



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
MAY 13, 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: 1945-1955 – Rosemary Rayman, Outreach and Records Manager

Ms. Rayman introduced the fifth video in a twelve-part series of LWDD Centennial Moments from 1945-1955.

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

Mr. Brown announced that Item 17 was postponed until the June 2015 Board meeting.

5. Abstentions by Board Members from items on the Agenda

There were no abstentions by the Board Members.

6. General Public Comment

There was no general public comment.

CONSENT

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

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

9. **Approval to release Chancery Case 407 interest and issue a quit claim deed to Provence Condo Unit 605, Phase 6 via Verde and authorization to issue quit claim deeds to other Provence Condo owners or master association as requested. (LWDD Project No. 14-320P.18) - Thomas Barry, Project Surveyor**
10. **Approval for Vertex Development to use the E-2E Canal right-of-way for construction of a cell tower. Previous Board approval expired April 16, 2015. Location: Within Boca West (LWDD Project No. 11-55P.37) - Nicole A. Smith, Right-of-Way Coordinator**
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 Phipps and approved unanimously.

WORKSHOP

13. **SCADA Project Update (LWDD Project No. 13-9381D.01) - Tommy B. Strowd, Director of Operations & Maintenance**

Mr. Strowd presented an update on the design of the SCADA system. CH2MHill has completed the project definition phase including the field investigation, project definition report and schematic design. Six sites will require new buildings to comply with current electrical codes. The District is procuring geotechnical engineering services for the tower and building foundation design. Mr. Strowd stated that project expenses to date total \$88,080 or 15% of the contract amount. Microwave path field testing demonstrated that the previously identified tower heights resulted in undesirable microwave interference which would require increased tower heights to meet the intended system performance. The conceptual design average tower height was 85 feet; the revised designed average tower height is 135 feet with one tower exceeding 160 feet. Two towers would require Federal Aviation Administration approval. The increased heights may also complicate permitting with affected communities. The additional tower height would result in an estimated cost increase of \$300,000 to \$350,000, not including additional expenses for permitting. Mr. Strowd shared that a less costly option was presented to the District which would require lower bandwidth system and result in less interference and lower antennas heights. The lower bandwidth option would result in slightly longer data transmission time (~1 minute versus a few seconds), and the District would lose bandwidth to support a proprietary computer network on the microwave loop (video, digital, telephone, wireless access). Additionally, the engineering rework would increase design costs by an estimated \$20,000. Given that there are commercial resources available to procure video surveillance and internet connectivity for field staff, Mr. Strowd recommended moving forward with the less expensive option for the 220 MHZ system in the amount of \$2,893,200.

President Raucher asked Mr. Strowd if the District would have any remorse in the future if we don't continue with the microwave communication towers.

Mr. Strowd replied that having a microwave system with network capability would be advantageous, but he does not feel it is worth the added expense. The availability and reliability of technology with regard to the internet is increasing every year; therefore, he stated it is his belief there will be other more affordable options to meet the District's needs rather than building a propriety network.

DISCUSSION

14. Approval to award bid for radial gates for Control Structure 12 (RFB No. 15-8308L.04) - Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. LasCasas updated the Board on the history of the Request for Bid for Radial Gates for Water Control Structure No. 12. The Board initially approved the award of bid at the March 2015 meeting to the sole respondent, Fluid Control Specialties, Inc. The respondent proposed changes to the contract which the District declined. As a result, the vendor voluntarily withdrew their response. At the April 2015 meeting, the Board approved staff to re-advertise the original solicitation adding specific language to address warranty restrictions. As a result, one responsive bid was received from D&J Machinery, Inc. in the amount of \$135,150. Staff recommends approval to award bid for purchase of radial gates to D&J Machinery, Inc.

Supervisor Phipps inquired if staff completed due diligence to ensure D&J Machinery, Inc. could provide the requested warranty.

Mr. Perry stated D&J Machinery, Inc. provided all requested documentation including previous references and examples of past work indicating a positive record.

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

15. Approval to issue a Right-of-Way Encroachment Permit to Rhoda B. Charlse (Lot 19) of Boca Grove Plantation. Location: South L-46 Canal right-of-way (LWDD Project No. 14-6831P.19) - Patrick A. Martin, Director of Engineering & Right-of-Way

Mr. Martin stated the Board previously approved encroachment agreements for the property owners adjacent to the L-46 Canal allowing for an 8-foot encroachment within the District's right-of-way. The District currently has agreements with 14 of 20 residents along this portion of canal. Ms. Charlse currently has a hedge 8 feet into the District's right-of-way. Staff recommended approval to enter into a right-of-way encroachment permit with Ms. Charlse subject to LWDD operating policies including fees of \$15 per linear foot for non-structural and \$20 per linear foot for structural, certification of title, certificate of insurance listing the District as additional insured, sketch of description showing all encroachments within the 8 feet, legal and recording fees and a permit condition stating all encroachments will be removed for emergency purposes.

Vice President Whitworth inquired if the permittee would have the right to add other items within the right-of-way.

Mr. Martin confirmed they would not have authorization to add additional items.

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

16. Approval to issue a Right-of-Way Encroachment Permit to Edward Ellman (Lot 1) of Boca Grove Plantation. Location: South side of L-46 Canal (LWDD Project No. 14-6831E.14) – Patrick A. Martin, Director of Engineering & Right-of-Way

Mr. Martin stated the Board previously approved encroachment agreements for property owners adjacent to the L-46 Canal. The District currently has agreements with 14 of 20 residents along this portion of the canal. This particular property was owned by the Bank at the time encroachment agreements were authorized. The Bank did not want to enter into an agreement and chose to clear the property. Mr. Ellman has since purchased the property and is now requesting a 4-foot encroachment. Staff recommends approval to enter into a right-of-way encroachment permit with Mr. Ellman subject to the District Operating Policies including a \$15 per linear foot fee for all non-structural items, certification of title, a certificate of insurance listing the District as additional insured, a sketch of description showing all encroachments within the 4 feet, all vegetation to be approved by the District, legal and recording fees and a permit condition stating that all encroachments will be removed if needed for emergency purposes.

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

17. Approval to issue a Right-of-Way Encroachment Permit to Holly Dillman (Lot 210) of Cypress Creek Country Club. Location: South side of C. Stanley Weaver Canal (LWDD Project No. 15-21E.17) - Patrick A. Martin, Director of Engineering & Right-of-Way

Ms. Dillman requested a thirty-day postponement of this agenda item.

18. Approval of relocation of six FPL transmission poles, addition of one transmission pole, replacement of four distribution poles and the replacement of an anchor stub. Location: Within the west right-of-way of the E-3 Canal (LWDD Project No. 13-8908U.04) - Joseph Walsh, Plan Reviewer

Mr. Walsh stated that FPL is requesting approval for the relocation of six transmission poles, the addition of one transmission pole, the replacement of four distribution poles and the replacement of an anchor stub pole within the west right-of-way of the E-3 Canal from the L-5 Canal to north of Gun Club Road. The District received a permit application from FPL on September 10, 2013 for the pole replacements. The existing poles will be relocated within the west 5 feet of E-3 Canal right-of-way. FPL and the District have been working together to reach an agreement that benefits both parties. Staff recommended approval to issue a permit to FPL for the relocation of the utility poles within the west 5 feet of the E-

3 Canal right-of-way subject to the District's Operating Policies, permit fees of \$14,400 (\$1,200 per pole) and waiver of the \$20 per linear foot fee.

Supervisor Alderman inquired as to why the District is waiving the fee.

Mr. Martin responded that the current location of the lines are near the top of canal bank which makes it difficult for the District to operate and maintain the right-of-way. It is a joint venture and benefits both parties to move the lines. The project will also allow the District to reclaim right-of-way on both the east and west sides of the canal.

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

STAFF REPORTS

19. Executive Director's Report

Mr. Brown mentioned he attended the Village of Wellington's Council meeting where the Lake Worth Drainage District was presented with a Proclamation recognizing the Centennial Anniversary. Mr. Brown invited the Council members to the District's Centennial event on June 17, 2015.

Mr. Brown stated the session in Tallahassee ended three days early and is scheduled to reconvene on June 1st. The only outstanding issue partially impacting the District at this time involves the FRS portion of the budget.

Mr. Brown shared to Board members that his outside consulting services, which are primarily for expert witness and guidance to agricultural interests take place outside the District's boundaries. He reiterated that these services do not and will not interfere with his obligation and commitment as the Districts' Executive Director.

Mr. Brown mentioned that the Florida Section of the American Water Resources Association (AWRA) will host their technical meeting at the District on Friday, May 15, 2015.

Mr. Brown mentioned the Florida House approved bipartisan legislation requiring withdrawal of the Water of the United States proposed rule; it passed 261 to 155. The act is known as the Regulatory Integrity Protection Act.

Director of Operations and Maintenance

Mr. Strowd stated that the late dry season has been kind to us. The District has received a fair amount of rain and has not been required to pump often. There has already been one named tropical storm event.

Director of Administrative Services

Ms. Walker mentioned that the invitations for the centennial celebration on June 17th have been mailed. The celebration will be held in conjunction with the June Board meeting.

Director of Engineering & Right-of-Way

Mr. Martin stated he had nothing to report.

Director of Finance

Ms. Hoyt stated the first phase of the 2016 proposed budget is completed and will be presented to the Board at the June meeting. Also, Ms. Hoyt indicated that 95% of the non-ad valorem assessments have been collected for the 2014-15 fiscal year.

District Counsel

Mr. Perry shared that he has not received a response from Palm Beach County Attorney Denise Nieman in reference to her opinion on the Transfer of Development Rights (TDRs) and whether or not the District qualifies for the program to sell TDRs to GL Homes.

20. Board Comment

President Raucher thanked staff for another great Centennial Moment video presentation.

Representative Kevin Rader addressed the board and provided an update on the past legislative session including bills that he supported. He spoke particularly on an issue that is affecting farmers across the United States and Florida, providing board members with a copy of the Highly Erodible Land Conservation and Wetland Conservation Certification Form AD-1026 that must be completed by June 1, 2015 to ensure they do not lose USDA subsidies. The purpose of the form is to provide information to the USDA regarding crops on environmentally sensitive land or wetlands.

President Raucher thanked Representative Rader for attending today's meeting and invited him back.

21. Adjourn

There being no further business, the meeting adjourned at 9:35 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor