



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
SEPTEMBER 14, 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. Whitworth led the Pledge of Allegiance.

3. Agenda Revisions - Robert M. Brown, Executive Director

There were no agenda revisions.

4. Abstentions by Board Members from Items on the Agenda

There were no abstentions.

5. General Public Comment

There were no public comments.

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 to renew annual contract for District Counsel - Robert M. Brown, Executive Director

9. Approval to issue a quit-claim deed to Jeffrey and Tracy Esham and to all property owners within designated adjacent plats as requested. Location: Nazarene Park, Lots 1- 14A on the west side of the E-3 Canal (Project #16-7998P.03) – Kelsey Smith, Project Surveyor

12. Board vote on Consent Agenda

Supervisor Whitworth requested that Item #8 be pulled from the Consent Agenda and moved to the Discussion Agenda.

A motion was made by Vice President Phipps to approve the Workshop and Board Meeting minutes, check register and financial statement for the previous month, seconded by Supervisor Whitworth and approved unanimously.

A motion was made by Senior Vice President Raucher to approve the Consent Agenda minus Item #8, seconded by Supervisor Whitworth and approved unanimously.

WORKSHOP

11. Public Information and Outreach Update – Rosemary Rayman, Public Outreach and Records Manager

Ms. Rayman provided an overview of the District's public information and outreach program. The goal of the program is to educate stakeholders on the District's flood control projects and priorities, establish trust and name recognition, and create an avenue for feedback. This information is shared through the District's website, social media, stakeholder emails, presentations and attendance at public meetings, and District-hosted workshops.

Senior Vice President Raucher stated that he has had the pleasure of attending the League of Cities, COBRWA and other meetings with Ms. Rayman and thanked her for a job well done.

DISCUSSION

12. Denial of request from adjacent property owner, Ibrahim Chalhoub, to purchase a portion of the E-4 Canal right-of-way for fair market value. Location: Northeast quad of the E-4 Canal and Keller Road (Project #16-10023P.01) – Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith stated the property owner is requesting to purchase 15 feet of the E-4 Canal right-of-way in order to construct a lap pool. Staff recommended denial of the request.

Mr. Robert Shalhoub, representing the property owner Mr. Ibrahim Chalhoub, shared photos of the property and explained that he did not consider the purchase of this property to be a detriment to drainage.

Mr. Strowd stated that because the property is located at the intersection of Keller Road, it would provide a challenge to staff when mobilizing heavy equipment to work on this canal.

Ms. Smith stated that the District requires a minimum of 45 feet of right-of-way from top of bank on larger canals and a minimum of 35 feet on smaller canals in order to properly maintain the canals.

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

13. Reconsider award of bid for purchase of radial gates for Control Structure 11 (RFB No. 15-8308L.11) – Anthony LasCasas, Structure Maintenance/Fleet Section Leader

Mr. Strowd stated that the radial gates for Control Structure 12 have been installed and the project is complete. However, after repeated attempts and requests, the gates for Control Structure 11 have not been delivered.

Mr. LasCasas provided a timeline for the procurement of gates for Control Structure 11 and multiple requests for delivery of the gates from D&J Machinery. As a final attempt to provide D&J Machinery an opportunity to deliver the gates, the District sent a letter on August 29, 2016 and provided a 30-day deadline for delivery. Mr. Swindle indicated he could only commit to delivery of one gate within that timeframe. Given that D&J Machinery was delinquent on the delivery of the Control Structure 12 gates and continues to be significantly late in the delivery of Control Structure 11 gates, staff recommended approval to cancel the contract with D&J Machinery for failure to meet the terms and conditions of the purchase order.

Mr. Perry confirmed that if the gates were not delivered by September 29, 2016, the District could cancel the contract. Mr. Brown indicated that Mr. Swindle already confirmed he would not be able to deliver all three gates by that date.

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

Recognizing the delay in replacement of the gates and the limited vendors that manufacture flood control gates, staff recommended approval of a sole-source purchase for a Waterman gate not-to-exceed \$165,000. Mr. Brown indicated that the District wished to purchase Waterman gates to replace the current Waterman gates because they have been extremely reliable.

Mr. Strowd indicated that the District had reached out to several vendors to discuss options to manufacture and deliver the gates. Fluid Control Specialist, Inc. had initially bid to provide Waterman gates; however, the District did not approve of their requested changes to the purchase order terms and conditions.

President Alderman inquired if the District could purchase Waterman gates as a sole-source procurement. Mr. Perry indicated soliciting another bid would be in the best interest of the District, as there may be other vendors that can provide Waterman gates.

In the interest of time, Ms. Walker recommended approval to re-advertise the solicitation with approval to purchase for an amount not to exceed \$165,000.

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

14. Approval of surplus and sale of a 4.193-acre portion of the S-4E Canal Right-of-Way. Location: ¼ mile south of State Road 80 extending 2,400 feet west from State Road 7 in Royal Palm Beach – Robert M. Brown, Executive Director

Mr. Brown stated that Tuttle Land Development is requesting to purchase 5.17 acres of the S-4E right-of-way as part of a site plan approval from the Village of Royal Palm Beach. The canal provides little or no drainage benefit. An appraisal was conducted by S.F. Holden, Inc. on June 15, 2016. The appraisal was based on an assemblage per acre cost of \$128,673 and the comparison of Sale 1 per acre cost of \$184,615. The District averaged the appraisals and recommended a value of \$156,644 per acre.

Staff recommended approval to sell the 5.17 acres of the S-4E Canal right-of-way to Tuttle Land Development for \$809,850 subject to the approval of the adjacent landowners.

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

STAFF REPORTS

15. Executive Director's Report

Mr. Brown indicated that at the Board's request, staff would schedule monthly workshops and shared a draft schedule of Board meetings and workshops through the end of 2016. Ms. Walker indicated the workshops would mostly be held on Tuesday's the week prior to the regular board meeting in order to allow an opportunity for the Board to comment on agenda items prior to required publishing deadline.

Staff recommended changing the date of the October board meeting since the scheduled meeting date fell on Yom Kippur. The meeting will be rescheduled from Wednesday, October 12th to Thursday, October 13th.

Director of Operations & Maintenance

Mr. Strowd indicated that staff would present a recommendation to the Board at the October board meeting for approval to award a bid for construction of the SCADA system.

Mr. LasCasas provided an update on canal rehabilitation projects to date and indicated that he would provide a monthly update at each board meeting. Over the past 12 months, 10.22 miles of right-of-way have been cleared of vegetation. The District used contracted services to clear 3.37 miles of canal at a cost of \$120,475.

Mr. Strowd provided an update on the recent chemical treatment of the "Fandrey" ditch located west of State Road 7.

Director of Administrative Services

Ms. Walker stated she had nothing further to report.

Director of Stormwater Permitting & Engineering

Mr. Martin stated the negotiated contracts for General Engineering Services will be presented for approval at the October Board meeting.

Director of Finance

Ms. Hoyt stated she had nothing to report.

District Counsel

Mr. Perry stated the District presented their appeal regarding the Transfer of Development Rights (TDR) program to the Palm Beach County Land Use Development Board on Friday, September 9, 2016. The appeal was declined by a 7-3 vote. Mr. Perry stated that the District has requested to appeal the decision at an upcoming Palm Beach County Commission meeting in October.

16. Board Comment

Approval to renew annual contract for District Counsel - Robert M. Brown, Executive Director

Supervisor Bedner recommend changing the contract from a one-year renewal to a three-year renewal with annual evaluations.

Mr. Perry reminded the Board that regardless of the term length, the contract has a 7-day termination provision.

A motion was made by Senior Vice President Raucher to approve amending the contract to a three-year term, seconded by Supervisor Bedner and approved unanimously.

President Alderman requested the Board provide input on the amount of the contract. After Board discussion, it was recommended that Mr. Perry receive a one-time payment of 2.5% the annual contracted rate.

A motion was made by Supervisor Whitworth to approve a one-time payment of 2.5% the annual contract, seconded by Senior Vice President Raucher and approved 4 to 1 with Supervisor Bedner opposing.

17. Adjourn

There being no further business, the meeting adjourned at 10:31 A.M.

President - James M. Alderman

Recording Secretary - Joann M. Aylor