

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
FEBRUARY 12, 2014 AT 8:30 A.M.**

**Board Members Present:**

James M. Alderman  
Harry Raucher

C. David Goodlett  
John I. Whitworth, III

Joyce D. Haley

**1. Call to order by the President**

Meeting called to order at 8:30 A.M.

**2. Pledge of Allegiance**

**3. Employee Recognitions**

Robert M. Brown stated that at the Board's direction from last month's meeting, a letter was drafted on their behalf to recognize the Water Route Team for their efforts during the January 9 & 10, 2014 rainfall event. President Raucher called Lany Altman, George Aylor, Jr., Doug Gunther, Troy Lee, Tom Kirk and Bob McLaughlin to the front of the dais and read the letter to the Water Route Team formally recognizing their outstanding efforts prior to the rainfall event as well as during the event. In recognition of the Team's efforts, each crew member was granted one day of discretionary annual leave to be used by the end of the calendar year. President Raucher stated that a copy of the letter would be placed in each employee's personnel file.

**4. Agenda Revisions**

There were no revisions to the Board Agenda.

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

Supervisors James M. Alderman and John I. Whitworth, III advised that they would abstain from voting on Item #14 – Sale of Transfer of Development Rights (TDRs) for LWDD canal rights-of-way located within the Ag Reserve (LWDD Project No. 12-7664P.02) - on the Agenda and completed Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

President Raucher stated that without the vote of Supervisors Alderman and Whitworth, the Board will have a quorum and will be able to transact business.

**6. General Public Comment**

There was no general public comment.

**CONSENT AGENDA**

- 7. Approval of Minutes, Check Register, Financial Statement and Documents for the previous month**
- 8. Proposed modification to previously approved health insurance buyout plan for Mrs. Kathy Winters**
- 9. Florida Power & Light – pole to pole aerial crossing and pole replacement; LWDD L-9 Canal South Right-of-Way (LWDD Project No. 13-9463U.01)**
- 10. Board Resolution 14-02 – Authorization for bank signatures**
- 11. Board Vote on Consent Agenda**

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

- 12. Podray vs. LWDD – L-30 Canal – Settlement Agreement (LWDD Project No. 12-9218L.02)**

Roberto M. Vargas, Esq., of Jones, Foster, Johnston, et al. stated that he was at the meeting to discuss the litigation wherein Podray sued LWDD. He stated that the Podray property is located along the L-30 Canal and Barwick Road. Mr. Podray acquired the property in 2011 and was under the impression that he acquired to the 90 foot line, south of the Section line. However, LWDD has two deeds that give it title to 115 feet, south of the Section line.

Mr. Vargas also advised that there were two additional parties involved in the lawsuit, the title company and the surveyor. He also advised that LWDD did not have any involvement with these parties.

Mr. Vargas stated that the resolution of this litigation is relatively straight forward and requested the Board to approve the Settlement Agreement resulting from mediation that took place on January 24, 2014, which stipulates that:

- (1) LWDD sells a 25 foot parcel to Podray at fair-market value, pursuant to an appraisal obtained by LWDD. The appraisal confirmed a fair-market value of \$2.80 per square foot which converts to \$20,790 for 7,425 square feet.

- (2) Podray conveys a perpetual exclusive easement to LWDD for the North 11.64 feet of the 25 foot parcel. This would provide 101.64 feet south of the Section line and preserve the unencumbered use of LWDD's full Chancery Case acreage.

Supervisor Goodlett inquired whether Mr. Podray was in attendance and President Raucher asked for public comments. Mr. Podray was not present; no comments were received from the public.

*A motion was made by Supervisor Goodlett to approve the Settlement Agreement, seconded by Supervisor Alderman, and approved unanimously.*

*A motion was made by Supervisor Whitworth to declare the 25 foot parcel noted in the Settlement Agreement surplus, seconded by Supervisor Alderman, and approved unanimously.*

*A motion was made by Supervisor Goodlett to approve the appraisal confirming the fair-market value of \$2.80 per square foot, seconded by Supervisor Alderman, and approved unanimously.*

Mark A. Perry thanked Roberto Vargas on behalf of the Board for performing an outstanding job in resolving the litigation.

**13. Franklin Academy – Request for mast arm pole and signal constructed within the LWDD L-20 Canal south right-of-way to remain in existing locations, and relocation of a power pole resulting in a minimum access of 14 feet (LWDD Project No. 12-7986R.03)**

Patrick A. Martin stated that this project is located on the west side of Military Trail and along the south right-of-way of the L-20 Canal. Further, LWDD issued a permit on April 3, 2013 for roadway improvements, including a mast arm traffic light pole to be located outside the LWDD L-20 Canal right-of-way. However, the mast arm was constructed in the L-20 Canal right-of-way.

Mr. Martin advised that Palm Beach County is requesting to maintain the mast arm in its current location and in return will relocate the light pole and street lights which will provide a 17 foot opening for LWDD access. Staff is recommending approval, subject to a permit issued to Palm Beach County, double permit fees and LWDD Operating Policies.

Supervisor Alderman asked if Palm Beach County would pay the fee and Mr. Martin advised that he has spoken with the consultant, who advised that Palm Beach County would pay the fee. Supervisor Alderman also asked how long the encroachment has existed in its present location and Mr. Martin stated approximately five (5) months. Supervisor Alderman asked to see the photo identifying the 17 foot area. Mr. Martin had the photo shown on the screen and stated that the signs did not provide adequate room for LWDD vehicles to enter the L-20 Canal right-of-way.

Supervisor Goodlett stated that he was concerned about taxpayer dollars and asked if Palm Beach County charges similar fees. Patrick Martin advised that Palm Beach County does charge similar fees and now realizes that LWDD should have been contacted prior to commencement of work at this location.

Patrick Martin stated that whenever work is conducted within LWDD's canal rights-of-way without permit, double fees are charged.

*A motion was made by Supervisor Whitworth to approve staff recommendation, seconded by Sr. Vice President Joyce Haley, and approved unanimously.*

**14. Sale of Transfer of Development Rights (TDRs) for LWDD canal rights-of-way located within the Ag Reserve (LWDD Project No. 12-7664P.02)**

Due to a conflict, Supervisors Alderman and Whitworth stepped down from the dais until a vote on this matter was finalized.

Mark A. Perry provided a background report on the TDRs, as follows:

October 18, 2013 – Board approved staff to solicit bids for the sale of 38.91 TDRs, based upon an appraisal.

October 25, 2013 – Appraisal conducted and established minimum price of \$75,000 per TDR.

January 14, 2014 – LWDD published a Request for Bid

January 29, 2014 – Mandatory pre-bid meeting held

February 11, 2014 – Deadline for submittal and bid opening; LWDD received one bid from G.L. Homes of Florida II Corp. for all 38.91 TDRs at \$75,000 each.

Mark A. Perry advised that staff recommends that the Board approve award of bid to G.L. Homes of Florida II Corp. and enter into a contract with G.L. Homes of Florida II Corp. for the purchase of the 38.91 TDRs at the established fair-market value of \$75,000 per TDR for a total of \$2,918,250.

Supervisor Goodlett inquired about a second bid and stated that it was his understanding that the first bid was not received timely. Mark A. Perry advised that the bid currently being discussed is the second bid and that the first bid was received after the deadline, thereby requiring LWDD to advertise a second Request for Bid.

*A motion was made by Supervisor Goodlett to approve staff recommendation, seconded by Sr. Vice President Joyce Haley, and approved unanimously.*

Mark A. Perry stated that staff has determined that there are additional TDRs available to sell and are working on the next phase. The TDRs would be available for sale at \$75,000 each, in accordance with the approved appraisal. Supervisor Goodlett requested that once staff determines those areas within the Ag Reserve having TDRs available for sale, that the list is brought back to the Board for review.

Supervisor Whitworth asked Mark A. Perry if he and Supervisor Alderman would be able to vote on the TDRs and Mark A. Perry advised that they should abstain from all future TDR actions. In addition, he cautioned them not to discuss the TDR project.

Mark A. Perry stated that staff recommendation is to approve and direct staff to solicit bids to purchase TDRs at a minimum bid amount of \$75,000, in accordance with the approved appraisal, which is good until April 25, 2014.

*A motion was made by Supervisor Goodlett to approve staff's recommendation, seconded by Sr. Vice President Joyce Haley, and approved unanimously.*

Mark A. Perry stated that staff will develop a bid package for the sale of additional TDRs together with a timeline and bring it to the Board next month, with the intent of awarding a bid in April, 2014.

Supervisor Goodlett requested the Board and staff to keep in mind that he will be in Tallahassee during the 2014 Legislative Session and the Board may not have a quorum to vote on this issue.

President Raucher recognized that Supervisors Alderman and Whitworth returned to the dais.

**15. Authorization to solicit a Request for Qualifications (RFQ) for engineering services to provide telemetry automation of 10 water control structures – (LWDD Project No. 13-9381D.01)**

Patrick A. Martin advised that staff is requesting board approval to solicit statements of qualifications from firms interested in providing consulting services for design of telemetry automation of ten (10) LWDD water control structures, one (1) microwave waypoint and automation at the LWDD campus.

He further advised that the telemetry automation will provide real-time data to make instant water supply and flood control decisions; enable staff to communicate in the field using software specifically designed for LWDD operations; provide security for control structures through use of video surveillance; provide backup power to emergency operation; and improve communication with other flood control first responders, including South Florida Water Management District and Palm Beach County, to better coordinate efforts.

The services to be provided by a qualified firm are comprehensive project management, Supervisory Control and Data Acquisition (SCADA) network design, software and programming logic control, systems design integration, equipment procurement, telemetry system design, startup testing, on call emergency support and LWDD staff training.

Mr. Martin advised that project funding would come from the LWDD Extraordinary Income Account as part of the approved spend-down plan.

Supervisor Alderman asked Mr. Martin to explain exactly how this project would benefit LWDD. Mr. Martin explained that the technology would provide real-time data and allow structures to be operated and viewed remotely from headquarters. However, LWDD will continue to have staff in the field to monitor operation as needed.

Supervisor Alderman asked Mr. Martin what would happen if the computer system had a power failure. Mr. Martin stated that back-up generators for the control structures are proposed with underground propane tanks. The LWDD campus currently has a backup generator in the event of a power outage.

Supervisor Whitworth asked Mr. Martin if LWDD would have weather stations. Mr. Martin stated that LWDD will have weather information at each control structure.

Supervisor Whitworth asked Mr. Martin whether the telemetry would operate the pumps and requested that LWDD obtain information about having telemetry for operation of the pumps. Mr. Martin stated that he would look into the cost for the addition of telemetry at LWDD pumps.

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

## **STAFF REPORTS**

### **16. Executive Director's Report**

Robert M. Brown informed the Board that LWDD received a letter from Senator Maria Sachs subsequent to the January 9<sup>th</sup> and 10<sup>th</sup>, 2014 rainfall event discussing her concerns on behalf of her constituents. Senator Sachs was contacted and came to LWDD offices with her aide on January 31, 2014 to meet with him, President Raucher, Patrick Martin, Mike Baker, Tommy Strowd, SFWMD Director of Operations. Mr. Brown stated that Patrick presented photos and technical data regarding the rainfall event. Senator Sachs recommended a public meeting, which was scheduled for Friday, February 14, 2014 from 1:30 PM to 3:30 PM at the South County Civic Center. A copy of the meeting notice received by LWDD was provided to the Board. Mr. Brown further stated that he believes it is very important for LWDD to partner with SFWMD because of our close working relationship on these events. Tommy Strowd will be in attendance at Friday's meeting on behalf of SFMWD.

Supervisor Goodlett stated that he met Representative Slosberg while traveling and Representative Slosberg has similar concerns about his constituents and has far reaching thoughts about how they need to be made whole. He suggested that LWDD contact Representative Slosberg's office and other local legislators to notify them of the meeting.

Robert M. Brown invited Megan Hanney to provide an update on the "Green Initiative" and last week's event.

Megan Hanney announced current members of the Green Team: Brad Bean, Charlie Burn, Vickie Demerski, Troy Lee, Joe Walsh, Melissa Wheelihan and I. She spoke about the 5<sup>th</sup> Annual "Green Week" event which concluded with a celebration and Farmers' Market. Megan thanked staff for their efforts during the year to promote the "Green Initiative."

Megan reminded everyone that the Green Team's goals are to improve LWDD's impact on the environment, reduce the amount of waste generated, educate staff on being "green" at work and at home, promote going "green" efforts within the community, and reduce costs and/or encourage cost-effective behaviors.

Megan stated that to date LWDD has saved a total of \$105,495.34 as a result of energy conservation and recycling. She thanked the Board and management for support of the program.

President Raucher thanked Megan and staff.

#### **Director of Operations and Maintenance**

Mike Baker stated that Control #3 is now complete and the project has been signed off.

#### **Director of Administrative Services**

Reagan Walker stated that she did not have anything to report this month.

#### **Director of Engineer & Right-of-Way**

Patrick A. Martin stated that he did not have anything to report this month. However, he advised the Board that he would report on FEMA maps at next month's meeting.

#### **Director of Finance**

Karen Hoyt stated she has spoken with Deborah Diaz of Rampell and Rampell, P.A. (LWDD external auditors) and she will be presenting the audit and financial statements at the March 2014 Board Meeting. Further, there have been some delays in closing out the self-insurance fund, but LWDD has received the needed information from the third party administrator.

Karen Hoyt advised that LWDD will begin the budget process for fiscal year 2015 in the very near future. She further stated that staff will be providing the proposed budget and workshops either in June or July of this year.

#### **District Counsel**

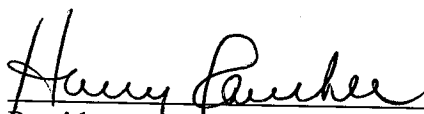
Mark A. Perry informed the Board of a letter received from Butler Pappas, representing Kings Point Recreation Corp., Inc., and requesting information regarding the recent rainfall event for investigation they are conducting to determine if anything was incorrectly handled by LWDD. He advised that the registered agent for Kings Point Recreation Corp., Inc. is Peter Sachs.

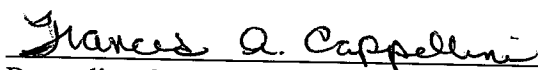
President Raucher commented and thanked staff again on their outstanding performance during January's unprecedented rainfall event.

President Raucher asked if there was any further comment from the Board. There being no further business to discuss, he asked for a motion to adjourn.

*A motion was made by Supervisor Alderman to adjourn the meeting, seconded by Supervisor Whitworth, and approved unanimously.*

There being no further business, the meeting adjourned at 9:18 A.M.

  
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President - Harry Raucher

  
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Recording Secretary - Frances Cappellini