



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
JANUARY 13, 2016 AT 8:30 A.M.**

Board Members Present:

Harry Raucher

James M. Alderman

Stephen Bedner

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.

7. Proclamation recognizing the Coalition of Boynton West Residential Associations' (COBWRA) 35th Anniversary

Mr. Raucher presented a proclamation recognizing the Coalition of Boynton West Residential Association's (COBWRA) 35th Anniversary.

Myrna Rosoff, COBWRA President, accepted the proclamation and thanked the Board members.

A motion was made by President Alderman to accept the Proclamation, seconded by Supervisor Whitworth and approved unanimously.

6. Employee of the Year Presentation: Robert Rebecca, Spray Crew Assistant

Employee Committee Member Nicole Smith announced Robert Rebecca as the 2015 Employee of the Year. Mr. Rebecca was recognized for being a team player and going above and beyond to take on additional job duties. The Board thanked Mr. Rebecca for his service to the District, and presented him with a cash award.

3. Oath of Elected Board of Supervisors

James M. Alderman, having been duly elected to the Board of Supervisors at the Annual Landowners' Meeting held on January 6, 2016, for a period of three years in accordance with the legislative act, Chapter 98-525, Laws of Florida 1998, took the oath of office in the form and manner required by law, after which he took his seat as the newly elected Supervisor of the Board of Supervisors of the Lake Worth Drainage District from Sub-District 1.

OATH OF JAMES M. ALDERMAN

State of Florida
County of Palm Beach

Before me, the undersigned, a Notary Public, personally appeared James M. Alderman, who being duly sworn, did depose and say: That he will honestly, faithfully and impartially perform the duties devolved upon him in the office of Supervisor of the Lake Worth Drainage District, to which office he has been duly elected, and that he will not neglect any of the duties imposed upon him by the laws of the State of Florida.

The foregoing instrument was acknowledged before me this the 13 day of January 2016, by James M. Alderman, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____
Notary Public State of Florida

Stephen W. Bedner, having been duly elected to the Board of Supervisors at the Annual Landowners’ Meeting held on January 6, 2016, for a period of three years in accordance with the legislative act, Chapter 98-525, Laws of Florida 1998, took the oath of office in the form and manner required by law, after which he took his seat as the newly elected Supervisor of the Board of Supervisors of the Lake Worth Drainage District from Sub-District 2.

OATH OF STEPHEN W. BEDNER

State of Florida
County of Palm Beach

Before me, the undersigned, a Notary Public, personally appeared Stephen W. Bedner, who being duly sworn, did depose and say: That he will honestly, faithfully and impartially perform the duties devolved upon him in the office of Supervisor of the Lake Worth Drainage District, to which office he has been duly elected, and that he will not neglect any of the duties imposed upon him by the laws of the State of Florida.

The foregoing instrument was acknowledged before me this the 13 day of January 2016, by Stephen W. Bedner, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____
Notary Public State of Florida

Harry Raucher, having been duly elected to the Board of Supervisors at the Annual Landowners' Meeting held on January 6, 2016, for a period of three years in accordance with the legislative act, Chapter 98-525, Laws of Florida 1998, took the oath of office in the form and manner required by law, after which he took his seat as the newly elected Supervisor of the Board of Supervisors of the Lake Worth Drainage District from Sub-District 4.

OATH OF HARRY RAUCHER

State of Florida
County of Palm Beach

Before me, the undersigned, a Notary Public, personally appeared Harry Raucher, who being duly sworn, did depose and say: That he will honestly, faithfully and impartially perform the duties devolved upon him in the office of Supervisor of the Lake Worth Drainage District, to which office he has been duly elected, and that he will not neglect any of the duties imposed upon him by the laws of the State of Florida.

The foregoing instrument was acknowledged before me this the 13 day of January 2016, by Harry Raucher, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____
Notary Public State of Florida

4. Election of Board Officers: President, Senior Vice President and Vice President

A nomination for James M. Alderman for President was made by Mr. Whitworth, seconded by Mr. Phipps and approved unanimously.

A nomination for Harry Raucher for Senior Vice President was made by Mr. Whitworth, seconded by Mr. Phipps and approved unanimously.

A nomination for Jeffrey P. Phipps, Sr. for Vice President was made by Mr. Whitworth, seconded by Mr. Bedner and approved unanimously.

5. Appointment of District Officers: Robert M. Brown, Secretary; Reagan Walker, Assistant Secretary; and Karen Hoyt, Treasurer

A motion was made by Senior Vice President Raucher to approve the appointment of the District Officers as presented, seconded by Vice President Phipps and approved unanimously.

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

Mr. Brown stated that Item 13 will be pulled from the consent agenda and moved to the discussion agenda.

9. Abstentions by Board Members from items on the Agenda

Mr. Alderman and Mr. Whitworth abstained from discussion and voting on Item 17 for Phase IV and completed Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers. Mr. Bedner abstained from discussion and voting on Item 17 for Phase III and completed Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers.

10. General Public Comment

Alice Finst, resident, shared her concern that certain landowners in Boca Raton are receiving services from the District, but not paying the District's assessment. She suggested that the District stop mowing and maintaining the canals in the area of Boca Raton that is not being assessed. She inquired about the District's actions to solve the issue and indicated she would be speaking with the Delray Beach City Commission to request their support in making Boca Raton residents that receive services pay their fair share.

Supervisor Whitworth explained that the area is not currently annexed into District boundaries, but the District must maintain the canals and rights-of-way in the area to ensure clear access in case of an emergency. He stated his support for assessing the residents within this area, and suggested that Ms. Finst share her concerns with the City of Boca Raton.

Mr. Brown stated his appreciation for Ms. Finst's comments and concerns, and indicated that the District proposed legislation to annex the area of Boca Raton that receives services, but is not being assessed. He explained that the District withdrew the proposed legislation in order to continue dialogue with the City of Boca Raton to address concerns associated with the annexation and bill language. Mr. Brown stated that the District will be meeting with City representatives over the next few months and that staff will keep her apprised of its progress.

President Alderman explained that the District cannot unilaterally add this area into our jurisdictional boundaries and assess them for services. The District must follow the process according to its enabling legislation.

Mr. Perry explained that there are currently two ways to annex this area into the District's jurisdiction. The first is by a majority electoral vote of all residents in the District, as well as the residents within the area proposed to be annexed. This process would be very costly. The second is through revised legislation, which can be very political. Staff proposed legislation and received negative feedback from City of Boca Raton officials. He stated the District would be meeting with City officials to address their concerns and educate them on the need for annexation and legislative changes.

Ms. First reiterated that the District should stop mowing and maintaining the property which would capture the attention of the residents not paying the District's assessment.

Mr. Perry stated that the District owns the canals and rights-of-way and has the responsibility to maintain them to ensure access. He suggested that she share her concerns with the City of Boca Raton.

CONSENT

- 11. Board comment or request to pull items from Consent Agenda**
- 12. Approval of minutes, check register and financial statement for the previous month**
- 13. Approval to surplus and dispose of designated items - Karen Hoyt, Director of Finance – **Pulled and moved to Discussion****
- 14. Board Vote on Consent Agenda**

A motion was made by Supervisor Phipps to approve the Consent Agenda with the exception of Item 13, seconded by Supervisor Alderman and approved unanimously.

WORKSHOP

- 15. Management of Horticultural Waste Disposal Site - Anthony LasCasas, Assistant Director of Facilities & Maintenance; David Disbrow, President, Sunshine State Biomass Cooperative**

Mr. Strowd stated that the Department of Environmental Protection issued a permit modification for the Horticultural Waste Disposal Site in May 2015 which authorized the District to allow on-site production of sanitized mulch. He shared that at the September 2015 meeting, the Board approved staff's recommendation to solicit bids for contractor services to mulch and dispose of existing vegetative material at the site. Since that time, staff learned of the Sunshine State Biomass Cooperative that recycles yard and other vegetative waste materials across the state. The Cooperative represents a partnership with over 100 of the largest landscaping and tree trimming companies in Florida.

Mr. Strowd introduced David Disbrow, President of Sunshine State Biomass Cooperative, who presented an overview of the Cooperative's services and potential benefits.

Supervisor Whitworth and Vice President Phipps both expressed their opposition with anyone other than the District delivering refuse material into the District's Horticultural Waste Site.

DISCUSSION

13. Approval to surplus and dispose of designated items - Karen Hoyt, Director of Finance

Ms. Hoyt recommended board approval to surplus and dispose of the designated assets. The designated assets included machinery and equipment, office furniture and fixtures, aquatic equipment and two vehicles.

Mr. Brown specified that staff requested to surplus a 2011 Ford Escape (T-120) as the warranty expired and the vehicle required significant downtime for repairs. Also, it is not ideal for off-road and emergency operation. He also requested approval to surplus the 2006 Ford Explorer (T-94) as it is not ideal for field conditions and, therefore, is not used often.

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

16. Approval to piggyback South Florida Water Management District's contract for purchase of herbicides (Project No. 16-8816L.10) - Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd explained that the District solicits a bid for aquatic herbicides each year. He stated there are significant similarities between the District's aquatic program and South Florida Water Management District's (SFWMD) aquatic program. Staff learned that the District can piggyback on SFWMD's agreements for purchase of aquatic herbicides. Pursuant to Chapter 189.053 F.S., Special Districts may procure commodities from purchasing agreements with other governments. Mr. Strowd shared a bid comparison of SFWMD and the District's current bids illustrating the savings per gallon. He indicated that there are two chemicals used by the District that are not on SFWMD's list – 1) Lovert which is manufactured by a single source, Brewer International, and 2) Cutrine which is purchased in small amounts less than \$5,000 annually.

Staff recommended approval to piggyback SFWMD's purchase agreements for aquatic herbicides, and to enter into a single source contract with Brewer International for the purchase of Lovert.

Supervisor Whitworth suggested that staff seek additional discounts by buying in bulk and making immediate payments.

Mr. Perry explained that since the District is a governmental agency we must either advertise for bids or piggyback other agency contracts.

Mr. Brown stated that SFWMD solicits their bids annually in July, so the District will re-evaluate options at that time.

A motion was made by Senior Vice President Raucher to approve the recommendations, seconded by Vice President Phipps and approved unanimously.

17. Approval to extend agreements for Phases I, II, III and IV Sale of Transfer of Development Rights with G.L. Homes of Florida II Corporation for one year to run concurrently with an effective date commencing January 13, 2016. (Project Nos. 12-7664P.02, 12-7664P.03 & 14-7664L.04) - Mark A. Perry, District Counsel

Mr. Perry stated Chapter 112.3143(3)(b), F.S., provides that the District being an independent special taxing district collected on a one-acre, one-vote basis is exempt from the conflict of interest voting requirements. However, in abundance of caution, Board members have historically abstained on certain items. There are four phases associated with District's sale of Transfer of Development Rights (TDRs). For Phases I and II, there were no conflicts with any of the Board members. For Phase III, Mr. Bedner abstained from discussion and voting and completed Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers. For Phase IV, Mr. Alderman and Mr. Whitworth abstained from discussion and voting on Phase IV and completed Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers.

Mr. Perry stated that in October 2013, the Board approved a policy for identification and sale of the TDRs. Since then, the board has authorized staff to solicit a Request for Bids for four separate phases for the sale of TDRs. G.L. Homes of Florida II was awarded the bid for all phases, totaling 297.72 acres in the amount of \$23,053,850. The Phase I and II agreements were signed in April 2014 with an extended closing date of October 2015. The Phase III agreement was signed in October 2014 with an extended closing date of October 2015, and the Phase IV agreement was signed in May 2015 with a closing date of November 6, 2015 and an option to extend closing date to May 6, 2016. On April 15, 2015, G.L. Homes requested and was granted a six (6) month extension for Phases I, II and III agreements to obtain approval from Palm Beach County. Mr. Perry stated these agreements were subject to Palm Beach County acknowledging that the District owns the TDRs and has the ability to sell them. Mr. Perry stated that Palm Beach County staff objected to the District's ownership and sale of the TDRs. There have been several meetings between Palm Beach County and District staff but the County's position has not changed. As a result of these meetings, the District has not been able to close on the agreements. Mr. Perry stated that staff is recommending approval to extend the agreements for Phases I, II, III, and IV Sale of Transfer of Development Rights for District canal rights-of-way located within Agricultural Reserve with G.L. Homes of Florida II Corporation for one year to run concurrently with an effective extension date commencing January 13, 2016.

Supervisor Whitworth shared his dissatisfaction with County staff's position and instructed Mr. Perry to move forward to resolve the issue.

Mr. Perry stated that he and Mr. Brown met with Larry Portnoy and Kevin Ratterree of G.L. Homes to discuss next steps. After the meeting, Mr. Brown directed him to prepare a letter to the Director of Palm Beach County Planning and Zoning Department.

Mr. Brown stated that the District needs to take the lead in this matter, and will seek to meet with the Planning & Zoning Committee and County Commission as soon as possible.

A motion was made by Vice President Phipps to approve the recommendation to extend the agreements for Phases I and II Sale of Transfer of Development Rights for Lake Worth Drainage District canal rights-of-way located within the Agricultural Reserve with G.L. Homes of Florida II Corporation for one year to commence January 13, 2016, seconded by Supervisor Whitworth and approved unanimously.

A motion was made by Senior Vice President Raucher to approve the recommendation to extend the agreement for Phase III Sale of Transfer of Development Rights for Lake Worth Drainage District canal rights-of-way located within the Agricultural Reserve with G.L. Homes of Florida II Corporation for one year to commence January 13, 2016, seconded by Supervisor Whitworth and approved. Supervisor Bedner abstained from voting.

A motion was made by Vice President Phipps to approve the recommendation to extend the agreement for Phase IV Sale of Transfer of Development Rights for Lake Worth Drainage District canal rights-of-way located within the Agricultural Reserve with G.L. Homes of Florida II Corporation for one year to commence January 13, 2016, seconded by Supervisor Bedner and approved. Supervisor Whitworth and President Alderman abstained from voting.

- 18. Resolution 16-01 – Approval to annex into the District’s jurisdictional boundaries 11.16 acres known as Sandler Plaza including the Gloria Drummond Advanced Physical Rehabilitation Institute. Location: Southwest corner of Glades Road and Northwest 13th Street, El Rio Canal (Project No. 15-1352P.31) - Anne Perry, Right-of-Way Coordinator**

Ms. Perry stated that during a right-of-way review for the City of Boca Raton, she identified that the Gloria Drummond Advanced Physical Rehabilitation Institute was receiving services from the District, but was not within its jurisdictional boundaries. Upon further review, it was determined the entire 11.16 acre property known as Sandler Plaza was receiving services. The property, formerly known as Oaks Plaza, is owned by the Boca Raton Regional Hospital located south of the L-46 Canal along the south side of Glades Road and Northwest 19th Street and West of El Rio Canal. The property owner acknowledged they were receiving services from the District and requested to annex into the Districts’ jurisdictional boundaries.

Staff recommended approval of Board Resolution 16-01 to annex 11.16 acres known as Sandler Plaza into the District’s jurisdictional boundaries during the next recodification and enter into a service agreement subject to the District’s operating policies.

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

STAFF REPORTS

19. Executive Director's Report

Mr. Brown stated that the Palm Beach Aggregates C-51, Phase I Reservoir Project received its consumptive water use permit issued by the Florida Department of Environmental Protection. The 50-year permit is the first issued in the state. The District has a consumptive use permit that expires in approximately eight years and needs to ensure that the C-51 Project has no bearing or impact on its consumptive use permit. He shared that Mr. Strowd is working with the project partners on an operational agreement that will be referenced in the District's modification.

Supervisor Whitworth suggested an overview on this subject at a future meeting for the new board members, Mr. Phipps and Mr. Bedner. Mr. Brown indicated staff will provide an overview.

President Alderman and Supervisor Whitworth indicated that the project should not interfere or affect our permit or operations.

Mr. Strowd explained that the operational protocols would outline a hand-off scenario where South Florida Water Management District will take water out of the reservoir and discharge it into the C-51 Canal and the Lake Worth Drainage District will take water out of the C-51 Canal and move it through the District's system and release it into the Hillsboro Canal.

Mr. Brown stated the partners are working on the operational agreement and should be complete in approximately ninety (90) days.

Mr. Brown informed the Board members that Albert Carbon who had been very instrumental in the C-51 Project is now the Public Works Director for the City of Oakland Park.

Mr. Brown informed the Board members that he will be in Tallahassee to attend the 2016 Florida Association of Special Districts' Legislative Forum.

Director of Operations and Maintenance

Mr. Strowd presented an update on the seasonal rainfall and El Nino. The wet season was one of the driest on record. January rainfall outlook indicates a higher chance of above normal rainfall, and the increased chance for rainfall intensifies through March.

Mr. Strowd stated the District is on schedule with the SCADA project and presented the implementation schedule. CH2MHill is on schedule with the engineering design contract and has completed 47% to date.

Mr. Strowd provided an update on the remote sensor monitoring technology and stated that four of the Praxsoft sites were installed, and five of the seven Smartcover sites were installed.

Mr. Strowd stated that staff installed two of the three gates at Control Structure No. 12, and were working on installing the third gate. He indicated there is a fair amount of overflow and leakage because there is a slight difference in configuration. Staff and the contractor were working to complete the installation and resolve any outstanding issues. Mr. Strowd stated that in addition to the new gates, all of the mechanical devices that lift the gates, including the cable drum hoists and actuators, were replaced at Control Structure 12. The same will be done at Control Structure 11 in the coming months.

Director of Administrative Services

Ms. Walker informed the Board that the surplused items listed in Item 13 will be posted on GovDeals.com for auction.

Director of Engineering & Right-of-Way

Mr. Martin was absent.

Director of Finance

Ms. Hoyt stated that the District is still waiting for information from the Florida Retirement System to complete the annual financial audit. The information is expected to be available at the end of January.

District Counsel

Mr. Perry had nothing to report.

20. Board Comment

Mr. Raucher inquired if the District was still considering cybersecurity for the SCADA system.

Ms. Walker stated she will look into the timeline, but it is part of the SCADA implementation.

21. Adjourn

There being no further business, the meeting adjourned at 10:22 A.M.

President – James M. Alderman

Recording Secretary – Joann M. Aylor