD CANAL / 40<sup>TH</sup> STREET NORTH - LANDOWNER FORUM.

Mr. Saunier stated this agenda item was included for any interested landowners along North Road Canal / 40<sup>th</sup> Street North to come and express their concerns, or comments.

There were no comments from the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: CONSENT AGENDA. There were no additions, deletions, or substitutions to the Consent Agenda.

1. Minutes of December 14, 2009 Regular Meeting

2. Financial Reports

A. Warrant Report – December 2009

B. Treasurer's Report – December 2009

3. District Staff Reports

A. Attorney's Report – December 2009

B. Superintendent's Report – December 2009

C. District Engineer's Report – December 2009

D. District Administrator's Report – December 2009

MOTION: Mr. Snowball made a motion to accept and approve the Consent Agenda. Mr. Widing seconded the motion.

There were no comments from the Board or the public on the Consent Agenda.

ACTION: **MOTION PASSED 5 TO 0.**

### SUPERVISOR COMMENTS

Mr. Snowball thanked Ms. Crawford and Mr. Ryan for their support regarding the South "C" Road OGEM referendum process. He thanked Jorge Perez (WBI Contracting of Palm Beach, Inc.) for his willingness to assist the District with the "D" Road Canal maintenance project and stated Mr. Perez's price is a good one. He thanked the audience for attending this meeting.

Mr. Ryan agreed with Mr. Snowball regarding Mr. Perez's interest in performing the "D" Road Canal maintenance project. He hoped Mr. Perez will be an interested contractor in the future. Mr. Ryan stated he hopes the easement acquisition process moves along expeditiously.

Mr. Widing stated he is pleased to see the Town Manager and Town Council Members in attendance at this meeting. He was encouraged by the reports that continue to be positive regarding the intergovernmental coordination committee meetings. The District and Town are continuing to make progress at a very rapid pace and are off to a good start in the New Year.

Ms. Crawford stated the FAQs are not on the District's website yet, and asked if she needed to coordinate this effort with District Staff. Mr. Saunier replied in the affirmative. Ms. Crawford indicated she would work with Ms. Ballard to place the FAQs on the website.

Ms. Crawford asked the District's Attorney whether the Board would receive a report on the District's courtesy grading policy at the next Board meeting. Ms. Viator replied in the affirmative.

Ms. Crawford stated she is glad to see a local landowner will be performing the "D" Road Canal maintenance project.

Mr. DeMarois thanked everyone for attending this meeting. He was glad the District will be working with a local contractor on the "D" Road Canal maintenance project.

### PUBLIC COMMENTS

Frank Schiola, 13434 Marcella Boulevard asked the Board to consider the temporary placement of a 10-yard garbage dumpster placed on the grounds of the Water Control District in an attempt to collect scrap metal from residents.

Mr. DeMarois asked Mr. Saunier to coordinate with Ms. Viator to determine whether there are any legal issues associated with this. Mr. Saunier asked for confirmation that Mr. DeMarois would like legal review of this issue, and Mr. DeMarois replied in the affirmative.

Ms. Viator responded that there are issues associated with this effort that the Board might want to consider.

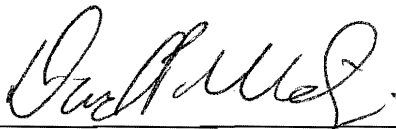
Town Council Member Ron Jarriel, 2800 161<sup>st</sup> Terrace North commented on the South "C" Road OGEM referendum process.

Mr. Ryan complimented Mr. Saunier on proceeding to a successful point regarding the Water Resources Task Force / Working Group Committee's Pilot Study project. He stated this could really benefit the District during the dry season. He reviewed all three pilot study descriptions, and the District's was the easiest to understand.

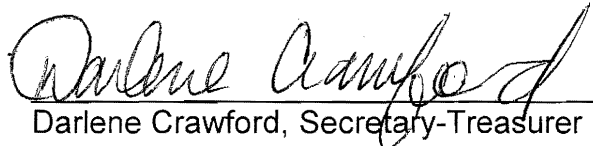
**The Chair adjourned the meeting at 8:30 p.m.**



David DeMarois, Chair



Donald P. Widing, Vice Chairman



Darlene Crawford, Secretary-Treasurer



John Ryan, Deputy Secretary-Treasurer



Robert Snowball, Supervisor