



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
March 15, 2023 AT 8:30 A.M.**

Board Members Present:

John I. Whitworth, III
Jeffrey Phipps, Sr.

James M. Alderman
Carrie P. Hill

Stephen Bedner

1. Call to Order

President Bedner called the meeting to order at 8:30 A.M.

2. Pledge of Allegiance

Mr. Phipps led the Pledge of Allegiance.

3. Service Award Recognition – Tom Kirk, Fleet Mechanic -25 Years

Mr. Strowd recognized Tom Kirk for 25 years of service at the District. His supervisor, Joe Spetla, and the Board thanked Mr. Kirk for his service and presented him with a service pin and certificate in recognition of his service.

4. Agenda Revisions – Tommy Strowd, Executive Director

Mr. Strowd announced that Agenda Item #13 is deleted from the agenda.

Mr. Strowd also announced that Palm Beach County Commissioner Maria Sachs requested that Agenda Item #8 related to the Atlantic Avenue widening project be postponed. Mr. Strowd read a letter from Commissioner Sachs into the record. A copy of the letter is attached as part of the meeting record. Mr. Strowd also presented an article published in the Palm Beach Post on March 15, 2023, titled "Atlantic Avenue to get buffered bike lanes and wider sidewalks from Turnpike to Jog Road." A copy of the article is attached as part of the meeting record.

Chairman Bedner inquired if the Florida Department of Transportation (FDOT) or the Palm Beach County Transportation Planning Agency (TPA) supported the requested postponement.

Mr. Andrew Uhler, TPA Deputy Director of Programs expressed that TPA Board desires to move forward with the project and any further delays in the process would not be ideal.

The Board did not support deferral of the agenda item and requested staff to move forward with presenting the proposed plan.

5. Abstentions by Board Members from Items on the Agenda

There were no abstentions.

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

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

7. General Public Comment (limited to 5 minutes)

There was no general public comment.

DISCUSSION

8. Approval of Florida Department of Transportation Atlantic Avenue Widening Project conceptual roadway and canal design. Location: L-34 Canal, Turnpike to Jog Road (Project #RI-19-0123) – David Bends, Right-of-Way Interest Supervisor

Mr. Bends stated that in April 2022 an initial proposed roadway design was not supported and a motion for approval failed due to concerns over a reduction in hydraulic capacity and adequate right-of-way necessary for canal maintenance and emergency operations. In July 2022, TPA and FDOT representatives presented the initial roadway design and explained their goals for the roadway. The Board motioned to defer action until staff from all agencies could meet to discuss and address ongoing concerns.

Mr. Bends stated that staff provided minimum L-34 Canal right-of-way requirements. For open channel, 80'+ right-of-way must be maintained; a minimum 75' right-of-way would be accepted if a border variation applied but FDOT is unable to meet 80'. FDOT applied the border variation, reducing the required border width from 14' to 12' and revised the conceptual design to provide a 75' minimum right-of-way from the E-2E Canal to just west of Cumberland Drive except for two pinch points at Legends Way and Michelangelo Boulevard. In these areas, FDOT is required to construct right turn lanes which will reduce the right-of-way to 67-69'. Initially, FDOT proposed to pipe the canals within these areas. However, FDOT is not authorized to maintain facilities outside of their road rights-of-way as would be required by District permitting policies. Therefore, FDOT's revised design includes constructing bulkhead walls within the road right-of-way on the north canal bank in these areas. District staff indicated that the bulkhead walls are a preferable alternative to piping as it maintains an open channel for hydraulic capacity and maintenance.

Mr. Bends presented the typical section for West Atlantic Avenue (SR 7 to FL Turnpike) which was previously approved by the District Board illustrating that the canal cross section was consistent with the new proposed design.

Mr. Bends presented the new proposed cross section for Atlantic Avenue from E2-E Canal to Cumberland Drive. The L-34 Canal right-of-way will vary from 75' minimum to 90'. There will be a minimum 67'-69' minimum at right turn lanes into Legends Way and Michelangelo Boulevard with ~300' bulkhead walls to be maintained by FDOT. FDOT will provide rubble rip rap at the base of the walls to prevent over-excavation and damage.

Mr. Bends presented maps illustrating the right-of-way boundaries. As part of the conceptual approval, FDOT is requesting board approval to surplus and sell a portion of the L-34 Canal right-of-way as presented for the roadway widening at fair market value from E-2E Canal to east of Jog Road, containing approximately 3.84 acres. FDOT is also requesting approval to abandon the L-34 Canal necessary for the roadway widening from the west line of King's Point Plat No. 1 to the eastern terminus of the L-34 Canal (500' west of Jog Road). FDOT is to assume ownership and all maintenance obligations of the existing culverts and drainage system in this area and continue to accept existing drainage from surrounding properties. Additionally, FDOT and LWDD will extinguish the Maintenance Agreement recording in ORB 11868, Page 301 that is adjacent to the canal right-of-way being abandoned.

Mr. Bends presented FDOT canal modification requirements as follows:

- Shift the heavy maintenance berm currently on the north side of the channel to the south side and provide a 35' continuous maintenance berm
- Rip-Rap or other permitted material that may be required to armor the canal bank to prevent scour where the canal transitions and 25' beyond headwalls
- Drop curb (14' in width) centered on maintenance berms on north and south sides of canal at road crossings and through medians; sidewalks (6" thick) through canal right-of-way
- A minimum of 15' clear unobstructed access at all four (4) quadrants of any crossing
- Vegetative side trimming (25-foot vertically) along the south canal right-of-way line and removal of all vegetation on the south side of the canal that may exist throughout the project limits to provide 35' unencumbered access
- Removal of all above-ground encroachments on the south side of the canal that may exist to provide 35' unencumbered access
- The existing utility transmission line and poles parallel with and adjacent to the existing north right-of-way line of the L-34 Canal will be required to be relocated within FDOT's right-of-way for Atlantic Avenue
- At road crossings, culvert size and length to be approved by LWDD to ensure no impacts to drainage and sufficient access

Mr. Bends stated LWDD and FDOT will enter into Memorandum of Agreement for construction coordination. Terms include the following:

- FDOT shall control the L-34 Canal right-of-way during construction
- FDOT shall grant access to LWDD to maintain the canal in the event of an emergency
- FDOT will include in the construction contract, the proposed permit to be issued by LWDD which contains conditions set forth in the agreement
- LWDD shall execute conveyance and other documentation to transfer ownership of the canal right-of-way to FDOT prior to construction
- The project shall be complete within 10 years of MOA execution, or as extended by the parties

Staff recommended board approval of FDOT's revised conceptual design for Atlantic Avenue roadway widening and L-34 Canal modifications, and approval to surplus and sell that portion of the L-34 Canal right-of-way for roadway widening at fair market value, containing approximately ~3.84 acres, as specifically presented in plans submitted by FDOT on January 30, 2023. Staff also recommended approval to abandon that portion of the L-34 Canal right-of-way (+/- 22' to 29' in width) from the west line of King's Pointe Plat No. One to the eastern terminus and turn over maintenance responsibilities to FDOT; and staff recommended approval to formalize a memorandum of agreement (MOA) with the FDOT to be approved by the Board at a future date. Board approval is subject to permittee being responsible for all costs associated with the proposed canal improvements and modifications; board approval of memorandum of agreement and final design; board approval of fair market value based on an appraisal to be provided by FDOT; an analysis confirming sufficient hydraulic capacity; and FDOT and its consultants seeking approval from staff for all modifications within the approved canal right-of-way prior to the final design.

Supervisor Whitworth inquired as to which party holds the authority to determine what constitutes an emergency during construction. Staff indicated the District retains authority to determine an emergency.

President Bedner stated that if the design presented by FDOT is modified for any reason, it will be necessary to present revisions to the Board for approval.

A motion was made by Supervisor Whitworth to approve staff recommendation, seconded by Senior Vice President Alderman and approved by a vote of 4-1 with a dissenting vote from President Bedner.

9. Petition for postponement of E-2W Canal Rehabilitation Project adjacent to Delray Lakes Estates and Florida Turnpike. Location: E-2W Canal, between L-34 Canal (Atlantic Avenue) and L-35 Canal (Project #16-9931P.04) – Tommy Strowd, Executive Director

Mr. Strowd stated the Delray Lakes Estates Homeowners Association (DLE HOA) is requesting postponement of the Canal Rehabilitation Project (16-9931P.04) to clear the District's E-2W Canal right-of-way. The community is adjacent to the E-2W Canal and Florida Turnpike. Mr. Strowd stated future expansion of the Turnpike is expected within the next 10 years which will impact the available E-2W Canal right-of-way for maintenance and conveyance purposes.

Mr. Strowd shared an image of the CRP project limits exhibiting the berm and vegetation in the area and provided background on the easement and encumbrance issues in this area dating back to 1980. He explained that as part of the recent CRP inventory, vegetative and irrigation encroachments were identified within right-of-way adjacent to Delray Lakes Estates community. The District has sent multiple notices to residents about planned removal of vegetation and the berm and hosted a virtual public meeting to explain the project. Staff met with representatives from the DLE HOA, FDOT and the Alliance of Delray Homeowners Associations. At a meeting on March 29, 2022, President Bedner agreed to HOA President Mike Skenian's request to delay removal of vegetation and berm to the end of the year. Mr. Strowd stated that the project is scheduled to begin in late March 2023.

In February 2023, the DLE HOA requested an additional postponement of project to allow for construction of wall within HOA property. The HOA has obtained Wall Access Easements from all property owners along the E-2W Canal and the community approved an assessment to pay for construction of the wall. The HOA is currently entering the County approval process for construction of a wall within the easternmost 18-inches of the Wall Access Easement. The Wall Access Easement is the same 12-feet that is the platted utility easement west of LWDD easement. The HOA is currently requesting that utility companies abandon the easement. The HOA did not propose a timeline for the postponement.

Staff recommended denial of the petition to postpone the CRP project with vegetation and encroachments on the berm within LWDD right-of-way to be removed as scheduled and budgeted to facilitate completion of all remaining CRP projects within FY23.

Mr. Strowd read a letter from DLE HOA residents. A copy of the letter is attached herein as part of the meeting record.

Mr. Chip Carlson, the attorney representing the DLE HOA and its affected residents, expressed appreciation to the LWDD Board and staff for their collaboration in finding a solution. He explained that the residents had determined that relocating the berm onto their property was not feasible and had therefore concluded that a sound wall would be the best solution. Mr. Carlson reported that the residents had voted to pay for the wall, and that the Declaration of Covenants & Restrictions of the Homeowners document had been amended to provide for its construction and funding. He emphasized that he and the DLE HOA board members were diligently working to fulfill all requirements necessary to move forward with the installation of the wall. However, due to the complexity of the project, they were requesting another postponement.

Mr. Richard Schagrin, President of DLE HOA, provided public comment and shared that he has been actively involved in this matter since October of 2021. Considering the decision to remove the berm, he has expressed his deep concern for the potential negative consequences that this may have for the residents. Throughout the years, the berm has served as a critical element for the security of the residents, and its removal could lead to increased pollution, noise, and visibility, as well as a general sense of insecurity. Mr. Schagrin reported that the HOA currently has two bids for the construction of the wall, and they are in the process of hiring a noise engineer to determine the appropriate length and height for the wall. Considering these developments, he is requesting that the board grant the necessary six months to allow for the proper planning and execution of the wall's construction.

A motion was made by Vice President Hill to approve a six-month extension requested by DLE HOA and its residents, seconded by Senior Vice President Alderman and approved unanimously.

President Bedner stated that the extension granted shall constitute the final extension and no further exceptions will be entertained.

10. Approval of ranked firms for Health Insurance Brokerage Services and authorization to enter into contract negotiations with the top-ranked firm (RFP #23-9584L.02) – Karen Hoyt, Director of Finance & Administration

Ms. Hoyt, stated staff is seeking brokerage services for health insurance and employee benefits. She reported that LWDD is currently under contract with Brown & Brown since January 2015, and the contract timeframe has expired. Therefore, LWDD is required to solicit formal proposals in accordance with public procurement policies.

Ms. Hoyt shared the proposed scope of work and stated that a solicitation was advertised on January 15, 2023. The District received two responses from Brown & Brown and the Gehring Group. The Selection Committee included Board Supervisor Carrie Hill, Karen Hoyt and Melissa Skora. The committee met on March 3, 2023 to evaluate the proposals and it was determined that oral presentations should be requested. Oral presentations were held on March 8, 2023. The final ranking was 1) Gehring Group, and 2) Brown & Brown.

Staff recommend approval of the ranked firms and authorization to enter into contract negotiations with the top-ranked firm, Gehring Group. If negotiations are not successful, the staff will enter into negotiations with the next ranked firm, Brown & Brown.

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

11. Approval to release Chancery interest to property owner Fernando Vergara to clear title and approval to release all other remnant Chancery interest within Kanawha Park. Location: 6960 Lake Worth Road; L-12 Canal, south side of Lake Worth Road east of Charleston Street (Project #RI-23-0006) – David Bends, Right-of-Way Interest Supervisor

Mr. Bends presented background on the referenced parcel and recommended approval to release LWDD's remnant Chancery interest within Lots 8 & 9; and authorization to release all other remnant Chancery interest within Kanawha Park until resolved subject to certification of title, \$250 quit claim fee (or updated fee as required by policy at time of release) and LWDD operating policies.

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

12. Approval to release Chancery interest to property owner Ziva Kaye Myer, et al. to clear title with Lots 5 & 6, Cypress Creek. Location: 4835 & 4817 Bucida Road; south side of L-23 Canal, east of Military Trail (Project #RI-23-0016) – David Bends, Right-of- Way Interest Supervisor

Mr. Bends presented background on the referenced parcel and recommended approval to release LWDD's Chancery interest within Lots 5 & 6 in Cypress Creek, an unrecorded plat. Subject to an exclusive easement within Lot 5, certification of title, \$250.00 release fee and LWDD operating policies.

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

- 13. Approval to re-bid contract for LWDD Building A roofing project (RFB #22-5947L.17) – Anthony LasCasas, Director of Operations & Maintenance – ~~ITEM DELETED~~**

STAFF REPORTS

14. Executive Director's Report

Mr. Strowd reported that the Corp of Engineers is expected to make an announcement on the status of the proposed new Lake Okeechobee Operating Schedule (LOSOM) soon. He will continue to provide updates.

Mr. LasCasas provided an update on Control Structure 9 refurbishment. He stated they began to move water through the new pumps late last week; the project is moving forward and making progress.

Ms. Hoyt reported that PFM Asset Management has notified staff that the Silicon Valley Bank failure will not affect the value of the District's investments. Sean Gannon with PFM will attend the May 2023 Workshop to provide an investment update.

Ms. Walker announced there will not be a Board Workshop held in April 2023.

15. District Counsel's Report


No additional items to report.

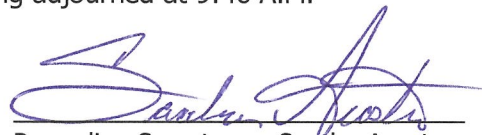
16. Board Reports & Comment

No additional reports or comments.

17. Adjourn

There being no further business, the meeting adjourned at 9:46 A.M.



President – Stephen Bedner

Recording Secretary – Sandra Acosta



Vice Mayor



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March 14, 2023

Tommy Strowd, P.E.
Lake Worth Drainage District
13081 S. Military Trail
Delray Beach, FL 33484

Dear Executive Director Strowd,

On behalf of the residents of District Five, I respectfully request that the Atlantic Avenue discussion of Item Number 8 scheduled before your Board on the March 15, 2023 Agenda be continued. The design of the construction of Atlantic Avenue is of utmost importance to the residents of my district as well as Palm Beach County. It is crucial that they be included as a stakeholder.

I am committed to working closely with your Board as well as the Florida Department of Transportation (FDOT) and the Palm Beach Transportation Planning Agency (TPA) so as not to delay the resolution of this issue.

Respectfully submitted,

Maria Sachs
District Five

c: Gerry O'Reilly, FDOT District Four Secretary
Verdenia Baker, County Administrator
David Ricks, County Engineer
Valerie Neilson, TPA Executive Director

The Palm Beach Post

DELRAY BEACH

Atlantic Avenue to get buffered bike lanes and wider sidewalks from Turnpike to Jog Road

Mike Diamond Palm Beach Post

Published 5:28 p.m. ET March 14, 2023

DELRAY BEACH — The Florida Department of Transportation (FDOT) has agreed to widen sidewalks and bicycle lanes along Atlantic Avenue from Florida's Turnpike to Jog Road west of Delray Beach in order to make them safer for cyclists and pedestrians.

FDOT was called on to redo its initial design following concerns from the Palm Beach Transportation Planning Agency (TPA) over the increasing number of bicycle and pedestrian fatalities in the county.

FDOT officials, appearing recently before the TPA board, reported that it was able to, for the most part, design 10-foot-wide shared-use paths that will be spacious enough for pedestrians and bicyclists to use. Cyclists who want to use a dedicated lane will be able to travel on a 7-foot-wide buffered lane, nearly double the current width.

FDOT is planning to widen heavily congested Atlantic Avenue from State Road 7 east to Jog Road. FDOT's update is related to the turnpike-to-Jog Road expansion, a segment that covers 1.8 miles. Along that segment, Atlantic Avenue intersects three major north-south roads — Florida's Turnpike, Hagen Ranch Road, and Jog Road. The proposed project would widen the existing four-lane road to six lanes.

More: Bicycle, pedestrian fatalities on the rise in Palm Beach County; planners working on solutions

More: Pedestrian killed in Greenacres trying to cross the street outside of the sidewalk

More: The Lyons Road debacle: Will the improvements ever get done?

Construction is years away. Currently, FDOT is conducting a Project Development and Environment study that will draft design options and examine social and environmental impacts. The study is expected to be completed early next year.

The cost estimate for the project to reconstruct Atlantic Avenue from Jog Road to the entrance of the turnpike is \$38 million. FDOT expects to secure construction funds in 2029. The state has set aside \$95 million to acquire land that may be necessary to widen the road.

The TPA refused in 2021 to support FDOT plans unless changes were made to make the road safer for bicyclists and pedestrians. At the time, several members insisted on separate bike lanes as opposed to buffered lanes. But FDOT reported that the best it could do was to include 7-foot-wide bike lanes with a 2-foot-wide strip or buffer. And it acknowledged there will be "pinch points" where the widths will have to be reduced.

Recreational bikers are expected to bike on the shared-use paths with pedestrians. And cyclists who want to ride as fast as possible could use the 7-foot buffered bike lanes. State officials noted that high-speed cyclists do not want barriers because they make it difficult to pass slower cyclists.

Mike Diamond is a journalist at The Palm Beach Post, part of the USA TODAY Florida Network. He covers Palm Beach County government and transportation. You can reach him at mdiamond@pbpost.com. Help support local journalism. Subscribe today.

March 13, 2023

To the Lake Worth Drainage District Board:

We, the homeowners listed below, who reside in Delray Lakes Estates (DLE) on the lots along the canal running north/south parallel to Turnpike, write to plead for a delay in the clearing of the berm and landscaping which screens us from the Turnpike. It has been a vital buffer for many years.

We greatly appreciate the District having listened to our concerns and having allowed our community time to come up with a solution to the District's removal of this berm and landscaping, and the willingness of the District to work with us on that solution.

The solution has been the construction of a wall by the DLE Association, which was voted on favorably by the community in February. This is an extraordinary step for the entire community to support. We understand that the DLE Board and our Land Use Attorney are moving the process for the construction of the wall along as quickly as possible. If the berm and landscaping are removed long before the wall is to be installed, the exposure will be devastating.

Whatever the District can do to help us while we continue taking the needed steps toward constructing the Association's own wall would be greatly appreciated. It is hard to find words to express both the fear of this open exposure to the Turnpike and, if the District can give us more time, the appreciation that we will have for the District.

Sincerely yours,

Dr. & Mr. Bataille – Lot 88

Mr. & Mrs. Burgess – Lot 84

Mr. & Mrs. Christie – Lot 60

Mr. & Mrs. Haywood – Lot 59

Mr. Price - Lot 58

Mr. Benavente – Lot 57

Mr. & Ms. Middlebrook – Lot 56

Mr. & Mrs. Travis - Lots 55

Ms. Shure & Mr. Ploshnick – Lot 54

Mr. & Mrs. Montechiari - Lot 53

Ms. Reardon - Lot 52

Mr. & Mrs. Dixon - Lot 51