



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
JULY 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. Presentation of Safety Award by Florida Association of Special Districts

Terry Lewis, General Counsel for the Florida Association of Special Districts (FASD), presented the District with the annual FASD Safety Award. Mr. Lewis introduced other FASD representatives in attendance including: Tanya Quickel, FASD Board member and Director of Administrative and Financial Services for the Village of Wellington; Kim Eikov, Certified District Manager; and Paul Schofield, Manager for the Village of Wellington. Mr. Lewis also introduced Chris Kittleson with Public Risk Underwriters of Florida, Inc. whom nominated the District for the award.

Executive Director Robert Brown thanked Fran Cappellini for her work in implementing a successful safety program at the District and credited her for the District receiving the award. Although Ms. Cappellini was not in attendance, Mr. Brown took the opportunity to acknowledge her upcoming retirement and thank her for 23 years of dedicated service to the District.

4. 20-Year Service Recognition:

- **Natividad Cantu, Equipment Operator II**
- **Johnnie Goss, Equipment Operator III**
- **Steve Meyers, Equipment Operator II**

Ms. Wheelihan introduced Mr. Cantu, Mr. Goss and Mr. Meyers and presented their 20-year service pins. Board members thanked the employees for their dedication and service to the District.

5. LWDD Centennial Moment (7th Installment): 1965-1975 - Rosemary Rayman, Outreach & Records Manager

Ms. Rayman introduced the seventh video in a twelve-part series of LWDD Centennial Moments from 1965-1975.

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

Mr. Brown informed the Board that Agenda Item 14 was being postponed until the August Board meeting.

7. Abstentions by Board Members from items on the Agenda

There were no abstentions by the Board Members.

8. General Public Comment

There were no public comments.

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 issue a quit claim deed to Fred Florida, LLC for the North 45.40 feet of Lot 30, Block 1 Amberwoods of Boca, Plat Book 33, Pages 93-95. Location: L-47 Canal, NW Quad of Redbay Road and Hollandaire Drive West (LWDD Project No. 15-1630P.08) - Thomas Barry, Project Surveyor

12. Approval to issue a quit claim deed to Jennifer A. Knopf for the North 23.46 feet of Lot 7, Block 16 of the Village of Palm Springs Plat No. 2, Plat Book 25, Page 48. Location: L-9 Canal, NW Quad of Pinehurst Road and Davis Road (LWDD Project No. 15-8355P.02) - Thomas Barry, Project Surveyor

13. Approval to issue a quit claim deed to Candido and Lidia Hernandez for the North 26 feet of Lot 2, Block 95 Village of Palm Springs Plat 1, Plat Book 25, Pages 46-47. Location: L-9 Canal, NE Quad of Henthorne Dr. and Longfellow Dr. (LWDD Project No. 15-8962P.03) - Thomas Barry, Project Surveyor

14. Approval of additions to the concrete paving contract (LWDD Project No. 15-5947D.13) - Patrick A. Martin, Director of Stormwater Permitting & Engineering - **ITEM POSTPONED**

15. Approval of contract change order for electrical installation for Electrical Room / Storage Building at Control Structure No. 4 (LWDD Project No. 14-714P.03) - Tommy B. Strowd, Director of Operations & Maintenance

16. **Approval of contract amendment for Professional Engineering and GIS Centric Computerized Software Integration Service for the Supervisory Control and Data Acquisition (SCADA) System Development (LWDD Project No. 13-9381D.01) - Tommy B. Strowd, Director of Operations & Maintenance**
17. **Approval to amend legal services agreement to provide temporary administrative services - Reagan Walker, Director of Administrative Services**
18. **Board Vote on Consent Agenda**

A motion was made by Vice President Whitworth to approve the Consent Agenda with the exception of Item 14, seconded by Supervisor Alderman and approved unanimously.

DISCUSSION

19. **Approval of Fiscal Year 2015-16 Preliminary Operating Budget and authorization to advertise - Karen Hoyt, Director of Finance**

Ms. Hoyt presented the Fiscal Year 2015-16 Preliminary Operating Budget for discussion and approval to advertise. Ms. Hoyt stated there were two changes from the proposed budget of \$15.2 million, including removal of the wash rack facility and the addition of five mower attachments. The preliminary operating budget is \$14.5 million. Ms. Hoyt discussed budget uncertainties that may affect the final budget including final tax roll information, insurance quotes and herbicide expenditures. Staff recommended approval of the 2016 preliminary operating budget and requested authorization to advertise and notice the public hearing on August 12, 2015.

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

20. **Approval to award contract to Smith Engineering Consultants, Inc. for electrical engineering services preliminary evaluation phase (RFP No. 15-8308L.10) - Anthony LasCasas, Assistant Director, Facilities and Maintenance**

Mr. LasCasas stated the Board authorized staff at the June 2015 meeting to enter into contract negotiations with Smith Engineering Consultants, Inc. for electrical engineering services. During negotiations, staff opted to divide the project into three phases: evaluation, engineering design and construction. The scope of work for the evaluation phase will include on-site review of existing facilities, review and coordination with CH2MHill SCADA design, and preparation of an evaluation report to include the proposed design elements and preliminary construction cost estimate. Staff recommended approval to award the contract to Smith Engineering Consultants, Inc. in the amount of \$8,500 to perform the preliminary electrical engineering design evaluation phase for the District's primary water control structures. Additional phases will be brought to the board in the future for discussion and approval.

Supervisor Phipps inquired if staff would prioritize the structures based on inspection results. Mr. LasCasas confirmed that the work would be completed in priority order as identified in the evaluation results.

Supervisor Alderman inquired about combining the evaluation and design phases. Mr. Strowd stated staff recommended dividing the contract into two phases because a fixed cost could not be provided for the second phase until the first phase was completed.

Vice President Whitworth and Supervisor Alderman suggested planning for future electrical needs and recommended staff be prudent with District resources, but suggested focusing on quality supplies and improvements that will last longer. Supervisor Alderman suggested designing improvements to include additional protection against lightning.

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

President Raucher announced a brief recess for the setup of the workshop

President Raucher called the meeting back to order

President Raucher introduced House Representative Dave Kerner. Representative Kerner presented a legislative tribute to the Lake Worth Drainage District for 100 years of service in Palm Beach County.

WORKSHOP

21. Right-of-Way Program - Robert M. Brown, Executive Director, and Tommy B. Strowd, Director of Operations & Maintenance

Mr. Brown discussed the importance of effective right-of-way management to maintain and operate the District's canal system. He indicated that the District currently manages right-of-way with an aggressive canal maintenance program, and that the District needs to complement its maintenance activities with a consistent and comprehensive approach to deny or allow encroachments on District rights-of-way. He shared that staff will be conducting three informal workshops over the next several months to discuss a comprehensive approach to right-of-way management. Mr. Brown introduced Tommy Strowd to lead the first workshop discussion and provide an overview of existing programs and conditions.

Mr. Strowd provided background on the development of Palm Beach County and the evolving challenges the District has faced over the past 100 years, explaining that the District encompasses more than 200 square miles and approximately 22,400 parcels are now located adjacent to District canals. He further indicated that the District receives an average of 10 complaints per day from these adjacent residents.

Mr. Strowd presented illustrations of the typical encroachments found on the canal banks. He explained that the right-of-way management objectives were to provide

access for equipment and personnel for both normal maintenance and emergency activities.

Mr. Strowd shared that a typical lateral canal cross-section provides approximately 35 feet on the high maintenance side and 10 feet on the low maintenance side. Historically, the District has maintained the high maintenance side for access; however, the low maintenance sides have been neglected which could potentially create management issues. The District conducted an encroachment inventory in 2009 that indicated approximately 45% of the District's canals have serious vegetation encroachments. The District recently initiated an inventory of heavy vegetation. The inventory has been completed for the north half of the District (approximately 223 miles of canal) indicating that approximately 70 miles or 30% of the canals in the northern area are encumbered by heavy vegetation. Almost all of these encroachments are on the low maintenance side of the canals which precludes maintenance access and increases the risk of flooding in high wind events. The District has been conducting selective clearing on the low maintenance side of the canals, removing exotic and nuisance vegetation and keeping more resilient native vegetation.

Mr. Strowd provided an overview of the current encroachment policy which states the District does not allow encroachments within the District's canal rights-of-ways unless authorized and permitted. The policy provides options to manage authorized encroachments in the rights-of-way including permits, agreements and licenses.

The District has approved approximately 105 encroachment agreements and 80 piping, paving and parking agreements since 1985. Additionally, the District has issued approximately 5,000 permits since 1980 for other encroachments including bridges, fences, docks, utilities, culvert crossings, etc.

Mr. Strowd shared that, in addition to existing encumbrances that may impact access and maintenance and excessive vegetation that have rendered a significant portion of the low maintenance canal right-of-way inaccessible, new encumbrances are continually being introduced by adjacent residents. There is a need for improved coordination with local government and municipality permitting authorities to preempt encumbrances.

Moving forward, staff will be evaluating and discussing the current policies and options for management protocols. At the next board workshop, staff will focus on program elements and management options. At the third workshop, staff will present a recommendation to the Board for a standardized program that deals with all aspects of right-of-way management including criteria, inspection, permitting, maintenance requirements, outreach, maintenance activities and encumbrance removal.

Following Mr. Strowd's presentation, Board Supervisors and staff had a general discussion regarding right-of-way management issues. Topics discussed included: inventorying District rights-of way; the need to prioritize projects; progress to date on the canal rehabilitation program, formerly known as the critical path program; staff time and resources necessary to accelerate canal rehabilitation projects; contracting for additional assistance to clear rights-of-way and associated costs; residents knowingly placing encroachments on District rights-of-way; the need for enhanced communication with local government and municipality permitting

authorities to minimize right-of-way issues; ongoing maintenance of rights-of-way after clearing projects have been completed; and the increase in citizen complaints during rehabilitation projects. The Board also commented regarding the variations in each of the District's canals and indicated that a one-size-fits-all management approach would not be practical.

Mr. Brown and Mr. Strowd explained the District is currently maintaining our canals and has a permitting program in place. However, there is a need for an improved, comprehensive, and consistent program. They closed the discussion and indicated they would be incorporating the Board's thoughts and comments and seeking additional input at next month's workshop.

STAFF REPORTS

22. Executive Director's Report

Mr. Brown stated the District received the FY16 renewal quote from Florida Blue and has also received competitive quotes from other insurance providers. He discussed options to minimize future increases in insurances costs including changing providers, reducing benefits or increasing employee premiums.

Mr. Brown shared that Florida recently joined other states in a lawsuit against the federal government regarding the proposed rule for Waters of the United States (WOTUS). Mr. Brown, Mr. Strowd and Mr. Martin will be attending a Palm Beach County Water Resource Task Force meeting which will include a discussion on WOTUS.

Mr. Brown and Mr. Strowd will be attending the South Florida Water Management District board meeting on July 16, 2015 to accept a proclamation in recognition of the District's 100-year anniversary.

President Raucher stated the next legislative session will begin in January 2016 and legislation committee meetings will begin in September 2015. Mr. Brown stated the District may be seeking legislative changes in order to annex areas that are receiving services without paying an assessment, including several thousand parcels within the city of Boca Raton.

Director of Operations and Maintenance

Mr. Strowd presented an update on water conditions and escalating drought conditions in South Florida.

Mr. Strowd shared that the 84" culvert construction project at the E-1 ½ and Hillsboro Canal has been completed. The L-47 Canal rehabilitation project adjacent to the Rodgers property has also been completed.

Mr. Strowd provided an update on the L-41 Canal bank rehabilitation project at Whisper Walk Community, and shared photographs on of the progression of grass growth along this canal stretch.

Mr. Strowd shared that, in order to mitigate drought conditions, the South Florida Water Management District's constructed temporary forward pumps to install at the southern rim of Lake Okeechobee during water shortages. The SFWMD's

permit for temporary forward pumps will expire on August 8, 2015. The Department of Interior objected to the permit extension due to impacts on snail kite nesting. Mr. Brown mentioned that the District sent a letter in support of the permit extension and will continue to monitor the issue.

Director of Administrative Services

Ms. Walker stated that more than 80 property managers attended the two community workshops hosted by the District on June 25, 2015. She thanked Ms. Rayman for her efforts to coordinate the workshop with Laura Corry, Intergovernmental Representative with the South Florida Water Management District. She also mentioned that Ms. Rayman was recently published in a statewide blog that reached more than 900 property managers.

Director of Stormwater Permitting & Engineering

Mr. Martin indicated he would discuss the relocation of Control Structure 9 at next month's board meeting, as well as the approval of additions to the concrete paving contract.

Director of Finance

Ms. Hoyt had nothing to report.

District Counsel

Mr. Perry shared his appreciation for Fran Cappellini who is retiring at the end of July. He recognized Fran for her loyalty, efficiency, hard-work and willingness to take on any project.

President Raucher, Vice President Whitworth and Mr. Brown echoed Mark's comments and commended Fran for her service and dedication to the District. Mr. Brown invited Board members to a luncheon to be held in Fran's honor on July 22, 2015.

Mr. Perry stated that he, Mr. Brown, and Mr. Whitworth would be meeting with Palm Beach County Mayor Shelly Vana on July 27, 2015 to request that the District's Sale of Transfer of Development Rights (TDRs) proposal be placed on the County Commission meeting agenda.

23. Board Comment

Board members had nothing to report.

24. Adjourn

There being no further business, the meeting adjourned at 10:45 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor