



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
SEPTEMBER 16, 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. Whitworth led the Pledge of Allegiance.

3. LWDD Centennial Moment (9th Installment): 1985-1995 – Thomas Barry, Project Surveyor

Mr. Barry introduced the ninth video in a twelve-part series of LWDD Centennial Moments from 1985-1995.

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

There were no agenda revisions.

President Raucher announced that Senior Vice President Joyce Haley submitted her resignation from the Board of Supervisors effective September 16, 2015. Ms. Haley served on the Board since March 2007 representing Sub-District 4. President Raucher shared that Ms. Haley had been an asset to the Board and an advocate for employees, and her perspective on the Board will be missed.

A motion was made by Supervisor Alderman to accept the resignation letter from Senior Vice President Haley, seconded by Vice President Whitworth and approved unanimously.

The Board members and managers discussed options to recognize Ms. Haley's service on the Board. It was suggested to send flowers along with a letter of thanks and present a plaque recognizing her commitment to the District and its employees.

Mr. Perry indicated that the Board could appoint a person to fill the vacant seat until the Landowner's meeting in January 2016 at which time an official election would be held.

President Raucher stated that he currently resides within Sub-District 4, the area represented by Ms. Haley, and recommended that his seat be shifted to the vacated Sub-District 4 seat. This would allow the Sub-District 2 seat, which does not have residency restrictions, to be filled more conveniently and expeditiously.

A motion was made by Vice President Whitworth to approve the recommendation that Mr. Raucher resign from Sub-District 2, seconded by Supervisor Phipps and approved unanimously.

A motion was made by Supervisor Alderman to approve the recommendation that Mr. Raucher transfer to Sub-District 4, seconded by Vice President Whitworth and approved unanimously.

A motion was made by Supervisor Alderman to approve the recommendation to retain Mr. Raucher as President of the Board of Supervisors, seconded by Supervisor Phipps and approved unanimously.

Mr. Perry stated that candidates to fill the vacant Sub-District 2 seat will be considered at the October 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 were no public comments.

CONSENT

7. Board comment or request to pull items from consent agenda

Supervisor Alderman inquired about the designated items for surplus specified in Agenda Item #9. Ms. Hoyt shared a list of the items.

Supervisor Alderman inquired about Agenda Item #10 for clarification on whether the District Counsel's annual contract is with Mark Perry as an individual or his law firm.

Mr. Perry clarified that the contract is with the law firm of Mark Perry, P.A.

Supervisor Alderman stated that in the future he would prefer to see this item on the discussion agenda, rather than a consent item. He also requested that Mr. Perry and Mr. Brown work together to ensure a succession plan for legal counsel.

8. **Approval of minutes, check register and financial statement for the previous month**
9. **Approval to surplus and dispose of designated items - Karen Hoyt, Director of Finance**
10. **Approval to renew annual contract for District Counsel - Robert M. Brown**
11. **Approval for authorization to issue a quit claim deed under MRTA for 19.80 ft. of Chancery Case 407, ORB 6495, PG 761 and for the 25 ft. Platted Road, ORB 1585, PG 505. Location: S-9 Canal West of State Road 7, Blanca Moreda Trust Property (LWDD Project No. 13-7143P.05) - Mark A. Perry, District Counsel and Nicole A. Smith, Right-of-Way Permit Coordinator**
12. **Board Vote on Consent Agenda**

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

DISCUSSION

13. **Approval to solicit a request for bids for replacement of three radial gates at Control Structure No. 11 (RFB 15-8308L.11) - Anthony LasCasas, Assistant Director, Facilities & Maintenance**

Mr. LasCasas requested board approval to solicit bids for the replacement of three radial gates at Control Structure 11, and stated that a recommendation to award a contract will be presented to the Board in October.

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

Mr. LasCasas provided an update on Control Structure 12, indicating the lift gates and actuators are expected to be received at the end of September. The current projected completion date for replacing the hoists and actuators for all structures and the gates for Control Structures 11 and 12 is late 2015 or early 2016.

Supervisors Alderman and Whitworth inquired about the delay on finishing the gates for Control Structure 12 and shared their concern with completing the project in a timely manner. Mr. LasCasas stated that he has been in contact with the vendor and still has confidence in their ability to deliver the product.

Vice President Whitworth inquired about the life expectancy of the gates. Mr. Strowd stated that, with proper maintenance, gates should last for approximately 30 years.

14. **Approval to solicit a request for bids for contractor to mulch and dispose of existing vegetation material at LWDD Horticultural Waste Disposal**

Site (RFB 15-9735L.01) - Anthony LasCasas, Assistant Director, Facilities & Maintenance

Mr. LasCasas requested approval to solicit bids for a contractor to mulch and dispose of existing vegetation at the District's Horticultural Waste Disposal Site. The permit was modified in May 2015 and authorized the on-site production of sanitized mulch.

Mr. Alderman commented that the District should consider mulching at project sites rather than moving the material several times. Mr. LasCasas indicated that the District would be looking into mulching on-site in the future.

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

15. Approval of modification to piping permit for Jamaica Bay. Location: L-22 and E-3 Canals, 280 ft. east of Military Trail (LWDD Project No. 90-1329R.01) - Patrick A. Martin, Director of Stormwater Permitting & Engineering

Mr. Martin stated Jamaica Bay requested to modify their piping agreement to include a 100 feet x 30 feet parking lot with surrounding hedge and fence material. Staff recommended approval of the requested modification subject to: converting the existing agreement to a right-of-way permit; all applicable fees with the annual fee to be adjusted every five years using the CPI; an engineer's report certifying the current pipe to be structurally sound and free of debris; the hedge material must be native and no greater than 6 feet in height; and all other standard District policies.

Mr. Dick Armanti representing Jamaica Bay inquired about the timeframe for issuance. Mr. Martin and Mr. Brown indicated that the permit should be issued within the month subject to receiving a completed application.

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

WORKSHOP

16. Right-of-Way Program: Part III - Robert M. Brown, Executive Director, and Tommy B. Stowd, Director of Operations & Maintenance

Mr. Stowd opened the third workshop to discuss the proposed right-of-way management program.

Mr. Stowd stated that for the last two months staff has been re-evaluating the current right-of-way program to improve management effectiveness and to ensure that the District has the necessary access to its canal rights-of-ways to perform required maintenance. Staff is also working on improving coordination with local government permitting authorities.

Mr. Strowd reviewed right-of-way management options including:

- Defining acceptable activity, including the types and location of encroachments and naturally occurring vegetation;
- Permitting process to document status of encroachments, define criteria for permit denials and improve coordination with local governments;
- Enforcement policy to identify unacceptable encroachments for removal by owner or the District.

Mr. Strowd spoke about risk to the District and reminded the Board about the resolution adopted by the Board in 2006 directing staff to develop a "plan of reclamation," which required removal of vegetation and structures. He discussed the exposure to storm risks associated with encroachments depending on the type, size and location. He also discussed the costs associated with the removal of encroachments including monetary costs and diversion of staff and equipment resources from major canal rehabilitation projects. He suggested that the degree of encroachments may need to be considered in order to minimize costs and diversion of resources. He also indicated that the documentation of encroachments would help to maintain the status of existing encroachments, and permitted encroachments would travel with property ownership.

Mr. Whitworth inquired about advertising to promote messaging regarding keeping the canal rights-of-way clear. Mr. Martin shared that the District has an active public outreach program that includes information on keeping the rights-of-way clear and provides examples of how encroachments affect access to canals.

Ms. Walker stated that future increased coordination with local governments will provide an opportunity for shared outreach in communities.

Mr. Strowd stated that documenting existing encroachments is important, not only for the Lake Worth Drainage District to know what encroachments exist and why they were permitted to remain, but for current and future landowners to understand where and why they are encroaching and that there is a permit associated with the encroachment.

Mr. Strowd presented an illustration of canal right-of-way management zones to identify permissible encroachments within the zones. He stated that in order for the District to define where the permissible encroachments are, staff divided the canal right-of-way cross sections into zones 1 through 4, "H" for High Maintenance Side and "L" for Low Maintenance Side. On the major lateral and equalizer canals, all zones will be measured from top of bank to 45 feet and beyond on both sides of the canals. On the minor laterals and stub canals, zones will be measured from top of bank to 15 feet and beyond on the low maintenance side, and 35 feet and beyond on the high maintenance side.

Mr. Strowd shared a spreadsheet developed by Mr. Fandrey that outlined the encroachment criteria and illustrated what encroachments will be permissible. The Board and staff discussed approvals for various permit types. Mr. Strowd indicated staff would administratively approve encroachments that comply with the criteria and that variances would be issued on a case-by-case basis. Mr. Brown stated that all applications recommended for denial would be presented to the Board for consideration. He also stated that future applications for piping of

canals would be recommended for denial, and that requests for variances where hardships existed would be considered by staff and presented to the board as required.

Supervisor Alderman suggested staff review the amount of insurance the District requires for permits. Mr. Perry stated the District requires \$300,000 in insurance because sovereign immunity limits the District's liability to the first \$300,000. Also, this amount is standard for residential homeowner policies. He further shared that the District has liability insurance.

Supervisor Alderman shared his concern regarding delegation of permit approvals to future staff and indicated the Board should regularly review delegation authority.

Mr. Whitworth shared ideas on how to increase outreach to local governments to make them more aware of the District's permitting program and criteria.

Supervisor Alderman inquired if farmers that have had pumps for more than 70 years will be required to get a new permit. Mr. Brown indicated that the District would like to document the encroachments as simply as possible, not create hardships or change prior authorizations.

Mr. Strowd stated that staff's ultimate goal is to minimize encroachments on the District's rights-of-way that may cause a problem. A status update will be presented at the October Board meeting with the final program criteria being presented for Board consideration at the November meeting.

STAFF REPORTS

18. Executive Director's Report

Mr. Brown provided an update on the county-wide LiDAR (Light Detection and Ranging) project and stated that Palm Beach County received a grant from U.S. Geological Survey (USGS) for the project. The County has agreed to contribute \$200,000 to the project, and the South Florida Water Management District agreed to contribute \$81,000. Mr. Brown stated he committed \$25,000 on behalf of Lake Worth Drainage District with the understanding that the local governments will commit to providing the balance of \$36,000.

Mr. Brown provided an update on the District's efforts to seek legislative changes to provide a process to annex areas within the County that have historically received services for ten or more years. Mr. Brown stated staff is proposing to add a fourth provision to the current annexation procedures, and recommended Board approval to submit a local bill to the County Legislative Delegation at their local bill hearing on October 15, 2015.

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

Mr. Brown stated that the November Board meeting falls on Wednesday, November 11 which is Veterans Day. He shared that District staff have

historically taken off on Columbus Day rather than Veterans Day; however, he feels it is important to observe the holiday and suggested moving the meeting to Thursday, November 12, 2015. He also indicated he would like to reconsider District holidays and will recommend changes to the Board.

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

Director of Operations and Maintenance

Mr. Strowd provided an update on the District's aquatic vegetation management program. He stated that staff is modifying the vegetation management program to reduce reliance on aquatic herbicides. The District purchased and installed 30 enhanced vegetation trash booms last year and plan on purchasing 30 more in 2016. The District also purchased a grapple truck to mechanically remove aquatic vegetation. Mr. Strowd shared a chart illustrating the annual herbicide budget and expenditures from 2010 to present. In 2015, the District reduced its expenditures on herbicides. The District recently experienced some weed congestion and with help from the South Florida Water Management District, staff removed most of the vegetation using boats and the mechanical harvester. He mentioned that contributing factors to the excess weeds has been a dry wet season, resulting in minimal water flow, as well as some recent herbicide applications were not effective.

Supervisor Alderman stated he understands saving money, but emphasized the need to balance controlling weeds with both chemical treatment and mechanical removal.

Mr. Strowd mentioned that staff will be purchasing a new plow boat and fabricating new weed buckets for the mechanical harvester.

Director of Administrative Services

Ms. Walker had nothing to report.

Director of Stormwater Permitting & Engineering

Mr. Martin provided an update on the C-51 Project and stated the Water Use Permit application is currently being reviewed by SFWMD and it will be issued soon. The City of Sunrise and City of Lauderhill are potential project participants.

Mr. Martin stated that FEMA has published updated flood maps, and that the LiDAR project would assist the County when working with FEMA in the future.

Mr. Martin stated that Mock Roos is expected to deliver a report on the Control Structure 9 redesign at the end of October.

Director of Finance

Ms. Hoyt had nothing to report.

District Counsel

Mr. Perry stated that he and Mr. Brown attended a meeting with Mayor Shelley Vana and County staff to request that the District be placed on the County Commission agenda to discuss participation in the Transfer of Development Rights (TDR) program. County staff are still not supportive of the District's canal rights-of-way being included in the program. It was concluded that the issue should be considered by the County Planning & Zoning Board. He indicated that he expected a denial from the Planning & Zoning Board which the District will appeal through the Palm Beach County Planning Commission and ultimately be presented to the County Commission for consideration. Mr. Brown stated that January 2016 is the earliest it would be considered by the County Commission.

19. Board Comment

There were no additional comments from the Board.

20. Adjourn

There being no further business, the meeting adjourned at 11:00 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor