



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

Board Members Present:

James M. Alderman Harry Raucher Steve Bedner
John I. Whitworth, III Jeffrey P. Phipps, Sr.

1. Call to Order

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

2. Pledge of Allegiance

Mr. Raucher led the Pledge of Allegiance.

3. Employee of the Quarter Presentation – Nicole Smith, Employee Committee

- Tyler Kitching, Parts Specialist, Fleet Crew

Committee Member Nicole Smith announced Tyler Kitching as the Employee of the Quarter. Mr. Kitching was recognized for his hard work, dedication and positive attitude. The Board thanked Mr. Kitching for his service to the District.

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

Mr. Brown stated that one item was added to the Discussion Agenda and would be presented following Agenda Item #18.

ADDED:

Approval to extend the existing Temporary Access Agreement with Vertex Development for Boca West I Tower along the LWDD E-2E Canal for six months to allow the cellphone companies to install equipment onto a 125 foot flagpole type tower. Location: Southeast Quadrant of the E-2E Canal and Yamato Road (installation of tower) Northeast Quadrant of the E-2E and Glades Road (access) (Project #11-55P.37) - Nicole Smith, Right-of-Way Permit Coordinator

5. Abstentions by Board Members from items on the Agenda

There were no abstentions. Related to Agenda Item #21, President Alderman disclosed that his daughter resides in the Delray Dunes Development.

6. General Public Comment

Mary Barrows, 21522 Cavandish Road, Boca Raton, FL 33433 in the Amberwoods Subdivision on the L-47 Canal, commented regarding a notice of violation letter she received from the District. Ms. Barrow's purchased the property at an auction and installed vegetation and patio pavers approximately six feet into the District's right-of-way, and repaired an existing fence. There is also an adjacent dock that was permitted to a previous property owner. Ms. Barrows requested to keep the encroachments. The Board postponed consideration of the item in order to obtain additional details.

A motion was made by Senior Vice President Raucher to postpone this item for thirty days, seconded by Supervisor Whitworth and approved unanimously.

CONSENT

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

8. Approval of March Board minutes, April Workshop minutes, check register and financial statement for the previous month

9. Approval of revision to LWDD Accounting Policies, Section 2 - Purchasing and Accounts Payable, requiring a purchase order for any purchase of \$1,000 and over - Karen Hoyt, Director of Finance

10. Board Vote on Consent Agenda

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

WORKSHOP

11. 2016 Post-Legislative Session Update - Robert M. Brown, Executive Director

Mr. Brown provided an overview of the 2016 legislative session including highlights of the state budget and bills of interest. Bills of interest that passed included:

- SB 552 – Statewide Water Policy ("Water Bill)
- HB 479/SB 956 - Special District's Glitch Bill - requiring special districts to post specific budget and meeting information on their websites
- HB 273 – Public Records - providing clarification for public records requests to contractor's in order to avoid frivolous litigation
- HB 651 – Department of Financial Services - providing revised employer contribution rates

Bills of interest that did not pass include:

- SB 516/HB 745 - Special Districts - requiring only special districts to create and maintain extensive financial information on their websites utilizing software only provided by a sole source vendor
- SB 686/HB 593 - Government Accountability - requiring lobbyist registration programs for special districts

12. Green Team Presentation - Megan Hanney, Assistant Records Manager

Ms. Hanney recognized her fellow Green Team members: Charlie Burn, Vickie Demerski, Troy Lee and Melissa Wheelihan. The District has realized a total cost savings of \$176,264 since 2009 through participation in recycling programs and Florida Power & Light's On-Call energy savings program. Ms. Hanney indicated that future projects are planned including changes in lighting fixtures and air conditioning thermostats. She also briefed the Board on a new employee incentive award to encourage employees to submit ideas for additional green initiatives.

Ms. Hanney shared that the District's annual Green Week Celebration was held the week of February 22, 2016. Educational speakers at the event included Richard Marburger from USAg Recycling and Mike Trammell from the District's Aquatics Crew. She thanked the sponsors of the fresh market and announced the winner of the Green Team mascot contest, Mike DiLeonardo.

Supervisor Whitworth inquired about cost savings in relation to the 4/10 schedule for field staff. Ms. Hanney indicated that a comprehensive assessment has not been conducted to determine the costs savings.

Vice President Phipps inquired regarding the status of recycling material on the canal rights-of-way. Mr. Strowd shared District staff is still reviewing options.

13. Proclamation recognizing Water Conservation Month - Megan Hanney, Assistant Records Manager

On behalf of the District, Ms. Hanney presented Laura Corry, Intergovernmental Representative for the South Florida Water Management District, with a Proclamation recognizing April as Water Conservation Month.

14. Canal Rehabilitation Program – Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd updated the Board on the District's canal rehabilitation program providing a list of completed, ongoing and scheduled work, as well as before and after photos of projects on the E-3 and L-5 Canals. He also briefed the board on the public notification and outreach process and indicated that many areas with extensive encroachments will require a phased approach to 1) remove trees and spoil from the canal channel and canal bank, and 2) remove remaining encroachments from the canal rights-of-way.

DISCUSSION

15. Approval of conceptual design for Florida Turnpike Authority's road widening project. Location: Boynton Beach Boulevard to Lake Worth Road. (Project #16-669R.89) - Patrick Martin, Director of Stormwater Permitting & Engineering

Mr. Martin explained that the Florida Turnpike Enterprise (FTE) is continuing to investigate options for widening the road from Boynton Beach Boulevard to Lake Worth Road. The FTE is requesting approval of the conceptual design to encroach 20 feet on the east side of the E-2W Canal right-of-way so that further feasibility analysis can move forward. The analysis is expected to take approximately one year. Staff recommended

approval of the conceptual design subject to: determination of the property value of District lands to be used, potential mitigation of permit fees with proposed canal improvements; hydraulic modeling; installation of permanent culvert crossings; construction of the E-2W Canal to its full design cross-section for the limits of the project; and installation of rip-rap rubble on both sides of the canal.

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

16. Approval to solicit a Request for Proposals for General Engineering Services (Project #16-9854L.01) - Patrick A. Martin, Director of Stormwater Permitting & Engineering

Mr. Martin stated the future engineering services are needed for District projects including, but not limited to, facilities design, geotechnical investigation, architectural, water resource and water quality evaluations, and survey services. Mr. Martin explained the projects will be below the thresholds for Consultants Competitive Negotiations Act (CCNA), and contracts will be for a three-year period with two one-year renewal options. Potential projects include a feasibility study for the replacement of Control Structures 16 and 20 and design services for District facilities. Staff recommended approval to advertise a Request for Proposals for General Engineering Services and requested that a Board member serve on the Evaluation Committee. Vice President Phipps volunteered to serve on the committee.

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

17. Approval to piggyback debris removal contracts (Project #16-7833L.02) - Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd shared that the Solid Waste Authority (SWA) of Palm Beach County has a program that assists local governments in addressing the collection and disposal of hurricane generated debris in Palm Beach County. The program includes development and coordination of temporary debris disposal sites across the County and is a contracting vehicle for debris removal vendors to ensure compliance with County, State and Federal requirements. The scope of services for the debris removal contracts includes a fee schedule for unit cost per cubic yard for all disposal activities, and the contract duration is through August 2016 with an option to extend to April 2020. The contractor provides all necessary equipment and personnel, removes debris on District rights-of-way or other spoil disposal areas, and transports debris to approved sites. Mr. Strowd indicated that there were five agencies that provided debris removal services through SWA's contract; however, Bergeron Emergency Services, Inc. was the only local contractor and their price per cubic yard for the types of materials the District would be dealing with were either the lowest or close to the lowest of the five contractors. Staff recommended approval of an agreement with Bergeron Emergency Services, Inc. through a piggy-back on the Solid Waste Authority of Palm Beach County contract.

President Alderman inquired if the District is required to use this vendor.

Mr. Strowd indicated it was not required to use Bergeron; however, staff would like to have this service available to the District if needed and explained there is no cost to the District if services are not used.

Supervisor Whitworth suggested speaking to equipment vendors to reserve equipment for emergency needs.

Vice President Phipps inquired how debris removal work would be prioritized by the vendor.

Mr. Strowd explained that each of the five firms selected by Solid Waste Authority were based on an estimate of the total quantity of debris that would be handled.

Mr. Brown shared that if the area experienced a catastrophic event, Bergeron and other debris removal vendors would most likely pull additional resources from outside the state.

Supervisor Whitworth reiterated the importance of keeping the District's canal right-of-way clear for equipment staging and storm recovery activities.

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

18. Authorization to issue a Right-of-Way Permit for a fence installation within the south portion of the L-30 Canal right-of-way. Location: Southwest quadrant of L-30 Canal and Barwick Road. (Project #06-6694P.02) - Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith stated the District has a 20-foot easement within the parcel on the L-30 Canal right-of-way. The property owners have a current encroachment agreement with the District and requested to install a new fence for approximately 115 feet x 20 feet. If installed as proposed, the remaining right-of-way would vary from 56 feet on the east end of the property to 45 feet on the west end. Staff recommended approval to convert the existing agreement into a Right-of-Way Permit to include the fence, subject to District Operating Policies.

A motion was made by Senior Vice President Raucher to approve the recommendation, seconded by Vice President Phipps. The motion was denied with a 2-3 vote, with Supervisors Whitworth, Bedner and Alderman voting No.

ADDED:

Approval to extend the existing Temporary Access Agreement with Vertex Development for Boca West I Tower along the LWDD E-2E Canal for six months to allow the cellphone companies to install equipment onto a 125 foot flagpole type tower. Location: Southeast Quadrant of the E-2E Canal and Yamato Road (installation of tower) Northeast Quadrant of the E-2E and Glades Road (access) (Project #11-55P.37) - Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith stated this project is located south of Yamato Road on the E-2E Canal right-of-way within the Boca West Development. The District previously issued a Temporary Access Agreement to Vertex Development to authorize access for the installation of a cell phone tower. Vertex Development is requesting approval to extend the agreement for six months to allow individual cellphone companies access to install equipment on the tower. The right-of-way will not be used for routine maintenance. Staff recommended approval to extend the existing agreement with Vertex Development for use of approximately 2,518 feet of the E-2E Canal right-of-way for six months, effective from the date of execution. Approval of the extension is subject to the applicant meeting all District Operating Policies, proof of insurance and a bond for \$126,400 plus legal and recording fees.

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

19. Approval of revisions to Right-of-Way Permitting Policy for Docks - Robert M. Brown, Executive Director

Mr. Brown briefly reviewed current dock permitting criteria and reiterated the need to update the policy to mitigate future flood control and maintenance issues, as well as liability for the District. Mr. Brown presented proposed changes to the dock permitting criteria including:

- Removal of authorizations for roofs on docks
- Removal of authorization to use interlocking block revetment as a form of erosion control; seawall or rubble rip-rap would be required for erosion control
- Dock size may not exceed 250 square feet
- Docks will only be permitted within the following canals:
 - L-14 Canal (Downstream of structure)
 - L-16 Canal (Lanair Park east to Lake Osborne approx. 1,820')
 - L-30 Canal (Downstream of structure)
 - L-38 Canal (Downstream of structure)
 - L-48 Canal (Tidal area only; SW 8th Terrace east to E-4 Canal)
 - L-49 Canal (Tidal area only; SW 9th Ave east to E-4 Canal)
 - L-50 Canal (Tidal area only; SW 14th Drive east to E-4 Canal)
 - C. Stanley Weaver Canal (Downstream of structure)
 - E-4 Canal
 - At the discretion of LWDD, docks may be permitted within canals that have a direct connection to a lake or the E-4 Canal
- Applicants would be required to provide proof of at least \$300,000 general liability insurance
- District may require permittees to obtain a structural inspection, at the permittees expense, from a licensed professional engineer registered in the State of Florida
- Property owners would be required to submit a permit transfer application within 90 days of property purchase
- Modifications of the permitting criteria may be considered for public purpose docks (e.g. roofing, square footage, fees)
- Changes in fees:
 - Application Fee - \$2.00 per square foot
 - Dock Fee - \$5.00 per square foot (one-time)
 - Transfer Fee - \$250.00

Mr. Brown shared that in order to manage docks moving forward, staff will conduct an inventory of all docks, determine which docks are permitted/unpermitted, and verify property ownership/permittee.

For permitted docks, the District will:

- Notice property owners/permittees regarding permit terms and conditions
 - District inspector to perform initial evaluation of docks
 - Notify permittees if maintenance required
- Provide 90 days to make structural improvements and/or provide acceptable inspection report by licensed engineer
- Require removal of any permitted docks that are determined non-compliant

For unpermitted docks within approved canals, the District will provide notice to the property owner that the permit must be obtained subject to the new dock permitting criteria and fees, and the application must be received within 90 days.

For unpermitted docks within non-approved canals, the District will provide notice to property owners that the dock must be removed within 90 days.

Mr. Brown shared that District inspectors will continue to periodically evaluate all docks.

Staff recommended approval of the revisions to the dock permitting criteria and will present the final revised policy language for approval at a future meeting.

Mr. Alderman thanked Mr. Brown for his work on the dock permitting policy.

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

20. Approval of negotiated offer on 1.43 acre parcel owned by R.A. Bailey Trust located on the E-3 Canal adjacent to Control Structure 6. (Project #16-9817P.01) - Robert M. Brown, Executive Director

Mr. Brown stated this property is a 1.43 acre vacant site located on the District's E-3 Canal adjacent to Control Structure 6. The owner, R.A. Bailey Trust, listed the property for \$199,000. Mr. Brown shared that the property is an ideal location for equipment staging and future needs at Control Structure 6. A new appraisal valued the property at \$150,000. The District offered to purchase the property for the appraised value. The owner counteroffered and the District agreed to pay closing costs of approximately \$10,000. Mr. Brown indicated the District is conducting a Phase I Environmental Site Assessment and anticipated closing the sale no later than May 6, 2016.

Staff recommended approval to purchase the R.A. Bailey Trust property for \$150,000 plus approximate closing costs of \$10,000.

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

21. Conceptual approval for surplus of L-28 Canal right-of-way within the Delray Dunes development - Robert M. Brown, Executive Director

Mr. Brown stated that staff recently met with representatives of Delray Dunes Golf Course to discuss the reconfiguration of their golf course. The District issued a Right-of-Way Permit Agreement to Delray Dunes in 1982 for a fence along the south side of the L-27 Canal east of Military Trail. Delray Dunes currently maintains the south portion of the District's right-of-way, and the District maintains the area north of the canal right-of-way to Golf Road. There is also a sidewalk located in the right-of-way between Golf Road and L-27 Canal. District staff proposed renewal of the permit subject to Delray Dunes maintaining both the north and south right-of-ways. Delray Dunes was agreeable to the proposed revisions to the permit terms and conditions.

In addition, Palm Beach County is requiring Delray Dunes to remove the Australian Pine trees from the L-28 Canal right-of-way adjacent to Military Trail. However, the community homeowner's association requires a vegetation barrier to buffer the golf course from Military Trail.

Mr. Brown stated the Board approved a realignment of the L-28 Canal in 1968 to accommodate construction of the golf course and incorporation of the L-28 Canal into the Delray Dunes surface water management system. The L-28 Canal was altered to run south parallel to Military Trail then east through the Delray Dunes lake system, then back to the north reconnecting to the original canal location. Delray Dunes is responsible for all canal maintenance within this area. The canal offers insignificant drainage benefit. Military Trail is the drainage divide in this area and the canal only serves a small portion of the roadway.

Staff recommended conceptual approval of surplus and sale of approximately two acres of L-28 Canal right-of-way subject to Delray Dunes obtaining a competitive appraisal for fair market value.

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

STAFF REPORTS

22. Executive Director's Report

Mr. Brown mentioned that he and staff will be attending the Palm Beach International Agricultural Summit on May 4, 2016 at the Palm Beach County Convention Center, and he invited Board members to attend.

Director of Operations and Maintenance

Mr. Stowd had nothing to report.

President Alderman inquired about the status of control structure gates.

Mr. Stowd stated the District has minor issues that need to be addressed and a letter is being sent to James Swindle from D & J Machinery, Inc. to provide notice that if issues are not address by a date certain.

President Alderman inquired if the vendor had started on the contract for Control Structure 11.

Mr. Las Casas stated he met with James Swindle from D & J Machinery, Inc. and reviewed details on the shop drawings for Control Structure 11 as well as the fixes for Control Structure 12. He stated he had not heard back from Mr. Swindle since that conversation.

Supervisor Whitworth advised moving forward with another contractor.

Director of Administrative Services

Ms. Walker stated that the next Board workshop would be advertised for Tuesday, May 3, 2016.

Director of Stormwater Permitting & Engineering

Mr. Martin had nothing to report.

Director of Finance

Ms. Hoyt stated that the Florida Retirement System has provided the information needed to complete the annual financial audit allowing the District to meet the June 30th deadline.

District Counsel

Mr. Perry reported that the District is awaiting a response from the Department of Planning, Zoning and Building regarding the review and interpretation of the Phase I Sale of Transfer of Development Rights in the Agricultural Reserve. He shared that the District will most likely be required to file an appeal with the Local Planning Agency.

23. Board Comment

There was no Board comment.

24. Adjourn

There being no further business, the meeting adjourned at 10:50 A.M.

President - James M. Alderman

Recording Secretary - Joann M. Aylor