



**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
JULY 11, 2018 AT 8:30 A.M.**

**Board Members Present:**

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

**1. Call to Order**

President James M. 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 - **POSTPONED****

- Linda McCafferty, Sr. Geospatial Analyst/Programmer

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

There were no agenda revisions.

**5. Abstentions by Board Members from items on the Agenda**

Mr. Alderman and Mr. Bedner filed an abstention for Item #12.

**6. General Public Comment**

There was no general public comment.

**CONSENT**

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

**8. Approval of minutes, check register and financial statement for the previous month**

**9. Board Vote on Consent Agenda**

*A motion was made by Supervisor Whitworth to approve the Consent Agenda, seconded by Supervisor Raucher, and approved unanimously.*

## **DISCUSSION**

### **10. L-49 Canal Rehabilitation Project adjacent to Sabal Palm Lake in Boca Raton (Project #A195; 16-9977P.03) – Robert M. Brown, Executive Director**

President Alderman addressed members of the public in attendance and commented on the importance of canal rehabilitation to support the District's primary flood control mission.

Mr. Brown stated that the District proposed an alternative canal rehabilitation solution for the property owners that lived adjacent to Sabal Palm Lake on the L-49 Canal at its June 2018 Board meeting. He stated that work on the L-49 Canal would be postponed until October 2018, and that District staff would communicate individually with property owners on a revised proposal, detailing property-specific information and offering to meet on site with each property owner to conduct a formal inventory of encroachments and discuss specific requests for retaining native vegetation.

Mr. Brown stated that in order to clear title on all properties, the District will quit claim any remaining chancery interest with conveyance of an easement to LWDD from the ¼ Section line. The District will issue a variance for a right-of-way permit authorizing encroachments 20' south of the ¼ Section line. Fencing will be authorized within the entire 20' south of the ¼ Section line. Native vegetation will only be authorized within the first 10' south of the ¼ Section line. The District may authorize select trees (Royal & Sabal Palms) to remain within the south 20'± right-of-way to top of bank provided a minimum of 20' of unencumbered right-of-way exists north of the authorized trees and contiguous access is maintained. The fees for the quit claim deed will be waived; right-of-way permit fees (initial and annual fees) will be waived; a one-time application fee for a variance will apply.

City of Boca Raton Mayor Scott Singer addressed the Board and requested to postpone work on the L-48, L-49 and L-50 Canals to provide additional time for the City and LWDD to work together towards a mutually beneficial resolution.

President Alderman inquired to staff if postponing work on these canals was possible. Mr. LasCasas stated that work on the L-49 Canal was already postponed until October 2018 and that District crews were being directed elsewhere. He stated that it was possible to also postpone work on the L-48 and L-50 Canals; however, there are some choke points within the canal channel that must be addressed, as well as site clean-up work which must be completed.

Mr. Strowd stated that residents should contact the City and District if they had specific concerns regarding trees falling into the drainage canals during hurricane season.

***A motion was made by Supervisor Raucher to accept the Mayor's proposal to postpone further removal of encroachments until the District's Board Meeting on October 17, 2018, allowing District and City staff to meet and consider alternative solutions. The motion was seconded by Supervisor Whitworth and approved unanimously.***

Christine Perretta (representing Linda Slate, 1012 SW 7<sup>th</sup> Street) stated she submitted a records request and received documents regarding the District's jurisdiction. She inquired about the District's authority to perform work outside of its jurisdictional boundaries. Mr. Perry recommended to Ms. Perretta that she contact him to arrange a briefing regarding the ownership of the District's canals in the Boca Raton area.

Donnie Dallas (1100 SW 7<sup>th</sup> Street) stated that Sabal Palm Lake is 300' wide and any trees that might fall would not stop the drainage of water. He also stated he disagreed that the District owns the property behind his home.

Karen Krumholtz (900 SW 7<sup>th</sup> Street) requested clarification on how the District determines how much right-of-way is needed on each canal. Mr. Strowd responded that the necessary amount of right-of-way varies depending on the size and location of the canal. He stated that the drainage easement was defined when the plat was created. Ms. Krumholtz requested that Sabal Palm Lake be excluded from the District's maintenance plan.

Linda Slate (1012 SW 7<sup>th</sup> Street) stated she supported the Mayor's decision to postpone the project and stated that she does not pay taxes to the District and has no ability to vote or representation on the Board. She requested that the City maintain the canals.

Attorney Peter Breton, representing four property owners on the L-49 Canal (Jurus, Wulf, Miller and Girisgen), stated that the title insurance companies for each of the properties has been contacted. He commented on the varying sizes of each property's 'Lot A' given that the shore line meanders.

Mike Jurus (1026 SW 7<sup>th</sup> Street) thanked the District for postponing the project for a few months and also stated he is concerned about the wildlife living in the vegetation.

Jane Jurus (1026 SW 7<sup>th</sup> Street) thanked Mayor Singer for his time spent representing the City residents.

Brad Scalera (1225 West Royal Palm Road) stated the District cleared outside its jurisdiction on Palmetto Park Road. He recommended that an environmental impact study be conducted.

Roger and Susie Heard (Boca Raton residents) stated their support for trimming trees versus cutting them down and shared their concerns regarding wildlife.

Jon McPhail (1082 SW 7<sup>th</sup> Street) stated he would prefer that the City maintain the canal.

President Alderman announced a five-minute recess following conclusion of the public comments.

**11. Approval to piggyback South Florida Water Management District herbicide contracts for the term ending June 30, 2019 (Project #16-8816L.10) - Tommy Strowd, Director of Operations & Maintenance**

Mr. Strowd stated that the District historically solicited a Request for Bids (RFB) for aquatic herbicides on an annual basis. Pursuant to Ch. 189.053 F.S., special districts may procure commodities from purchasing agreements with other governments.

Staff recommended approval to piggyback South Florida Water Management District's contracts for aquatic herbicides, specifically for Hydrothol 191, Aquathol K, Glyphosate, Garlon 3A, Reward or their equals.

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

Staff recommended approval to enter into a single-source contract with Brewer Inc., the sole provider and distributor of Lovert.

***A motion was made by Supervisor Raucher to approve staff recommendation regarding Single Source contract seconded by Vice President Phipps and approved unanimously.***

**12. Approval of appraisal for 2.402 acres of L-44 Canal right-of-way. Location: South 40 feet of the south side of the L-44 canal right-of-way, immediately west of the E-2W Canal (Project #RI-18-0028) – David Bends, Project Surveyor**

Mr. Perry stated that Mr. Alderman and Mr. Bedner were abstaining from discussion on this item and were stepping down from the dais.

Mr. Bends stated GL Homes entered into a contract with the City of Boca Raton to purchase the City's municipal golf course with the intention of redeveloping the parcel into a subdivision for single family homes. A request was made by GL Homes to purchase a portion of the District's exclusive easement interest along the south side of the L-44 Canal within the subject property, recorded in ORB 5395, Page 1809. The proposed surplus easement is entirely within the development parcel and not contiguous to adjacent property owners; therefore, there is no requirement to advertise the sale of surplus lands.

Staff recommended approval to declare a portion of the L-44 Canal easement recorded in ORB 5395, Page 1809 surplus, and approval of the Fair Market Value based on the submitted appraisal of \$95,753.00/ acre. The total area of 2.402 acres or 104,631 sq. ft. X \$95,753.00/acre or \$2.20/ sq. ft. equals \$230,000. The sale is subject to the property owner conveying an exclusive easement deed to the District over the south 10 feet of the north 50 feet of NE ¼ of Section 12/47/42, lying west of the Turnpike; together with the south 10 feet of the north 40 feet of Tracts 1 through 3 for the L-44 Canal as shown on the exhibit. Approval is also subject to the property owner realigning the L-44 Canal to the new design section and providing a new culvert into the E-2W Canal; the property owner conveying an exclusive easement deed to the District over the east 10 feet of the development parcel for

the E-2W Canal; a Sketch of Description, Certification of Title, legal and recording fees; and approval of all plans by staff and District Operating Policies.

***A motion was made by Supervisor Raucher to approve staff recommendation, seconded by Supervisor Whitworth and approved unanimously.***

- 13. Approval to convert the existing Piping, Paving and Parking License Agreement from Boca Yamato, LLC, to a Right-of-Way Permit and issue to 1501 Yamato Road, LLC. Location: L-42 Canal, north side of Yamato Road, east of Military Trail (Project #RW-18-0077) – Nicole Smith, Right-of-Way Permit Coordinator**

Ms. Smith stated 1501 Yamato Road, LLC purchased Parcel A, ARVIDA PARK OF COMMERCE PLAT No 1, PB 34, PG 184, and requested to transfer the existing Piping License Agreement (ORB 29753/967) issued to Boca Yamato, LLC in 2018. The original Piping License Agreement was issued in 1996 to Bracebridge Corporation (ORB 9508/1174).

Staff recommended approval to convert the existing Piping License Agreement to a Right-of-Way Permit and issue to 1501 Yamato Road, LLC for a portion of the L-42 Canal, subject to an updated signed and sealed pipe inspection, LWDD Operating Policies, application fee (\$9.00 x 775 LF = \$6,975.00), use fee (\$20.00 x 775 LF = \$15,500.00), and an annual fee (\$4.00 x 775 LF = \$3,100.00) beginning in 2019, which will be adjusted every five (5) years by the compounded CPI.

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

## **WORKSHOP**

- 14. Overview and approval of Fiscal Year 2018-19 Preliminary Operating Budget and authorization to advertise - Karen Hoyt, Director of Finance and Robert M. Brown, Executive Director**

Ms. Hoyt provided an overview of the preliminary budget for Fiscal Year 2019 and stated the final budget will be presented for board approval at the August Board meeting. Ms. Hoyt stated that current budget uncertainties include the final number of accessed parcels, property and casualty insurance, and health insurance. These uncertainties will be reconciled prior to final board approval at the August Board meeting.

Staff recommended approval of a \$1.50 increase in the annual non-ad valorem assessment dedicated for canal rehabilitation for a total annual assessment of \$49.50 per acre or portion thereof, and approval of the FY19 Preliminary Operating Budget totaling \$18,276,700 and authorization to advertise public notice.

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

**15. Overview of existing LWDD Consumptive Use Permit – Tommy Strowd, Director of Operations and Maintenance**

Mr. Strowd stated that the District's current Consumptive Water Use Permit was issued in 2003 by the South Florida Water Management District (SFWMD) and expires on June 12, 2023. The District is considered a 'Diversion & Impoundment' system under SFWMD rules. The water allocations are not expected to increase due to land use changes within the District. Mr. Strowd stated that staff anticipates developing and submitting a permit application in the next 12 months which will coincide with the upcoming release of the revised Lower East Coast Regional Water Supply Plan (LECRWSP) expected later in the year. Mr. Strowd stated the District will contract with Grandusky, Lamb & Associates to assist and consult staff in preparing the permit application.

**16. Overview of LWDD rights-of-way and qualification for development purposes – Mark Perry, District Counsel**

Mr. Perry stated that Palm Beach County staff did not recognize the District's ownership of L-32 Canal right-of-way as a legal lot of record in conjunction with the development of the York Assisted Living Facility (Barbara Kahmi property). The Board previously approved the surplus and sale of its right-of-way in this area for a fair market value of \$201,840. He stated that at the request of the District several years ago, the property appraiser's office assigned Property Control Numbers (PCN) to the District's canal rights-of-way. This parcel over this canal is 29.84 acres according to the Property Appraiser and is identified as PCN 00-42-46-14-00-000-1170. The development application submitted to the County included only a 0.696-acre portion of the District's L-32 Canal right-of-way. Mr. Perry stated that since the District's parcel in this area exceeded 10 acres in size, County staff did not recognize it as a legal lot of record. The incorrect interpretation by County staff and subsequent delay caused the planner to move forward without the District's property and the opportunity was missed for additional revenue. Mr. Perry shared several examples of where the County approved similar District properties for density calculations in the past, and he indicated that he will be sending a letter to County staff to request written confirmation of the District's right-of-way being recognized as a legal lot of record to prevent future misinterpretations.

**STAFF REPORTS**

**17. Executive Director's Report**

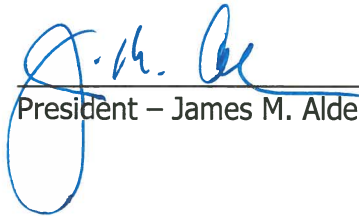
Mr. Brown and the Board discussed the budget for legal services and future options for Mr. Perry's contract. Mr. Brown recommended changes to the contract structure based on revisions to the District's policies over the past several years and the required hours necessary to complete work. Mr. Perry indicated that he agreed with updating the contract, but expressed concerns about a reduction in hours and his availability to provide services to the District. Mr. Brown stated a revised contract will be presented for Board consideration and approval in the future.

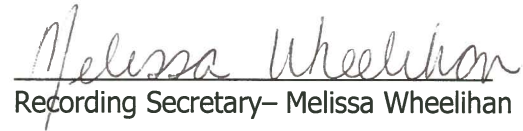
**18. Board Comment**

There were no additional board comments.

**19. Adjourn**

There being no further business, the meeting adjourned approximately at 11:45 A.M.

  
\_\_\_\_\_  
President – James M. Alderman

  
\_\_\_\_\_  
Recording Secretary– Melissa Wheelihan