



**CITY COMMISSION OF THE CITY OF PAHOKEE
REGULAR COMMISSION MEETING MINUTES
Tuesday, November 9, 2010**

Pursuant to due notice the regularly scheduled Commission meeting was held in the Commission Chambers at 360 E. Main St., Pahokee, Palm Beach County, Florida on Tuesday, November 9, 2010.

The meeting was called to order by Mayor Sasser at 7:00 p.m. Invocation was by Commissioner Walker followed with the Pledge of Allegiance.

Official attendance was recorded as follows:

<u>Roll Call:</u>	Mayor J.P. Sasser	Present
	Vice Mayor Henry Crawford	Present via telephone
	Commissioner Keith Babb	Absent
	Commissioner Allie Biggs	Present
	Commissioner Diane Walker	Present.
	City Manager Derrek Moore	Present
	City Attorney Gary Brandenburg	Present via telephone
	Sgt. at Arms: Sgt. Haren	Present
	City Clerk Susan Feltner	Present

Additions, Deletions and Approval of Agenda Items:

Additions: Item H-2 – Presentations – Treviicos – Jeffery Taylor
Item F – 6 – Consent Agenda – Resolution 2010-95 – Christmas Parade FDOT App
Item F – 7 – Consent Agenda – Resolution 2010-96 – Jason Taylor Found. Grant App.
Item F – 8 – Consent Agenda – Resolution 2010-97 – Workforce Alliance Agrmnt.
Item F – 9 – Consent Agenda – Resolution 2010-98 – Chamber Office Lease – GRD

Deletions: Item O – 2 – New Business – City Manager Contract

Approval of the Agenda Items.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried. Four (4) Ayes. One (1) absent.

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Mayor Sasser stated that he has two (2) comment cards, and he will call on them now.

Ken Blair of Everglades Ventures, LLC., addresses the Commission and advised that Big Bertha's will be open the week of Thanksgiving. Also he has concerns of the misconceptions regarding the Auditors report.

Jason Nuefeld of Everglades Ventures stated that the official response from the City Attorney regarding the Auditor's report was that on behalf of the City, City Attorney Brandenburg is holding Everglades Ventures in default of the lease. Requests that the Commission hold off on the default of the lease.

Motion to hold off on default of lease by Everglades Ventures, LLC.

Motion by Commissioner Biggs. Second by Commissioner Walker.

City Attorney Brandenburg advises the Commission against the motion. The appropriate position for the City is for Everglades Ventures to pay their rent on time. Advises, do not relieve the tenant of his obligation to make rental payments on time. Once the issue is worked out the City will provide credits if Everglades Ventures is owed anything.

Commissioner Biggs rescinds her motion.

Approval of Minutes:

Item E – 1 – October 19, 2010 – Commission Workshop Meeting

Item E -2 – October 26, 2010 – Regular Commission Meeting

Commissioner Biggs states that she would also like to include the minutes from the October 12, 2010 Regular Commission Meeting and the September 21, 2010 Special Commission Meeting.

Approval of Minutes:

October 19, 2010, October 26, 2010, September 21, 2010 & October 12, 2010

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried. Four (4) ayes. One (1) absent.

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Consent Agenda:

1. RESOLUTION 2010-89 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING VARIOUS BUDGET AMENDMENTS TO THE 2010-2011 FISCAL YEAR BUDGET.

2. RESOLUTION 2010-91 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF PAHOKEE AND LASHONDIA LUNFORD.

3. RESOLUTION 2010-92 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF PAHOKEE AND BAUER FOUNDATION.

4. RESOLUTION 2010-93 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA ACCEPTING A DONATION IN THE AMOUNT OF \$4,000 FROM THE COLLINS CENTER FOR PUBLIC POLICY, INC., FOR THE REGATTA.

5. RESOLUTION 2010-94 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT FOR FUNDING IN THE AMOUNT OF \$132,691, BY AND BETWEEN THE CITY OF PAHOKEE AND PALM BEACH COUNTY FOR THE PURPOSE OF PROVIDING SERVICES THROUGH THE PARKS AND RECREATION DEPARTMENT.

6. RESOLUTION 2010-96 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE FLORIDA, AUTHORIZING STAFF TO SUBMIT A REQUEST FOR FUNDING IN THE AMOUNT OF \$50,000, FROM THE JASON TAYLOR FOUNDATION FOR THE PURPOSE OF AFTERSCHOOL PROGRAMS TO PREVENT YOUTH VIOLENCE AND DELINQUENT BEHAVIOR WITHIN THE COMMUNITY.

7. RESOLUTION 2010-97 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT BY AND BETWEEN THE CITY OF PAHOKEE AND WORKFORCE ALLIANCE, INC., FOR THE PRUPOSE OF PARTICIPATING IN THE COMMUNITY SERVICE AND WORK EXPERIENCE PROGRAM.

8. RESOLUTION 2010-98 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF PAHOKEE AND GRD SOLUTIONS, LLC.

Approval of Consent Agenda.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried. Four (4) ayes. One (1) absent.

Presentations:

Commissioner Biggs introduces Ms. Kantrell Parker. Ms. Parker is a graduate of Palm Beach State College and has enrolled in the Embry Riddle Aeronautical University.

Ms. Parker addresses the Commission and states that she would like to be a professional pilot and Embry is the top university for her career path.

Item H-1 – Crossroad’s Academy – Cicely Henderson-Scott

Mayor Sasser calls upon Ms. Scott. Mrs. Scott is not in attendance.

Presentations continued:

Item H-2 – Health Insurance – Human Resources Manager Mrs. Kendall

Mrs. Kendall advises that staff has been in a fact-finding role as it relates to insurance for the employees and the financial benefits that the City receives from it. Mrs. Kendall calls on Mr. Russell Anderson, our insurance consultant.

Mr. Anderson advises that after doing a synopsis of the different insurance companies, they have selected and recommend Humana 08 Open Access for the City of Pahokee. It has lower co-pays for the Doctor and Specialists, lower prescription card costs, co-insurance is 100% after the deductible has been met, and Humana is making a special exception to include domestic partners.

Mrs. Kendall advises that open enrollment will be on Tuesday, November 16, 2010 at 10:00 a.m. and at 1:00 p.m. in the senior's room at the Parks & Recreation Dept.

Item H-3 – Treviicos – Jeffery Taylor

Treviicos Corporation is working on a project with the U.S. Army Corp. of Engineers (ACOE) for the rehabilitation of the Herbert Hoover Dike. Task Order 7 starts from Pahokee Marina and goes north to just south of Structure 352. Job will move from the north to the south. We will be installing 3.4 miles of a 80 foot deep cut-off wall. We have a local office in Belle Glade since August of 2008, headquarters is located in Massachusetts. We have contracted with local companies, Rio-Back and GFA International. Job completion date is May 22, 2013. We have just finalized a lease with a local property owner (Boe's Farms) to install a staging site. Currently working with city staff, regarding permits for the staging site.

Someone speaking from audience, they not at the microphone unintelligible.

Report of the Mayor:

Mayor Sasser advised that he has met with David Davis of East Beach Water Control District (EBWCD) and Mark Soddors of Apelgren's Farms. In order to correct the issue with Ms. Palmer's property sinking into the canal on N. Cocomanut, Mr. Soddors advised that he will fill in the canal. EBWCD advised that Apelgren's has the right to do so and proposed to connect the city storm water canal by culvert under McClure Rd., to the Pelican River.

Report of the City Manager:

City Manager Moore asked that the Commission consider if the December 28th Commission meeting be held or cancelled. Christmas Bonuses – advised that he would bring back a recommendation for Commission consideration. Reminded everyone regarding the Veteran's Day Celebration on Thursday at 9:00 a.m. on the lawn of old city hall.

Report of the City Attorney:

City Attorney Brandenburg reports on the Design Services Invoice from Mrs. Moore. However the former city manager did not take any formal action. Even had he chose to do so, he did not have the authority without Commission approval to authorize any expenditure over \$10,000. The City does not have any legal responsibility to pay the invoice. It is at the discretion of the Commission as to if the invoice should be paid and how much the city will pay.

Report of the City Attorney continued:

Commissioner Biggs advises the audience that Mrs. Moore was involved with designing several areas for the city. Mostly here at the Parks & Recreational complex, and she also was involved in designing/decorating the new city hall location.

City Attorney Brandenburg advised that Mrs. Moore should cease all work until a contract is in place.

**Approval to pay invoice in increments, Mrs. Moore to cease all work until a contract is in place.
Motion by Commissioner Biggs. Second by Commissioner Walker.
Motion carried. Four (4) ayes. One (1) absent.**

City Manager Moore advised the Commission that when he became Interim City Manager, he advised Mrs. Moore that while he is the Interim City manager that she would not be paid for any work unless it came before the Commission and had Commission approval.

City Attorney Brandenburg advised that he met with Mr. Perez and his attorney to discuss a potential settlement to the litigation. We were unsuccessful in reaching an agreement. Mr. Perez advised that he would be submitting a new proposal.

City Brandenburg advised that he and the Manager met with Lt. Alonso regarding open container violations. Lt. Alonso stated that it was a very important tool for law enforcement. City Attorney Brandenburg advised that he eliminated the option of community service. There were several suggestions, 1. Have one attorney to handle all the cases for Belle Glade and Pahokee 2. Hire a local attorney to handle the cases to keep costs down.

Public Hearings:

City Clerk Feltner stated to the City Attorney that at the October 12, 2010 meeting, he referenced additional language to be included into Ordinance 2010-11, regarding a common law for lateral support. Inquires if the language to be added has been prepared, City Attorney Brandenburg advised that after further thought, the language does not need to be included.

Mayor Sasser advises the Commission that they do need to vote on accepting staff's recommendation for health insurance.

**Approval of Staff recommendations regarding health insurance.
Motion by Commissioner Walker. Second by Commissioner Biggs.
Motion carried. Four (4) ayes. One (1) absent.**

Commissioner Walker asks for clarification of whether we are going to enforce the open container violation (OCV) law. Thought Commission decided that we were not going to enforce it.

City Attorney Brandenburg advised that that it is still in effect and will be enforced by the Sheriff's office until the Commission adopts an Ordinance repealing it.

Vice Mayor Crawford stated that there should be a way in the system that if the Sheriff's office arrests someone for OCV that the Sheriff's office should handle it.

Sgt. Haren of the PBSO stated that as it may be a tool, it is more about the quality of life. It is not acceptable practice to stand in any city or town at any given time to walk around with an open beer. In most cases, the alcohol is just poured out as a warning. The people being charged are repeat violators.

Public Hearings continued:

Mayor Sasser opens the Public Hearing at 8:40 p.m.

Clerk reads into record:

ORDINANCE 2010-11 – SECOND READING – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, CREATING CHAPTER 8.5, ARTICLE III, MAINTENANCE OF DRAINAGE CANALS, SWALES AND STRUCTURES, SECTION 8.5-74, MAINTENANCE OF DRAINAGE, SECTION 8.5-75, RESPONSIBLE PARTY FOR MAINTENANCE, SECTION 8.5-76., OBSTRUCTING DRAINAGE, INCLUSION IN CODE, SEVERABILITY AND EFFECTIVE DATE.

Mayor Sasser asks for comments and questions from the public. No response.

Mayor Sasser closes the Public Hearing at 8:42 p.m.

**Adoption of Ordinance 2010-11 – Creating Article III, Maintenance of Drainage Canals.
Motion by Commissioner Biggs. Second by Commissioner Walker.
Motion carried. Four (4) ayes. One (1) Absent.**

Old Business:

Item N-1 – Middle School – Commissioner Biggs

Commissioner Biggs asks of parents and citizens, to volunteer time at the middle school between 9 a.m. and 1 p.m. to help monitor the hallways.

Item N-2 – Census 2010 – Commissioner Walker

Commissioner Walker advises that it is status quo. No new information.

Item N-3 – Habitat for Humanity – Vice Mayor Crawford

Vice Mayor advises of no new information. They are still working on the home and nearing completion.

Item N-4 – Inland Port – Commissioner Babb

Commissioner Babb is absent. No report.

Item N-5 - East Lake Village Park

Status Quo. No new information

Item N-6 – Joe Louis Avenue Annexation

City Manager Moore advises that Mr. Canos, who is owner of several apartment building's has contacted us regarding annexing. Our goal is to have the remaining owners applications completed by the end of the month.

Old Business continued:

Item N-7 – Pahokee Plaza

City Manager Moore advises that they are currently negotiating an agreement with the steel company. Will have to address clean up and allowable uses. \$200,000 has been made available through a grant for the cleanup. Waiting to hear from Department of Environmental Protection (DEP), regarding the allowable uses. Steel company is ready, only needs a location for a loading station by the railway.

New Business:

Item O – 1 – Consideration of purchase and removal of the old ranger station

Mayor Sasser advises the audience that the old ranger station will have to be moved in order for the repair of the dike in that location. It is the city’s responsibility to have it removed. Bauer Foundation has made an offer to purchase the building and remove it.

Approval of purchase and removal of the old ranger station by Bauer Foundation.

Motion by Commissioner Walker. Second by Commissioner Biggs.

Motion carried. Four (4) ayes. One (1) absent.

Correspondence/Comments and Concerns of the City Commissioners:

Commissioner Walker:

- Christmas Parade on December 6, 2010, the theme is Christmas Under the Lights, encourages everyone to participate and attend.
- Preparing for Relay for Life, no meeting scheduled for this week, asks for community support, their goal to raise is \$35,000.
- Take Stock in Children Training to become a mentor will be on Thursday, November 16 at 4:30 p.m. at the Pahokee Housing Authority, twenty (20) more mentors are needed in the Glades area. This program provides college scholarships for participating students.
- Thanks all for their attendance.

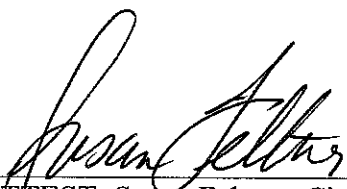
Commissioner Biggs:

- Reminds everyone about the Veteran’s Day Event on Thursday on the lawn of the old city hall, the event begins at 9:00 a.m.
- Thanks everyone for their attendance and encourages them to come to more meetings.

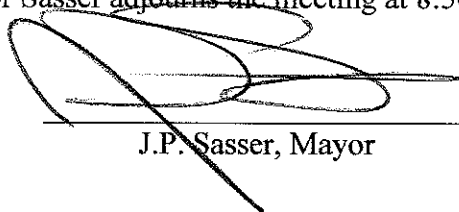
Vice Mayor Crawford:

Advises that he has no comments at this time.

There being no further business to discuss, Mayor Sasser adjourns the meeting at 8:50 p.m.



 ATTEST: Susan Feltner, City Clerk



 J.P. Sasser, Mayor