

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF THE  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
MAY 15, 2013 AT 8:30 A.M.**

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**There were present:**

Harry Raucher	Patrick Martin	Joseph Walsh	Melissa Wheelihan
John I. Whitworth, III	Fran Cappellini	Deborah Harris	Lena Owens
James Alderman	James Fandrey	Thomas Barry	Anne Perry
C. David Goodlett	Nicole Smith	Michael Brady	Michael A. Penn
Robert M. Brown	David Bends	Robert Troy Lee	Michael G. Cox
Mike Baker	Sean Webb	Lany Altman	Ed Sol
Carol W. Connolly	Bob Wise	Adam Johnson	Alice Finst
Mark A. Perry	Megan Hanney	Armando Pereda	John DuQue
Joann M. Aylor	Karen Hoyt	Henri Hage	Hus Sweid

Senior Vice President Joyce Haley absent

1. Call to order by the President.
2. **Pledge of Allegiance**
3. Board Agenda approval.

*Vice President Whitworth made a motion to approve the Board Agenda.  
Supervisor Alderman seconded and it passed unanimously.*

4. **Announcement – Notice of Board meeting held on May 15, 2013 published in the Palm Beach Post.**

5. Approval of Minutes, Check Register, Financial Statement, Documents and Self-Insurance fund for the previous month.

*Supervisor Alderman made a motion to approve the minutes, check register, financial statement, documents and self-insurance fund for the previous month.  
Vice President Whitworth seconded and it passed unanimously.*

6. **Presentation of the Employee of the Month Award.**

Vickie Smith made the presentation for Lany Altman as the Employee of the Month for May 2013. Mr. Altman was congratulated by the Board.

7. **PUBLIC COMMENTS NOT SCHEDULED ON THE AGENDA – Limited to 5 minutes for each speaker**

None

**CONSENT AGENDA**

8. **Boca Rio Development, Lot 25, Block 1 – E-3, LWDD Project No. 12-7544P.05**  
**Thomas Barry, Project Surveyor – Re: Declare the underlying fee eligible and issue a Quit Claim Deed for the East 6.42 ft. of Lot 25, Block 1.**

*Vice President Whitworth made a motion to approve the Consent Agenda.  
Supervisor Alderman seconded and it passed unanimously.*

## **WORKSHOP**

9. **Canal Rehabilitation Program (CRP)**  
**Robert Brown, Executive Director – Critical Path Program n/k/a Canal Rehabilitation Program.**

Mr. Brown provided an explanation to the Board on his reasoning for changing the name of the District's Critical Path Program. He stated that while he understands the origin of the program, the term "critical path" is usually used for scheduling activities and as a tool for project management. Mr. Brown stated that he prefers using the term "Canal Rehabilitation Program" in the future which more accurately reflects the mission of the District. Specifically, the purpose of the Program is to restore canal cross-sections, remove vegetation within canal right-of-ways that could impact conveyance and remove structural encroachments determined to impact operation and maintenance of the canal system. In addition, Mr. Brown stated that District staff will be meeting in the very near future to prioritize a new list of canals to be maintained as part of the Canal Rehabilitation Program.

10. **L-4 Canal Rehabilitation Program – L-4, LWDD Project No. 12-9286P.01**  
**Michael Baker, Director of Operation and Maintenance - Re: Update the Board on the L-4 Canal Rehabilitation Program from the E-3 Canal to Haverhill Road on the north side, NE ¼ of Section 35/43/42.**

Mr. Baker presented to the Board an overview of the L-4 Canal Rehabilitation Program in the area from E-3 Canal east to Haverhill Road. This clearing of the canal was completed in three days with encroachments to be removed within the right-of-way in the next sixty days.

11. **L-11 Canal Rehabilitation Program – L-11, LWDD Project No. 10-9055P.01**  
**Patrick Martin, Director of Engineering & Right-of-Way – Re: Update the Board on the L-11 Canal Rehabilitation Program, south side from State Road 7 east to Lyons Road.**

Mr. Martin presented a PowerPoint presentation to the Board on the L-11 Canal Rehabilitation Program which is located north of Lake Worth Road and east of State Road 7 running for approximately one mile to Lyons Road. The Communities involved are Woods Walk, Cypress Hammock and Cypress Trails. Mr. Martin discussed what he called an "Action Schedule" on activities completed to date and activities that the District will be undertaking in the future. All structural encroachments and non-native vegetation will be removed. The District will be commencing on June 17<sup>th</sup> and the overall project should be completed within thirty (30) days, weather permitting.

12. **Overview of LWDD Finances**  
**Karen Hoyt, Director of Finance/CFO**

Ms. Hoyt provided an overview of the District's Investment Policy, current status of District accounts and alternative investment options. Under the alternative investment options, the District could hire an investment manager to control the type of investments, therefore controlling the risk. With this option, there would be management fees. Another option discussed would be entering into an Interlocal Agreement with the Palm Beach County Clerk & Comptroller's office. They presently have two full-time managers making investment decisions that have proven to be successful and would not charge the District any management fees. If the District decided to invest with Palm Beach County, there would be a thirty (30) day waiting period to withdraw any invested funds.

13. **Financial Auditing Services**  
**Karen Hoyt, Director of Finance/CFO**

Ms. Hoyt stated that the District's auditing contract expired on September 30, 2012 and in accordance with Florida Statutes, the District is required to solicit an RFP for Financial Auditing Services. The District's Auditor Selection Committee consists of David Goodlett, Steven Corso (a local CPA who also participated in this process in 2008) and herself. Ms. Hoyt reviewed the calendar of events that will take place stating that the committee will review the responses and rank the firms accordingly and then bring a recommendation to the July 17, 2013 Board of Supervisors meeting. The Board will

then approve a firm, designate management to negotiate a contract and authorize the President to sign the contract.

## **DISCUSSION AGENDA**

14. **GIS Development – Area of Conveyance Mapping**  
**LWDD Project No. 09-8649L.03**

**James Fandrey, Director of Right-of-Way – Re: Staff is requesting Board approval to extend the existing GIS Mapping contract between LWDD and Panda Consulting that was originally approved by the Board on February 17, 2010.**

Mr. Fandrey gave a PowerPoint presentation to the Board of Supervisors requesting an extension of the existing GIS Mapping contract between Lake Worth Drainage District and Panda Consulting. The existing contract contained a “not to exceed” amount of \$450,000.00 and an expiration date of February 28, 2014. The new contract termination date will be February 28, 2018. Other than the revised “not to exceed” amount and the revised contract termination date, all conditions and stipulations of the existing contract will remain in place, including an added clause that future funding of this contract is subject to the District Board of Supervisors budgetary appropriations for future fiscal years.

**STAFF RECOMMENDATION MADE BY JAMES FANDREY** – Approval to extend the existing GIS Mapping contract between Lake Worth Drainage District and Panda Consulting originally approved by the Board on February 17, 2010 to a not to exceed amount of \$1,175,000.00 and a new termination date of February 28, 2018, subject to future funding approved by the Board of Supervisors

Mr. Perry suggested adding a thirty day notice of termination of contract. Vice President Whitworth questioned how the contract will assist internal staff. He did acknowledge how external engineers, planners and lawyers would benefit. He further questioned if it would be possible to pass this cost along to users in the future. Mr. Fandrey responded that we can revise our fee schedule at a future date and that this contract will make our process more efficient and accurate for staff. Vice President Whitworth stated that staff needs to find a way to pass along this cost to the user. Mr. Fandrey responded that staff would look at the existing fee schedule and determine an appropriate fee. President Raucher added that staff can investigate this further and return with a recommendation.

*Supervisor Goodlett made a motion to approve staff recommendation.  
Supervisor Alderman seconded and it passed unanimously.*

15. **Valencia Reserve (a/k/a Lyons West P.U.D.) Reclaimed Water with Outfalls –**  
**L-25, L-26 & E-1, LWDD Project No. 13-7790L.14**

**Ronald Last, P.E., President Last Devenport, Inc. (Patrick Martin, Director of Engineering & Right-of-Way) – Re: Valencia Reserve Homeowners Association requests permission to discharge Palm Beach County Water Utilities District reuse water into the on-site water management system for irrigation purposes under the PBC mandatory reclaimed water use program.**

Mr. Martin informed the Board that this item was withdrawn from the agenda.

16. **Kids College – L-6, LWDD Project No. 04-7543P.03**

**Carlos Gonzalez, Metro Architectural Group, LLC (Nicole Smith, Right-of-Way Section) – Re: Request approval for the abandonment/purchase of Chancery Case 407 (ORB 6495/761) and the remaining south 5’ of the 30’ platted road (ORB 1585/505), to enter into a Piping, Paving and Parking License Agreement and to obtain a fence and gate permit.**

Ms. Smith stated that this project is located on the south side of the L-6 Canal at the southwest intersection of Dillman Road and Jog Road. This project was previously approved at the February 15, 2012, Board of Supervisors meeting, but those approvals have since expired and the owners are seeking new approvals. The proposal is to construct a daycare facility and use the L-6 Canal right-of-way. Mr. Gonzalez has requested purchasing the Chancery Case 407, which is the North 30.23 feet, of Tract 1 of the Palm Beach Farms Company Plat No. 3. His second request is to purchase the South 5 feet of the remaining 5 feet of the 50 foot platted road that was conveyed to the District

in the Cooper Deed which is ORB 1585 Pg 505. He would also like to enter into a Piping, Paving and Parking License Agreement with the District and to request approval for a fence and gate permit. After discussion with Mike Baker, Mr. Gonzales felt that it would be safer for LWDD staff to not utilize the gate near Jog Road because of traffic. There will be parking on the west end of the project per the Piping Agreement. Vice President Whitworth asked Mr. Perry which contract would be used. Mr. Perry responded that he would be using the most recent document approved by the Board, which provides for an initial fee and subsequent annual fees.

**STAFF RECOMMENDATION MADE BY NICOLE SMITH** – Declare the underlying fee eligible for purchase of the Chancery Case 407 being the North 30.23 ft. of Tract 1, Block 14, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 Page 45 and sell to the adjacent property owner for fair market value. The second recommendation is to declare the underlying fee eligible for purchase of the remaining south 5 ft. of the 50 ft. platted road as conveyed to the District per the Cooper Deed recorded in ORB 1585 Page 505 and sell to the adjacent property owner for fair market value. Third recommendation is to allow the adjacent property owner to enter into a Piping, Paving and Parking License Agreement with the District and the fourth recommendation is to allow the adjacent property owner to obtain a fence and gate permit. The above recommendations will be subject to the adjacent property owner conveying an easement to the Lake Worth Drainage District to ensure that the District has a total of 60 ft. of right-of-way for the L-6 Canal. The adjacent property owner will be providing LWDD with a sketch of descriptions and a certification of title, an appraisal to determine fair market value, pay applicable fees and will be subject to LWDD Operating Policies.

*Supervisor Goodlett made a motion to approve staff recommendation.*

*Supervisor Alderman seconded, Vice President Whitworth opposed and the item passed with 3 votes to 1.*

17. **Nature of Marble Cantilever Canopy Installation – E-4,  
LWDD Project No. 13-8369P.03**

**Henri Hage, P.E., Struc-Tech Engineering, Inc. (Patrick Martin, Director of Engineering & Right-of-Way) – Re: Request approval for an encroachment agreement to allow a cantilever canopy to overhang in the NW corner of the proposed canopy loading/unloading storage area plus the approval to plant a native vegetation hedge required by the city of Delray Beach for screening along the west side of the property within the E-4 Canal right-of-way.**

Mr. Martin presented this item and stated that the project is located east of the E-4 Canal adjacent to Congress Avenue and north of Atlantic Avenue. Nature of Marble is proposing to construct a canopy roof which will encroach into the E-4 Canal right-of-way approximately 32 square feet. The city of Delray Beach is requiring that the owner screen the site because of residential communities located on the west side of the E-4 Canal. The applicant has agreed to plant a hedge with native vegetation (Cocoplum) and agreed to remove all existing exotic vegetation, as well as regrade the canal bank.

**STAFF RECOMMENDATION MADE BY PATRICK MARTIN** – Enter into an encroachment agreement subject to the applicant clearing all exotic vegetation, regrading the canal bank for the entire width of the property and planting a native vegetation hedge at the top of bank with the understanding that the hedge must be removed within thirty (30) days of notice or removed immediately if a state of emergency is declared. Also, that the District will allow the canopy to overhang within the E-4 Canal right-of-way as shown on the approved site plan, provided the owner grants authority to LWDD for ingress/egress from Congress Avenue at all times, and subject to providing a sketch of description, certification of title, payment of legal, recording and agreement fees and compliance with all other LWDD operating policies.

*Vice President Whitworth made a motion to approve per staff recommendation.*

*Supervisor Goodlett seconded for discussion.*

Supervisor Alderman stated that this seems to be contrary to District policy and from what the District has been doing over the last several years. He further stated that we have been making an attempt to eliminate encroachments and now it seems as if we're encouraging them. Attorney Perry stated that he thinks the plan is more accommodating to the public. The District had previously issued an encroachment agreement on this particular site for

paving. He had a discussion with Mr. Brown and his position was to negotiate access to the site for future operation and maintenance purposes, as well as require the adjacent landowner to remove all existing exotic vegetation.

*President Raucher called for a vote and with Supervisor Alderman opposing, this item passed 3 votes to 1.*

## **STAFF REPORTS**

18. Board comment.

President Raucher said that he attended several meetings (League of Cities, Loxahatchee Wildlife Refuge and WRAC). He said that he also attended the LWDD Wellness Fair and would like to congratulate Joann and her committee for putting on the Wellness Fair. The committee did a fabulous job and he found it to be very enlightening. President Raucher thanked Ms. Aylor. Also, there was an article in the Sun Sentinel on May 8<sup>th</sup> regarding the C-51 Reservoir Project. President Raucher mentioned that our staff has worked very hard over the past few years to put this plan together and he thinks we were the greatest impetus in getting the project completed. He felt that it was unfortunate that the District was omitted from the meeting.

19. Executive Director's Report.

Mr. Brown also commended Joann on her involvement with the District's Wellness Fair. The Wellness Fair was well received and attended by our entire staff and he looks forward to next year's event.

Mr. Brown asked if it was the Board's desire for staff to return at a future meeting with a proposed plan to potentially reinvest some funds as was discussed in Item 12 by Ms. Hoyt. The Board members stated that they would like an investment proposal to be brought back at a future meeting.

a. Director of Operations & Maintenance – Michael D. Baker

Mr. Baker stated that Tom Kirk will be in charge of, sandblasting and painting the District's control structures. Mr. Baker showed the Board members several photographs of the Control Structure No. 8 gate structure rehabilitation project underway.

b. Director of Administrative Services – Carol W. Connolly

Ms. Connolly stated that the District is in the process of renewing its health insurance and should have an estimate for the Board to review at the July Board meeting.

c. Director of Engineering & Right-of-Way – Patrick A. Martin

Mr. Martin updated the Board on the C-51 Reservoir Project. The project is moving forward and he assured the Board that the District will have a seat on any governance committee formed. There are a number of issues that remain to be worked out before the committee is formed and that the District will be taking a very active role in this project. Attorney Perry stated that an MOU was recently approved between the South Florida Water Management District and Palm Beach Aggregates which sets forth an outline for moving forward with Phase 1. Ernie Cox representing Palm Beach Aggregates would like to meet with staff to discuss a conveyance agreement. Supervisor Alderman stated that he wants to make sure that the District has a very active role in this project if the plan remains to use the E-1 canal system to convey water south. Vice President Whitworth said that he never wants to endanger our right to receive water from Water Conservation Area 1 and he has concerns over Broward County potentially having some type of control over our canal system. Mr. Brown stated that it is very important for our existing consumptive use permit to never be compromised. Mr. Perry stated that an important aspect of the Agreement will be to designate the C-51 Reservoir as the preferred source from a consumptive use standpoint and we will be requesting this in the agreement.

d. District Counsel – Mark A. Perry – Nothing to report.

A copy of each PowerPoint presentation is filed with the minutes.

There being no further business, the meeting adjourned at 9:55 A.M.

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President – Harry Raucher

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Supervisor – James M. Alderman

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Absent

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Sr. Vice President – Joyce Haley

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Supervisor – C. David Goodlett

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Vice President – John I. Whitworth, III

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Recording Secretary – Joann M. Aylor