



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
MARCH 11, 2015 AT 8:30 A.M.**

Board Members Present:

Harry Raucher

James M. Alderman

Joyce D. Haley

John I. Whitworth, III

Jeffrey P. Phipps, Sr.

1. Call to Order

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

2. Pledge of Allegiance

Mr. Alderman led the Pledge of Allegiance.

**4. LWDD Centennial Moment Video: 1925-1935 – Rosemary Rayman,
Outreach and Records Manager**

Ms. Rayman introduced the third video in a twelve-part series of LWDD Centennial Moments from 1925-1935.

**5. Resolution No. 15-01 – Recognition of Florida Surveyors & Mappers
Week**

President Raucher presented Thomas Barry with Resolution No. 15-01 recognizing Florida Surveyors & Mappers week.

A motion was made by Supervisor Alderman to approve Resolution 15-01, seconded by Vice President Whitworth and approved unanimously.

**3. Recognition of Employee of the Quarter – Robert F. Rebecca, Aquatic
Applicator**

Committee Member Tim Smith announced Robert Rebecca as the Employee of the Quarter. Mr. Rebecca was recognized for his hard work and dedication. The Board thanked Mr. Rebecca for his service to the District.

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

Mr. Brown stated Item 14 was modified and Tommy Strowd will explain further in his presentation to the Board.

7. Abstentions by Board Members from Items on the Agenda

There were no abstentions by the Board Members.

8. General Public Comment

There was no general public comment.

CONSENT

9. Board comment or request to pull items from Consent Agenda

10. Approval of minutes, check register and financial statement for the previous month

11. Approval to surplus and dispose of designated items – Karen Hoyt, Director of Finance

12. Board Vote on Consent Agenda

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

DISCUSSION

13. Approval to award 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 he received one bid in response to the Request for Bids for Radial Gates for Water Control Structure No. 12. Fluid Control Specialists, Inc. submitted a bid in the amount of \$142,888 for three gates, which includes one lump sum shipping amount of \$15,386 and field support services for 10 hours at \$110/hour. Staff recommended approval to award the bid for purchase of Radial Gates for Control Structure No. 12 to Fluid Control Specialists, Inc.

Supervisor Alderman inquired about shipping fees and requested that staff attempt to reduce these costs.

Mr. LasCasas stated he will investigate options to determine if shipping costs can be reduced.

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

14. Approval to amend contract with CH2MHill to include geotechnical engineering services and actuator evaluation and testing – Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd explained that in the original contract with CH2MHill for design services and construction management for the SCADA system, the scope of services excluded geotechnical engineering services required for construction of new buildings and towers. At the time of contract negotiations, it was unknown how many new buildings would be required for the project. The District planned to

contract this service separately by piggybacking on an existing government contract. However, it was recognized that current procurement laws prevent special taxing districts from piggybacking for professional engineering services. In order to remain on schedule, staff recommends amending the current contract with CH2MHill to include geotechnical services. The proposed fee for geotechnical services for four (4) new buildings and ten (10) towers is \$94,400.

Mr. Strowd also indicated that staff is requesting assistance from CH2MHill to ensure that the actuators being purchased by the District will be compatible with the SCADA system. At the time of the board meeting, CH2MHill had not provided proposed fees for this service. Therefore, staff will propose a separate contract amendment at next month's board meeting.

Staff recommended approval of Amendment No. 1 to Contract #13-9381L.01 with CH2MHill for Geotechnical Engineering Services associated with the SCADA system for an additional \$94,400.

Mr. Brown suggested seeking future legislative changes to allow piggybacking for professional services.

Vice President Whitworth inquired about the cost to the District to make legislative changes. Mr. Perry stated the District currently has a contract for legislative consulting services which can be used to propose amended language.

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

15. Approval to purchase new tractor mower with budgeted funds – Robert M. Brown, Executive Director

Mr. Brown stated that at the February board meeting, staff recommended approval to surplus Tractor M-59, a John Deere tractor purchased in 2006 for \$29,000. According to Everglades Farm Equipment, the tractor needs a new transmission at an estimated repair cost of \$10,000. The Board requested a second opinion from an independent mechanic regarding the necessary repairs. The mechanic concurred with the findings. Therefore, due to excessive repair and maintenance costs, staff recommended approval to surplus Tractor M-59 and disposal via auction or trade-in. Staff also requested authorization to purchase a replacement tractor with funds from the sale of M-59 and the Gallik property sale which will be presented as agenda Item #18.

Mr. Brown also indicated that M-59 is an open-cab tractor. Due to safety concerns, the District is proposing to replace all open-cab tractors. After surplus of M-59, the District will have two remaining open-cab tractors for future replacement.

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

16. Approval to issue a quit claim deed to PB Investors, Inc. for the east 39.53 ft. of Lot 85, Greater Boynton Place, Plat Book 57, Page 136, and

authorization to issue quit claim deeds to the nine adjacent parcels (LWDD Project No. 14-95P.24) – Thomas Barry, Project Surveyor

Mr. Barry stated this item is a result of a Chancery Case 407 review request for Lot 85 in Greater Boynton Place and the Plat was recorded in 1987. The District owns the East 79.53 feet of the NE ¼ of the NW ¼ of Section 26/45/42 which includes the East 39.53 feet of the subject land. This parcel is located on the west right-of-way of the E-3 Canal. Staff recommended approval to declare the underlying fee-simple Chancery Case 407 land eligible for issuance of a quit claim deed for two-hundred and fifty dollars, and authorization to issue quit claim deeds to the nine adjacent parcels in this plat as they are submitted for Chancery review, all subject to LWDD operating policies and certificates of title.

Supervisor Phipps confirmed with Mr. Barry that by authorizing the same approval for the nine adjacent parcels, the requests will not need to be brought back to the Board in the future.

Vice President Whitworth inquired regarding the approved timeframe and the necessity of detailed legal descriptions for the adjacent lots.

Mr. Perry replied that the approval will be indefinite, based on the Districts operating policies at the time of receipt of individual requests.

Mr. Brown suggested the Board approve the individual request for Lot 85 and staff will present a recommendation for approval of the nine adjacent lots at next month's Board meeting to clarify legal descriptions and approve a timeframe.

A motion was made by Senior Vice President Haley to approve the recommendation for Lot 85, seconded by Supervisor Phipps and approved unanimously.

17. **Declare underlying Chancery Case 407 fee interest eligible and issue a quit claim deed to the estate of Dorothy Burke. Location: Lot 22, Block 63, Boca Raton Square Unit No. 5, Plat Book 26, Page 99 (LWDD Project No. 15-4795P.21) – Thomas Barry, Project Surveyor**

Mr. Barry stated that this parcel is located on the north right-of-way of the L-50 Canal west of the E-4 Canal and is not within the boundaries of the Lake Worth Drainage District. This Plat was recorded in 1959. Per Chancery Case 407, the District owns the South 66.69 feet of the Southeast One-Quarter of the Southeast One-Quarter of Section 25, Township 47 South, Range 42 East, which includes the South 16.69 feet of the subject land. Mr. Barry explained that a quit claim deed was approved by the Board for the lot to the east in February of 2000. Staff recommended approval to declare the underlying fee-simple Chancery Case 407 land, which is the North 16.69 feet of the South 66.69 feet, located within said lot, eligible for issuance of a quit claim deed to the adjacent property owner for two-hundred and fifty dollars subject to annexation into District boundaries, waiver of fees associated with the service agreement, LWDD operating policies and certificate of title.

Mr. Perry explained that service agreements are usually provided to commercial properties that petition the Board to annex into District boundaries to receive flood control services. Since annexations take place every few years, a service

agreement is completed in the interim to provide and assess payment for services. This is the first time the District has considered annexing a residential property; however, Mr. Perry stated he was in favor.

Supervisor Alderman and Vice President Whitworth inquired about annexing one residence rather than the entire area.

Mr. Brown stated that there are approximately 4,000 parcels in the Boca Raton area that hydrologically benefit and receive services from the District; however, these parcels are not currently being assessed. The District anticipates seeking annexation of these parcels in the future. Mr. Brown recommended to annex the single residence as a step towards annexing the larger area in the future.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Phipps and passed with a 4 to 1 vote with Supervisor Alderman voting no.

18. **Approval of appraisal determining fair market value of District property to be purchased by Robert & Brenda Gallik. Location: East side of Lake Eden, north of Lake Ida (LWDD Project No. 14-9589P.01) – Nicole A. Smith, Right-of-Way Coordinator**

Ms. Smith stated this project is located on the east side of Lake Eden, north of Lake Ida. The District quit claimed the property to Palm Beach County on July 15, 1950, with a reverter clause that if the property was not used for park purposes, it would be deeded back to the District. At the September 17, 2014 Board meeting, the Board approved the sale of the adjacent land to Mr. and Mrs. Gallik subject to an appraisal to determine fair market value. Staff recommended approval of the fair market value of \$13.175/sq. ft. for 1,847 sq. ft. totaling \$24,334.22 subject to a sketch of description of the property to be purchased, certification of title and LWDD operating policies.

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

Ms. Smith stated staff is recommending approval of Resolution No. 15-02 authorizing the use of the proceeds from the sale to supplement the purchase of a new mower tractor to replace Tractor M-59.

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

19. **Approval to award bid for construction of District Headquarters parking lot (RFB No. 15-5947D.13) – Patrick A. Martin, Director of Engineering and Right-of-Way**

Mr. Brown provided background information on previous board discussions and action items related to paving the parking lot. He shared that the current Operations & Maintenance yard consists of a dirt/sand surface significantly compacted over many years of use. During normal rainfall events, the O&M yard holds water due to compaction and lacks proper drainage. During dry times, it

produces considerable dust which blows into the shop area and offices. The dust is also corrosive to field and office equipment. He further explained that in both wet and dry circumstances, the current condition of the parking lot compromises day to day operations; causes unnecessary wear and tear on vehicles and equipment; creates unkempt (dirty/dusty/muddy) shop and main office facilities that must be continually swept and cleaned; and creates safety concerns.

Mr. Brown also reviewed the benefits this will have on the District's operations including uninterrupted services expected of a public works agency; effective stormwater drainage; enhanced water quality, and management of stormwater discharge and hazardous material spills; proper fleet maintenance; and a safe/clean workplace environment

Mr. Brown stated that concrete is a more durable option; asphalt would need to be resurfaced on a regular basis. While asphalt material is less expensive than concrete, any initial savings will be offset by necessary preparation of the asphalt base and cost of repairs and multiple resurfacing. Also, a phased approach would require multiple mobilizations which would result in higher costs and create additional interruption of operations. Additionally, it is necessary to complete all earth and underground work for both phases at the onset of the project. Mr. Brown further stated that it is best to complete the project prior to the wet season and that the project would not interfere with prioritization and schedule for completion of flood control infrastructure improvements.

Mr. Martin presented the two-phase project site plan for the parking lot and explained it will be considered in two phases for maintenance of traffic. The Request for Bid (RFB) was re-solicited in February as the initial Bids were deemed unresponsive. This second RFB was advertised February 8th & 15th, with a mandatory pre-bid meeting held on February 18th and the bid opening held on March 4th. There were six bidders:

✚ Rosso Site Development, Inc.	\$ 888,716.42
✚ Struc-Tech Engineering, Inc.	\$ 846,000.00
✚ All-Site Construction, Inc.	\$ 866,803.00
✚ West Construction, Inc.	\$1,010,200.00
✚ Arbor Tree & Land, Inc.	\$1,232,610.00
✚ Concrete Services, LLC	\$1,038,871.00

Staff recommended approval to award bid for construction of the District parking lot to Struc-Tech Engineering, Inc., the lowest responsive and responsible bidder, in the amount of \$846,000.

Supervisor Alderman inquired about the thickness of the concrete.

Mr. Martin stated the concrete will be six inches thick with micro-fiber mesh type material.

Supervisor Phipps inquired about material to be used for the joints, warranty on the project, and the life span of the concrete.

Mr. Martin stated that joints will be cut within 24 hours to prevent cracking. Mr. Martin stated he believes it is a one-year warranty, and concrete will last 50 years at a minimum.

Supervisor Phipps inquired about the financial responsibility of Struc-Tech Engineering.

Mr. Martin stated that Struc-Tech Engineering was determined to be the lowest responsible and responsive bidder. They provided all the requested documents to show proof of financial responsibility.

A motion was made by Supervisor Phipps to approve the recommendation, seconded by Senior Vice President Haley and passed with a vote of 4 to 1 with Vice President Whitworth voting no.

STAFF REPORTS

20. Executive Director's Report

Mr. Brown mentioned that he and Tommy Strowd attended Palm Beach County Legislative Day in Tallahassee last week and it was a productive trip. He also briefed legislators regarding the District's 100th year anniversary and invited them to the Board of Supervisors meeting and Centennial Celebration in June.

Mr. Brown thanked Reagan Walker and Rosemary Rayman for preparing the District's brochure.

Mr. Brown stated further that while the District did not have specific legislation requests this year, they laid the ground work for next year's potential requests including the Control Structure 9 relocation and LiDAR.

Director of Operations and Maintenance

Mr. Strowd presented a brief update on the February 28th rain event. In 12 hours, there was 8 – 12" of rainfall in Royal Palm Beach, 4 – 5" in Kings Point, and 4 – 5" in Sandalfoot Cove and Boca Del Mar. There was some flooding observed in the areas of Wellington Regional Hospital, numerous parking areas near the E-1 Canal and Southern Boulevard, street flooding in Boca Del Mar and in Kings Point and canal bank washouts at PEBB on E-1 Canal. Calls were received from concerned citizens in Kings Point, Wellington and Sandalfoot. The design elevation in the Refuge at Control Structure 94C is 16.00'. The elevation started at 15.62' and peaked at 16.13'. Controls 2, 9, 11 and 12 were opened. On Sunday morning, staff were in the field clearing structures of logs and debris. Mr. Strowd recognized the Water Crew: Tom Kirk, Troy Lee, Bob McLaughlin, Lany Altman, George Aylor and Doug Gunther. He thanked them for all their hard work, stating they did an outstanding job. They are a great team and he is proud to be a part of it.

Mr. Strowd mentioned on the same day as the rain event, a private airplane was diverted from its flight path to Fort Lauderdale when its engines failed. The pilot made an emergency landing on the south side of the Turnpike on the District's E-2 Canal right-of-way south of Palmetto Park Road in Boca Raton. After repairs were completed, the plane successfully took off from the right-of-way.

Director of Administrative Services

Ms. Walker thanked Megan Hanney and the Green Team who planned the Green Week Celebration. There were guest speakers from Solid Waste Authority and Bedners. Ms. Hanney will provide her annual presentation on the District's green efforts at the April Board meeting.

Director of Engineering & Right-of-Way

Mr. Martin stated the Board requested him last month to look into obtaining engineering services for the relocation of Control Structure 9. One location was initially found favorable from an access perspective. Mr. Martin stated he asked Mr. Alan Wertepney of Mock Roos to provide a proposal on the relocation. It is a two phase proposal, 1) surveying and coordination, and 2) groundwater modeling. Potential issues include low elevations of the roadways and relocation of septic tanks. Staff met with the city of Boynton Beach and will also be meeting with Palm Beach County and the Health Department staff regarding conversion of the septic tanks to a centralized sewer system. It has also been discussed that legislative funding may be requested to help with conversion of septic tanks.

Supervisor Phipps inquired if the residents need to approve connections to the sewer system and what would the expense be.

Mr. Martin replied that the director for Boynton Beach utilities estimated it can cost \$10,000 to \$15,000 per house.

Vice President Whitworth asked why would we move the structure downstream.

Mr. Martin stated the location is desirable due to accessibility. Relocating the structure upstream may constrict flow at the Lawrence Road Bridge. The project and options need to be discussed and investigated further.

Mr. Brown mentioned the legislature does not typically provide cost-share funding to convert residential septic tanks, but they would be supportive if there is an environmental benefit such as to the Lake Worth Lagoon. He recommended seeking funding during the next legislative session.

Vice President Whitworth inquired about water supply issues.

Mr. Martin stated he does not have a definitive answer until more information is available.

Mr. Martin stated Mock Roos is proposing a two-phase study in the amount of \$20,600. \$8,500 would be for the survey work and \$12,100 for the groundwater model.

Vice President Whitworth stated he believes it would be easier and less expensive to harden the bridge than to convert the 400 homes the septic tanks.

Director of Finance

Ms. Hoyt stated, for the year ending September 30, 2015, the District is required to implement GASB Statement No. 68 relating to accounting and financial reporting for pensions. Therefore, the District will be hiring an actuary and has chosen Bolton Partners from Boca Raton. They will actuarially calculate the future benefits

under the Florida Retirement System (FRS) related to current and past employees of the District. The District is required to record as a liability the unfunded portion of those benefits. Currently, the FRS is 88% funded; under that scenario, the District would be responsible for the remaining 12% of the calculation.

Ms. Hoyt also stated that in order for the consultant to conduct the actuarial calculation, they need information from FRS (Florida Retirement System) whose year-end is June 30th. FRS has estimated that the information will be available in January 2016. If that is the case, we **most likely** will not be able to issue our financial statements until April 2016. Florida Statutes provide **nine** months to issue financial statements so the District would have until June 30, 2016. Ms. Hoyt stated she will know more about the timetable in October and will **provide** a progress report at that time.

District Counsel

Mr. Perry stated the Alembik v. Lake Worth Drainage District complaint filed in April 2011 in reference to the work the District performed on the L-47 Canal was dismissed last week. Mr. Perry thanked staff for their assistance.

Mr. Perry shared that he and Mr. Whitworth met with Mayor Shelley Vana regarding the District's TDR proposal. She was very responsive to Mr. Whitworth's concerns, and County staff has agreed to reconvene and readdress their position. Mr. Perry further stated that Commissioner Mary Lou Berger is also supportive of the District's position.

21. Board Comment

President Raucher thanked the water team employees for their hard work and a great job during the rain event.

22. Adjourn

There being no further business, the meeting adjourned at 10:20 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor