



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
NOVEMBER 16, 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 minutes, check register and financial statement for the previous month

8. 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.

DISCUSSION

9. Approval to rescind five (5) Right-of-Way Permits on the E-4 Canal to allow continuation of priority canal rehabilitation efforts. Location: E-4 Canal;

7064, 7146, 7130, 7158, 7176 & 7200 Thompson Road, Boynton Beach (Project #16-9897P.04) – Robert M. Brown, Executive Director

Mr. Strowd stated that over the past year, staff evaluated all District canals and identified approximately 150 miles of encumbered rights-of-way which might affect access for flood control maintenance. As part of a comprehensive canal rehabilitation program, the canal clearing projects were reviewed and prioritized with projects on major canals close to control structures receiving top priority.

The E-4 Canal from the L-19 Canal south of Hypoluxo Road was identified as a priority project. Notification of scheduled encroachment removal was distributed to property owners in September 2016. Encroachments were identified on properties along Thompson Road on the west side of the E-4 Canal. The clearing project was initiated in October 2016 and most vegetation was removed. The structural encroachments and other vegetation on the identified properties must be removed to complete the rehabilitation project.

Mr. LasCasas presented information on each property with encroachments and, as applicable, related permits issued by the District. The properties described include 7200, 7176, 7158, 7146, 7130, 7120, 7100, 7064, 7044, and 7030 Thompson Road. Six properties including 7064, 7146, 7176, 7130, 7158, and 7200 Thompson Road were previously issued temporary encroachment permits by the District. The only permit identified to be current and compliant was related to the property located at 7064 Thompson Road.

Staff recommended approval to rescind each of the temporary encroachment permits and remove encroachments along the E-4 Canal to allow continuation of canal rehabilitation efforts. Staff also recommended issuing new permits for those encroachments currently allowed under District policies, as well as waiving application fees for compliant permits.

The following residents provided public comments objecting to the removal of the encroachments and voicing concerns about property values:

- Suzanne Krausz - 7176 Thompson Road
- Teri Townsend – 7130 Thompson Road
- Lisa Johnston – 7064 Thompson Road
- Kara Thompson – 7120 Thompson Road
- Judy Pohnl – 7158 Thompson Road
- Andre Krausz – 7176 Thompson Road
- Greg Knuth – 7130 Thompson Road
- Ron Parent – 7044 Thompson Road

Supervisor Whitworth inquired if the permits were temporary. Mr. Perry stated that all right-of-way encroachment permits are temporary and include conditions allowing for removal of encumbrances upon notice from the District.

President Alderman shared that he does not favor rescinding permits that were previously issued by the District, especially when a property owner is compliant. He recommended that staff work with each property owner individually to identify permissible encroachments on a case-by-case basis.

Mr. Perry stated that the District does not currently have a policy for permitting structural and vegetative encroachments on the right-of-way. The board must approve any request to permit these encroachments.

Supervisor Whitworth indicated that permitting these types of encroachments was inconsistent with the Board's direction to staff and he does not recommend allowing any encroachments. He also inquired how many feet of right-of-way the District requires for maintenance. Mr. Martin indicated the design for major waterways is 45 feet. Supervisor Whitworth also shared there are legal concerns with allowing encroachments on our right-of-way.

Mr. Brown shared that of the permits originally issued in this area, only one was currently compliant. The remaining permits do not apply to encroachments that currently exist. He stated that although some of the encroachments had existed for several years, the District has a responsibility to remove encroachments that may end up in its canals during or after an emergency event.

Mr. Alderman thanked the residents for their input and explained the importance of unobstructed right-of-way.

A motion was made to approve staff recommendation to rescind the permits subject to staff reviewing each property individually and Board consideration of any permissible encroachments at a future board meeting. Any removal of encroachments in the area is postponed until further Board action.

A motion was made by Senior Vice President Raucher to approve staff recommendation, seconded by Supervisor Bedner and approved with a 4 to 1 vote. Mr. Whitworth opposed.

10. Resolution 16-04 - Approval to annex Boca Royale into the District's jurisdictional boundaries (55 acres). Location: Hidden Valley area; 7601 East Country Club Boulevard, Boca Raton, FL, draining to the L-40E Canal (Project #11-5206P.02) – Anne Perry, Right-of-Way Coordinator

Ms. Perry stated the current property owner is under contract with a potential buyer who will develop the area into 111 single-family homes. The property drains into the L-40E Canal, thus receives services from the District. However, the property is not currently located within the District's jurisdictional boundaries.

Staff recommended approval to annex the 55-acre site of Boca Royale into the District's jurisdictional boundaries during the next recodification and enter into a service agreement per Board Resolution 16-04 so that the project approval may proceed through the City of Boca Raton. The annexation and service agreement is subject to the petitioner submitting a legal description, certification of title, an executed service agreement to be held in escrow until the sale is finalized, District Operating Policies and all applicable fees.

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

11. Approval of qualified contractors to provide Hazardous and Exotic Tree Removal Services (RFQ #16-9887L.01) – Anthony LasCasas, Assistant Director, Facilities and Maintenance

Mr. LasCasas stated that staff advertised two Requests for Qualifications to pre-qualify contractors to support the accelerated Canal Rehabilitation Program – Tree/Vegetation Removal Services and Encroachment Demolition Services. The contracted services will supplement existing staff. As individual projects and scopes of work are identified, pre-qualified contractors will have an opportunity to bid on projects.

Mr. LasCasas stated there were eight qualified firms that submitted responses for Tree/Vegetation Removal:

1. All Florida Tree & Landscape, Inc.
2. Arbor Tree & Land, Inc. (ATL)
3. Innovative Environmental Services, Inc.
4. MJC Land Development
5. RKC Development, Inc.
6. Tetro Land Development & Construction, LLC
7. Treecycle Land Clearing, Inc.
8. Zimmerman Tree Service

Staff recommended approval of the list of pre-qualified contractors to perform tree/vegetation removal services.

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

12. Approval of qualified contractors to provide Encroachment Removal and Demolition Services (RFQ #16-10047L.01) – Anthony LasCasas, Assistant Director, Facilities and Maintenance

Mr. LasCasas stated there were four qualified firms that submitted responses for Encroachment Demolition Services:

1. Arbor Tree & Land, Inc. (ATL)
2. MJC Land Development
3. One Call Property Services, Inc.
4. TSI Disaster Recovery, LLC

Staff recommended approval of the list of pre-qualified contractors to perform encroachment demolition services.

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

STAFF REPORTS

13. Executive Director's Report

Mr. LasCasas provided a progress update on the Canal Rehabilitation Program. To date, 11.63 of 150 identified miles, or 8% of canal clearing projects are completed. In the last 12 months, the District has cleared a total of 10.67 miles of vegetation on its canal rights-of-way:

- LWDD - 6.78 miles
- Contracted Services - 3.37 miles
- Developer – 0.52 miles

Director of Operations & Maintenance

Mr. Strowd stated he had nothing further to report.

Director of Administrative Services

Ms. Walker invited the Board members to the holiday luncheon scheduled on December 15, 2016.

Director of Stormwater Permitting & Engineering

Mr. Martin stated he had nothing further to report.

Director of Finance

Ms. Hoyt stated she had nothing further to report.

District Counsel

Mr. Perry informed the Board members that he will be meeting with Mr. Brown and Mr. Alderman to discuss next steps regarding the Transfer of Development Rights (TDR) program.

14. Board Comment

There was no additional board comment.

15. Adjourn

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

President - James M. Alderman

Recording Secretary - Joann M. Aylor