



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
AUGUST 17, 2016 AT 8:30 A.M.**

Board Members Present:

James M. Alderman
John I. Whitworth, III

Harry Raucher
Jeffrey P. Phipps, Sr.

Steve Bedner

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. Agenda Revisions - Robert M. Brown, Executive Director

Mr. Brown suggested moving Item 19 to after Item 14.

4. Abstentions by Board Members from Items on the Agenda

There were no abstentions.

5. General Public Comment

Mr. Brown stated there were two public comment cards on Item 20.

CONSENT

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

7. Approval of Workshop and Board Meeting minutes, check register and financial statement for the previous month

8. Approval of revisions to Section 2: Fees, District Operating Policies - Jim Fandrey, Assistant Director of Right-of-Way

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

10. Approval to issue a quit-claim deed to Ruth M. Jankovic Estate and to all property owners within designated adjacent plats as requested. Location: Adjacent to the E-4 Canal between Palmetto Park Road and the Hillsboro Canal (Project #16-3918P.02) - Kelsey Smith, Project Surveyor

11. **Approval to assign an existing Encroachment License Agreement and reissue as a Right-of-Way Permit to 420 South Congress Avenue, LLC (PetMed Express, Inc.) authorizing a paved encroachment on the E-4 Canal right-of-way. Location: South of Atlantic Avenue; west side of Congress Avenue; east side of E-4 Canal (Project #98-379L.06) - Nicole Smith, Right-of-Way Permit Coordinator**
12. **Board vote on Consent Agenda**

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

PUBLIC HEARING

13. **Public Hearing - Fiscal Year 2016/17 Preliminary Operating Budget - Karen Hoyt, Director of Finance**

President Alderman opened the public hearing.

Ms. Hoyt stated that the FY17 Preliminary Budget and public hearing was advertised on August 1, 2016. She stated the final budget totaled \$17.5 million and included a non-ad valorem assessment of \$46.50 with the \$1.50 assessment increase dedicated to capital improvements and canal rehabilitation.

President Alderman asked if there were any public comments. There were no public comments; therefore, President Alderman closed the Public Hearing.

DISCUSSION

14. **Approval of Final Operating Budget for the Fiscal Year ending September 30, 2017 - Karen Hoyt, Director of Finance (*Resolution 16-03*)**

Ms. Hoyt recommended approval to adopt the Fiscal Year 2017 Operating Budget for the year ending September 30, 2017 totaling \$17.5 million with a non-ad valorem assessment rate of \$46.50.

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

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

15. **Approval of top-ranked firms and authorization to enter into contract negotiations for General Engineering Services (RFP #16-9854L.01) - Patrick A. Martin, Director of Stormwater Permitting & Engineering**

Mr. Martin indicated that 14 firms responded to the District's Request for Proposals for General Engineering Services. He stated that the evaluation committee, consisting of

himself, Harry Raucher, Tommy Strowd and Jim Fandrey, met at a publicly noticed meeting and ranked the firms as follows:

- 1) Mock Roos & Associates
- 2) Higgins Engineering
- 3) Gannet Fleming
- 4) Kimley-Horn & Associates
- 5) HDR, Inc.
- 6) Stanley Consultants
- 7) Hanson Professional Services
- 8) Erdman Anthony
- 9) A.D.A. Engineering
- 10) Craven Thompson
- 11) CPH Corp.
- 12) Calvin, Giordano
- 13) IBI Group, Inc.
- 14) Crain Atlantis Engineering, Inc.

Staff recommended approval to enter into contract negotiations with the top two ranked firms. If staff cannot successfully negotiate with the firms, staff will then move down the ranked list until successful negotiations are completed with two firms. Staff will return to the Board for final approval of the contracts.

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

16. Approval of modification to CH2MHill contract for engineering services and technical support for design of the SCADA (Supervisory Control and Data Acquisition) system to include integration of new gate/pump control panels (Project #13-9381L.01) - Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd recommended approval of an amendment to the SCADA Engineering Design contract with CH2MHill for an amount not-to-exceed \$24,000 to include funding for replacement of existing gate control panels, automation of the center hurricane gates and technical coordination with electrical design. He explained that there were two previous amendments to the contract for technical services for the actuator installation and geo-technical services for the SCADA design, and the redesign based on the revised 220 MHz microwave frequency.

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

17. Approval to advertise a Request for Bids for construction of the SCADA system (Project #13-9381L.01) - Tommy Strowd, Director of Operations & Maintenance

Mr. Strowd presented a briefing on the SCADA (Supervisory Control and Data Acquisition) system and electrical refurbishment construction contracts. Mr. Strowd explained that the construction for both must occur simultaneously to ensure consistent and reliable electrical power for the SCADA system. He further explained that the

engineer's estimate for SCADA construction was \$2.6 million and electrical refurbishment was \$1.2 million; the combined estimated construction cost would total \$3.8 million. He indicated that design is complete and requested approval to solicit a Request for Bids for construction of the SCADA system and electrical improvements.

Supervisor Whitworth stated that staff should consider the relocation of Control Structure 9 to limit double efforts and billing. Mr. Strowd stated he is not replacing the pump control panel; however, site lighting and the distribution panel need to be replaced in the interim. He also indicated that the SCADA equipment could remain at the same location by running additional wiring to the new site.

Staff recommended approval to advertise a Request for Bids for construction of the SCADA system and electrical improvements.

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

18. Approval to modify an existing Conditional Easement Agreement with Palm Beach County and reissue as a Right-of-Way Permit authorizing changes to portions of the pathway within the L-48 Canal right-of-way. Location: Palmetto Park Road from State Road 7 to I-95, north side of the L-48 Canal (Project #15-84R.19) - Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith stated Palm Beach County has an existing sidewalk located between the south side of Palmetto Park Road and north side of the L-48 Canal. The County is proposing to modify approximately seven (7) miles of existing sidewalk into a shared-use pathway. The District entered into a Conditional Easement Agreement with the County to permit the encroachment on May 23, 1991. Ms. Smith indicated that staff met with Florida Department of Transportation (FDOT), the County's consultant for the project, and requested that portions of the right-of-way be cleared of exotic vegetation in lieu of usage fees. She explained that there are existing utility poles hindering continuation of the current sidewalk, and that the proposed changes to the sidewalk would ultimately result in less pathway in the right-of-way.

Staff recommended approval to issue a Right-of-Way Permit for a modification to the existing Conditional Easement Agreement subject to:

- Applicant clearing a portion of the south side of the L-48 Canal of exotic vegetation
- Approval of all plans by LWDD
- LWDD Operating Policy
- Applicable fees

Supervisor Whitworth inquired about the timeline. Ms. Smith stated that Board approval is for one-year per the District's Operating Policies, and that the County and FDOT are considering the costs of the removing the trees versus the District's permit fees and the overall construction cost.

Mr. Brown stated that approval will be conditional upon FDOT clearing two reaches and that the District has not received confirmation from the County. He indicated if the County does not agree to the condition, the item would return to the Board for consideration and staff would recommend denial based on current operating policies.

Mr. Lopez from Florida Department of Transportation stated that he does not foresee a problem with removing the vegetation as most of it consists of invasive plant species; however, they are considering coordination and outreach with adjacent residents. He also indicated that they should be able to provide a response to the District within two months.

Mr. Brown indicated that the District could assist FDOT and the County with outreach to property owners if needed.

Mr. Perry requested that the County respond within 60 days to confirm its agreement to clear the vegetation.

A motion was made by Senior Vice President Raucher to approve the recommendation by staff subject to the petitioner responding within 60 days with its agreement to clear the requested vegetation, seconded by Supervisor Whitworth and approved unanimously.

19. Approval of sale of surplus lands on the L-28 Canal to Delray Dunes Golf & Country Club Inc. Location: L-28 Canal within Delray Dunes, Military Trail, south of Golf Road, Boynton Beach. Delray Dunes (Project #16-857P.08) - Robert M. Brown, Executive Director

Mr. Brown stated that Delray Dunes requested to purchase the north/south section of the L-28 canal to allow for redesign of their golf course. He explained that the L-28 Canal was realigned in 1968 to accommodate construction of the golf course and incorporated into the Delray Dunes surface water management system. An appraisal valued the subject area at ~\$86,000. The District rejected the appraisal and offered to sell at \$150,000.

Staff recommended to surplus 2.4 acres of the L-28 Canal right-of-way and sell to Delray Dunes Golf & Country Club for the agreed upon amount of \$150,000. Mr. Brown further stated that the sale will be subject to Delray Dunes Golf & Country Club continuing to accommodate drainage for the north bound lanes of Military Trail.

Michael Kotler with Cohen Kotler representing Delray Dunes Golf & Country Club stated Delray Dunes agrees to the terms.

20. Approval to issue a Right-of-Way Permit to Lynn University authorizing use of a portion of the L-43 Canal right-of-way for student parking/drive aisle. Location: Southwest Quadrant of Military Trail and the L-43 Canal; 3601 Military Trail, Boca Raton (Project #07-2166P.15) - Anne Perry, Right-of-Way Coordinator (Cross Reference #16-2166P.37)

Ms. Perry stated that Lynn University is required by the City of Boca Raton to update its Master Plan every 10 years to project its future expansion and development. She stated that the University plans to build a parking garage on the campus within five years. However, they will need to expand their student parking and drive aisle in the meantime. The proposed expansion encroaches into the District's L-43 Canal right-of-way for approximately 242 linear feet. Ms. Perry indicated that once the garage is built, the right-of-way will be restored to its original condition.

Staff recommended approval of a Right-of-Way Permit to Lynn University for approximately 242 linear feet that will encroach into the District's exclusive easement for a period up to five years. If the parking garage is not constructed within this time period, the University must appear before the Board of Supervisors to request any additional approvals. This approval will be subject to:

- Application fee (\$2.00 x 242 L.F. = \$484.00)
- One time use fee (\$20.00 x 242 L.F. = \$4,840.00)
- Annual fee (\$4.00 x 242 L.F. = \$968.00)
- Proof of liability insurance with a minimum coverage of \$1,000,000 and LWDD named as an additional insured
- LWDD Operating Policy

Greg Malfitano, S.V.P. of Lynn University, commended the District on their willingness to work with the University. He inquired if the Board would consider a reduction in fees given that the University is a non-profit school.

Bonnie Miskal, Legal Counsel for Lynn University, stated that the current Master Plan is in effect for four (4) more years; therefore, the school is motivated to build the parking garage before they will be required to get another master plan approved.

Supervisor Bedner asked if they are removing all vegetation from this portion of the right-of-way. Mr. Malfitano confirmed and stated they will maintain it in a 'park-like' setting.

Mr. Brown proposed waiving the one-time use fee.

A motion was made by Senior Vice President Raucher to approve the recommendation of staff subject to waiver of the one-time use fee and completion of the parking garage within 5 years, seconded by Vice President Phipps and approved with 4 yes and 1 no, with Supervisor Whitworth opposing.

21. Approval of employee health benefit renewals - Melissa Wheelihan, Business Operations Specialist

Ms. Wheelihan indicated that Brown & Brown solicited quotes from all major health insurance carriers and after several competitive responses were received, Cigna counteroffered with a rate increase of 3.95%. She explained that Cigna was guaranteeing at least \$38,000 in surplus funds due to the low claims rate associated with the District's level funded plan. She stated that these funds, along with the competitive quotes received and savings realized for the District's ancillary insurance lines, would help offset the rate increase. Cigna also offered a \$3,000 wellness incentive to be used towards the District's wellness program.

Staff recommended approval to renew group health and vision benefits with Cigna, approval to purchase dental coverage with MetLife and approval to purchase life and disability benefits with Lincoln.

Vice President Phipps inquired how the changes affected employees. Ms. Wheelihan explained that Cigna health and vision benefits would remain the same as the previous year. The dental plan carrier will change to MetLife with an increased annual calendar

maximum of \$5000. The life and disability plan carriers would change to Lincoln, with no changes to the benefit structure.

Supervisor Whitworth and President Alderman inquired where the \$38,000 refund would be allocated. Ms. Wheelihan stated that the funds would be credited and applied to a future Cigna invoice.

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

STAFF REPORTS

22. Executive Director's Report

Mr. Brown stated that he recognized the Board's concerns regarding the cost for health care benefits and indicated that the District has not seen an overall increase in benefit costs in 10 years. He commended Brown & Brown and staff for working to keep costs flat.

Director of Operations & Maintenance

Mr. Strowd presented an update on the aquatic weed management program and shared a photo and videos of the newly fabricated weed bucket and weed basket. Mr. Strowd also shared an update regarding the recent rain event in Louisiana and stated that it was the second time this year they had received more than 20 inches of rain in that area. For comparison, Mr. Strowd shared an illustration of the 20-inch rainfall the District received on January 9-10, 2014.

Mr. LasCasas updated the Board on the status of the current canal rehabilitation projects and indicated that crews have moved from the L-5 Canal and started on the L-14 Canal east of Control Structure 8. He shared that the L-29 Canal was completed, and he met with a contractor regarding the E-4 Canal south of the L-38 Canal. He developed scopes of work for an additional six projects to be completed by external contractors. The tree crew has completed some isolated clearing on the E-2W Canal and continues to work on vertical trimming to keep cleared rights-of-way maintained.

Mr. LasCasas indicated he is developing a scope of work in order to solicit quotes from tree removal contractors.

Supervisor Whitworth asked how many miles have been cleared to date. Mr. LasCasas indicated eight miles have been cleared.

President Alderman inquired about the status of the FECON mulching attachment. Mr. LasCasas stated the FECON attachment and District-owned excavator will be delivered to Volvo for installation within the week.

Mr. Brown stated that staff will provide regular updates on canal rehabilitation progress in the future. Mr. LasCasas stated the canal rehabilitation maps and schedules can be viewed on the District's website.

Director of Administrative Services

Ms. Walker stated the employee annual benefits meeting will be held on August 31, 2016. She also shared that annual performance evaluations are underway, and merit increases would be effective the second payroll period in October. Ms. Walker stated that the District has received approximately \$120,000 during the fiscal year for the sale of surplus equipment on GovDeals.com.

Director of Stormwater Permitting & Engineering

Mr. Martin stated he had nothing to report.

Director of Finance

Ms. Hoyt stated that the District's liability insurance has increased 4.6% for approximately \$12,000, and indicated budgeted funds are sufficient.

Ms. Hoyt stated the Florida Department of Economic Opportunity requires the District to adopt the final operating budget by resolution and indicated that Resolution 16-03 has been prepared for signature by the President.

A motion was made by Supervisor Whitworth to approve Resolution 16-03 recommendation, seconded by Senior Vice President Raucher and approved unanimously.

District Counsel

Mr. Perry stated he has met with all the Palm Beach County Commissioners except for Commissioners Paulette Burdick and Mary Lou Berger regarding the District's position on Transfer of Development Rights (TDRs) Program. He indicated the response was generally favorable. Also, Mr. Perry and Mr. Strowd met with the Assistant County Administrator Faye Outlaw, and she suggested selling the fee-simple right-of-way while retaining an exclusive easement. Mr. Perry indicated his support for this option. He stated that the Palm Beach County Land Use Development Board will meet on September 9, 2016 to consider the District's appeal to participate in the TDR program.

Mr. Brown stated that staff brief the board on the appeal hearing at its September board meeting and discuss future options.

23. Board Comment

There was no additional board comment.

24. Adjourn

There being no further business, the meeting adjourned at 9:52 A.M.

President - James M. Alderman

Recording Secretary - Joann M. Aylor