



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
APRIL 15, 2015 AT 8:30 A.M.**

Board Members Present:

Harry Raucher
John I. Whitworth, III

James M. Alderman
Jeffrey P. Phipps, Sr.

Board Members Absent:

Joyce D. Haley

1. Call to Order

President Raucher called the meeting to order at 8:30 A.M.

2. Pledge of Allegiance

Mr. Phipps led the Pledge of Allegiance.

3. LWDD Centennial Moment: 1935-1945 – Thomas Barry, Project Surveyor

Mr. Barry introduced the fourth video in a twelve-part series of LWDD Centennial Moments from 1935-1945.

4. 20-Year Service Recognition – Kevin C. (KC) White, Construction Inspector

Mr. Brown recognized Mr. White for his 20 years of dedicated service to the District. The Board thanked Mr. White for his hard work and dedication.

Mr. Brown stated he also recognized Rick Vibert, Ivan Carver and Travis Crosby at the April employee luncheon for their 10 years of service.

5. Agenda Revisions – Robert M. Brown, Executive Director

Mr. Brown indicated the titles for agenda items 11 and 12 were revised to reflect correct dates.

6. Abstentions by Board Members from items on the Agenda

There were no abstentions by the Board Members.

7. General Public Comment

Alice First stated she is on the school advisory committees for Atlantic High and S.D. Spady Elementary Schools and she would like to see the Lake Worth Drainage District's Centennial videos in their school curriculum.

She also stated she lives on the E-3-1/2 Canal and the crew working on the canal did a wonderful job. They were polite and explained what they were doing. They are a compliment to the organization and she would like to nominate them for team of the quarter.

CONSENT

- 8. Board Comment or Request to Pull Items from Consent Agenda**
- 9. Approval of minutes, check register and financial statement for the previous month**
- 10. Approval for authorization to issue quit-claim deeds to nine parcels of Greater Boynton Place, East 39.53 ft. of Lots 84, 86, 95, 96, 97, 106, 107, 108 and 251, Plat Book 57, Page 136, as requested by property owners (LWDD Project No. 14-95P.24) – Thomas Barry, Project Surveyor**
- 11. Approval of six (6) month extension of Phase I and II Agreements from April 21, 2015 to October 21, 2015 (LWDD Project No. 12-7664P.02) – Mar A. Perry, District Counsel – REVISED**
- 12. Approval of six (6) month extension of closing date for Phase III Agreement from April 15, 2015 to October 15, 2015 (LWDD Project No. 13-7664P.03) – Mark A. Perry, District Counsel – REVISED**
- 13. Resolution No. 15-03 – Approval to annex and include within the District's service boundaries the estate of Dorothy E. Burke**
- 14. Board Vote on Consent Agenda**

Mr. Perry stated it was not necessary for Mr. Whitworth and Mr. Alderman to abstain from agenda items 11 and 12.

A motion was made by Vice President Whitworth to approve the Consent Agenda, seconded by Supervisor Alderman and approved unanimously.

WORKSHOP

- 15. Green Team Update – Megan Hanney, Assistant Records Manager**

Ms. Hanney updated the Board on the Green Team's accomplishments, goals, energy savings projects and the District's recycling program. Since 2009, the self-sustaining initiative saved a total of \$173,361.22 (Energy Savings at \$115,305.92 and Recycling Benefit at \$58,055.30). Future potential projects include a water audit of campus facilities, motion sensors and dimmers, programmable thermostats, electric hand dryers, live potted plants in common areas and an employee incentive program. The District held its 6th Annual Green Week on February 23-27, 2015, and hosted a Green Week celebration on Wednesday,

February 25th featuring speakers from Solid Waste Authority and Bedner's Fresh Market, promotional items from Florida Power & Light and South Florida Water Management District as well as a Farmer's Market featuring local vegetables and plants. Megan thanked all of the Green Week contributors.

16. Water Conservation Month Proclamation – Megan Hanney, Assistant Records Manager

Ms. Hanney presented a Proclamation declaring April as Water Conservation Month and requested Board approval of this Proclamation.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

Ms. Hanney presented the proclamation to Laura Corry, Intergovernmental & Outreach Representative from South Florida Water Management District.

On behalf of the South Florida Water Management District's Governing Board and Executive Director Blake Guillory, Ms. Corry thanked the District for the proclamation and their dedication to water conservation.

DISCUSSION

17. Approval to solicit a request for proposals for electrical engineering services (RFP No. 15-8308L.08) – Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. LasCasas stated that electrical engineering services are necessary to evaluate existing electrical systems and proposed modifications/improvements for current and future needs. The proposed scope of work is to evaluate existing facilities and demand considerations for actuator improvements, interior and exterior lighting (including lighting design), cathodic protection, lightning protection, SCADA support, and pumping. Services would also include construction documents and permitting. Mr. LasCasas also shared the proposed timeline of the request for proposal and the anticipated schedule to return to the Board for authorization to negotiate in June 2015 and award a contract in July 2015. Staff recommended approval to advertise a request for proposals for electrical engineering services.

A motion was made by Supervisor Alderman to approve the recommendation, seconded by Vice President Whitworth and approved unanimously.

18. Approval to award bid for purchase of mechanical actuators for water control structures (RFP No. 15-8308L.03) – Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. LasCasas stated the District received two responses from Southeast Industrial Sales and Fluid Control Specialties, Inc. The evaluation committee consisting of himself, Tommy Kirk, Troy Lee and Patrick Martin individually reviewed and evaluated the responses on: design features and conformance to specifications, examples/application to use, dependability/reliability, service support/local representation/installation support and cost proposal. Staff recommended

approval to award the bid for purchase of 23 actuators and hoist assemblies to the top ranked firm, Southeast Industrial Sales, in the amount of \$566,261.

A motion was made by Supervisor Alderman to approve the recommendation, seconded by Vice President Whitworth and approved unanimously.

19. Approval to modify contract with CH2MHill for actuator evaluation and testing (LWDD Project No. 13-9381L.01) – Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. LasCasas stated Amendment No. 1 to the CH2MHill Contract includes both geotechnical services, which the Board approved at the March 2015 Board meeting, and technical support for actuators to ensure compatibility with the SCADA system. The proposed services for actuator support will include: technical support during procurement; design and specifications to modify actuator motor control cabinet; assistance with bench testing and field testing. The original contract with CH2MHill was \$478,800. Amendment No. 1 is an additional \$128,433 (geotechnical services - \$94,400 approved March 2015, actuator technical assistance - \$34,033) bringing the amended total to \$607,233.

Vice President Whitworth stated his concern with amendments to contracts.

Mr. Perry stated the contract with CH2MHill was originally substantially more than the \$478,800. Staff negotiated the scope of work and reduced the contract by excluding geotechnical services.

Staff recommended approval of Amendment No. 1 for Contract 13-9381L.01 for actuator evaluation and testing services in the amount of \$34,033.

A motion was made by Supervisor Phipps to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

20. Reconsider award of bid for purchase of radial gates for Control Structure 12 (RFB No. 15-8308L.04) – Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. LasCasas stated that the Board previously approved at the April 2015 Board meeting the award of bid for radial gates to the sole respondent, Fluid Control Specialties, Inc. representing the manufacturer Waterman Gates. Fluid Control Specialties, Inc. proposed changes to the District's contract, specifying that the manufacturer would have sole discretion to determine if a warranty claim is valid, and requiring that the District agree to limit Waterman's liability to no more than the cost of the gates. The District declined the proposed changes and the vendor has communicated that they will withdraw the response.

Mr. Alderman inquired about the District's warranty when gates were purchased 30 years ago. Mr. Strowd indicated that most likely the District hired a contractor who had a contractual relationship with Waterman and the gates were procured and installed as part of the construction contract. Mr. Strowd further explained that under this contract, the District would purchase and install the gates. There is no contractor involved.

Mr. Strowd stated there are other options for the District to consider, including hiring an engineer to design the gates and fabricating them in-house, or the District could hire a contractor to purchase and install the gates. The contractor would assume the liability, but this option would cost more. However, it is staff's preference to award the bid to a supplier who has specific expertise in manufacturing flood control gates.

Supervisor Whitworth indicated his preference in procuring a supplier that specializes in the manufacturing of the gates rather than fabricating the gates in-house.

Supervisor Phipps inquired if separate insurance could be purchased to cover the liability. Mr. Strowd indicated that we could look into this option if needed; however, he would prefer to pursue other options first.

Mr. LasCasas stated that staff recommends re-advertising the solicitation to determine if any other vendors respond. If there are no responsive bidders, staff will present additional options to the Board for consideration. If re-advertised, staff would present a recommended award at the May Board meeting. Fluid Control Specialties, Inc. would have an opportunity to re-submit.

Supervisor Alderman inquired about the limits of liability that staff is seeking. Mr. Perry stated the District does not wish to limit liability and is only seeking a one-year warranty to ensure a defect-free product.

Supervisor Alderman stated he does not believe the District will be able to obtain a desirable warranty and suggested moving forward to purchase the gates from Waterman.

Vice President Whitworth questioned how much it would cost if a contractor installed the gates. Mr. LasCasas stated he did not have the exact cost; however, it is one of the options staff will bring back to the Board, if needed.

Staff recommended approval to reject the current bid from Fluid Control Specialties, Inc. and return to the Board with all plausible options.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Phipps and approved with a 3 to 1 vote with Supervisor Alderman voting no.

Staff recommended approval to re-advertise the solicitation.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Phipps and approved unanimously.

- 21. Approval to solicit a request for proposals for technology consulting services to implement a land management software platform for permitting and inspections (RFP No. 15-9677L.01) – Juan Tobar, IT Manager**

Mr. Tobar presented background information on the District's permitting program. Currently, data is manually entered and saved in a Microsoft Access database that provides limited functionality. The District's goal is to realize efficiencies through an automated process. Staff evaluated several permit software products to meet these goals and identified Accela Permit Platform as the best match for the District's needs. To implement the Accela permitting platform, staff is requesting technical assistance. The estimated costs for the Accela permit software will be \$34,000/year with a one-time fee for professional services of \$70,000. Mr. Tobar reviewed the proposed timeline for the RFP and stated once the proposals are received, the evaluation committee consisting of himself, Jim Fandrey, Patrick Martin, Rosemary Rayman and Reagan Walker, will review and bring the final rankings to the Board for approval.

Supervisor Phipps asked if there will be training each year to keep up with new technology.

Mr. Tobar stated Accela hosts training each year that staff can attend once the software is obtained.

Staff is recommending approval to solicit a request for proposals for professional services to implement the Accela Permit Management Platform.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

- 22. Approval to issue a quit-claim deed to Palm Beach County subject to an easement to LWDD for the L-30 Canal at Lake Ida. Location: Northwest Quad of Lake Ida and L-30 Canal (LWDD Project No. 97-4675P.01) – Nicole Smith, Right-of-Way Coordinator**

Mr. Perry stated it was not necessary for Mr. Alderman to abstain from this item.

Ms. Smith stated that Palm Beach County is selling the parcel of land on the north side of the L-30 Canal and the west side of Lake Ida to the city of Boynton Beach and will convey right-of-way to the District for the north portion of the L-30 Canal. The District will issue a quit-claim deed to Palm Beach County subject to a new easement. The city of Boynton Beach will then convey an access easement to the District. Staff recommended approval to issue a quit-claim deed to Palm Beach County subject to the new easement, and subject to Palm Beach County's approval.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Phipps and approved unanimously.

- 23. Approval to accept easements from GL Homes subject to existing utility and/or conservations easements. Location: Blanca Parcel S-9 Canal (LWDD Project No. 13-7143P.05), Old Agros Parcel L-21 Canal (LWDD Project No. 13-9461P.01), Brushi Parcel North side L-23W Canal (LWDD Project No. 03-4608P.02), Brushi Parcel South side L-23W Canal (LWDD Project No. 03-4608P.02), Amestoy Parcel E-1 Canal (LWDD Project No.**

03-4608P.02), Atlantic Commons E-2E Canal (LWDD Project No. 99-5176P.01) – Nicole Smith, Right-of-Way Coordinator

Ms. Smith stated, during review of canal sections for various projects submitted by GL Homes, District staff has determined the need for additional right-of-way. Some of the easements needed for maintenance are encumbered by existing utility and conservation easements. There were ten parcels submitted to convey easements to the District and of those ten, six were encumbered by either an existing utility easement or existing conservation easement.

Vice President Whitworth asked if the District would be restricted in conducting mission critical business in these areas.

Mr. Perry replied no. In fact, the conservation easements have a specific mission critical business provision that opts out the District as long as the District is utilizing it for water control purposes.

Staff recommended approval to accept the various easements for:

- Blanca Parcel S-9 Canal (LWDD Project No. 13-7143P.05)
- Old Agros Parcel L-21 Canal (LWDD Project No. 13-9461P.01)
- Brushi Parcel North side L-23W Canal (LWDD Project No. 03-4608P.02)
- Brushi Parcel South side L-23W Canal (LWDD Project No. 03-4608P.02)
- Amestoy Parcel E-1 Canal (LWDD Project No. 03-4608P.02)
- Atlantic Commons E-2E Canal (LWDD Project No. 99-5176P.01)

All easements will be subject to utility and conservation easements.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

STAFF REPORTS

24. Executive Director's Report

Mr. Brown stated that he traveled to Tallahassee last week and met with several legislators in anticipation of next year's session.

Mr. Brown stated he and several staff members have a meeting scheduled with Palm Beach County Engineering Department to discuss canal roadways within the District. He will update the Board next month on the results of the meeting.

Director of Operations and Maintenance

Mr. Strowd provided an update on the Whisper Walk L-41 Canal bank rehabilitation status (LWDD Project No. 14-403P.10). The residents' complaint was primarily about the ground cover. The grass has sprouted, but has not started growing as it is still in the dry season. It is the recommendation of staff to wait until mid-summer, and if the District is not seeing much progress beyond this stage, staff will fertilize the area. Mr. Strowd stated he will keep the Board up dated on the progress.

Mr. Strowd presented an update on the water conditions in the District. Most of the District has experienced between 2.5 and 3.0 inches below average rainfall over the past month. The District's primary source of water this winter has been from Water Conservation Area 1 using the South Florida Water Management District's G-94A and G-94C structures. The District has a secondary source of water which takes water from Lake Okeechobee, bringing it down the South Florida Water Management District's L-8 Canal and then into our system. The District has been using this system for most of the dry season this year. Mr. Strowd stated Water Conservation Area 1 is at elevation 16' NGVD which is at the District's western water table. Lake Okeechobee is at 13.6 feet with a 10% chance the water will fall to a level that there will be a water shortage. Mr. Strowd also discussed C-51 headwater stages at S-155A at the north end of the District, and in March they started to fall due to lake levels dropping and more competition for water with West Palm Beach and the stormwater treatment areas. At the south end of the system, the District had problems pulling water out of the E-1 Canal and shifted back to the Water Conservation Area 1 pumps.

Mr. Strowd stated that as part of the Canal Rehabilitation Program, staff will be removing encumbrances along the L-13 Canal between Jog Road and Military Trail for approximately two miles.

Director of Administrative Services

Ms. Walker stated staff is moving ahead with the Centennial Celebration scheduled for the June 2015 Board meeting.

Director of Engineering & Right-of-Way

Mr. Martin stated the engineering and right-of-way department supports the automated permit system and believes it is the right thing to do.

Mr. Martin stated that the Control 9, Phase I evaluation based on existing topography is complete. Staff will determine next week whether to continue onto the Phase II portion which utilizes the Ground Water Model.

Mr. Martin stated the deadline for appealing FEMA Maps was April 2nd and a number of municipalities have submitted appeals. AECOM is FEMA's consultant who will be reviewing the appeals and revising the maps accordingly and a final set of maps should be released by the end of the year.

Mr. Martin stated the final report for the C-51 Reservoir Project has been prepared from the Palm Beach and Broward County Working Group. It is a capsulation of the history of the project since 1992. The project permitting is moving forward. To date, only letters of commitment have been signed.

President Raucher inquired if the controversy regarding the extension of time for FEMA map appeals has improved.

Mr. Martin confirmed and stated that staff will be returning to the Board to discuss LiDar. Ken Todd, P.E., Water Resource Manager for Palm Beach County, is expected to approach the League of Cities to ask for support to finish LiDar for much of our geographic area and then will be asking for our support. LiDar will provide much better resolution in viewing the flood zones.

Director of Finance

Ms. Hoyt stated she is moving forward with the 2016 Operating Budget and is expecting the first draft to be ready next week for the committee to review.

District Counsel

Mr. Perry stated that he, Bob Brown and Dave Bends, as well as Larry Portnoy and Kevin Ratterree from GL Homes, met with Palm Beach County Attorney Denise Nieman and Assistant County Attorney Bob Banks regarding the TDR issue and presented several examples where the County actually used the District's right-of-way as part of their preservation. Ms. Nieman said she would generate a letter to the District. Mr. Perry stated once he receives the letter he will then develop a response. There is an appeal process that can be accomplished administratively or the District can go directly to the County Commissioners.

25. Board Comment

There are no comments.

26. Adjourn

There being no further business, the meeting adjourned at 10:32 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor