

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING - NOVEMBER 9, 2009**

Call to Order at 7:30 P.M.

Roll Call: David DeMarois, Don Widing, Darlene Crawford, John Ryan, and Robert Snowball present.

Also Present: Clete J. Saunier, P.E., District Administrator, Mary M. Viator, Esquire, and Lynnette R. Ballard, Administrative Secretary.

Invocation / Pledge of Allegiance led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. Mr. Saunier requested the addition of Regular Agenda Item 3D, Website Content Discussion. There were no other additions, deletions, or substitutions to the Regular Agenda.

MOTION: Mr. Widing made a motion to approve and adopt the Regular Agenda with the addition of Regular Agenda Item 3D, Website Content Discussion. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: "D" ROAD CANAL MAINTENANCE PROJECT (PHASE II) - REQUEST FOR PROPOSALS. Mr. Saunier stated as directed by the Board of Supervisors at the June 8, 2009 public meeting, Staff has scheduled maintenance of the "D" Road Canal Project - Phase II (north of Okeechobee Boulevard) for the current fiscal year. This project includes clearing and removal of all vegetation from the right-of-way and dredging and reshaping the canal section to District standard criteria. This project will be indirectly funded via road maintenance reimbursement payments from the Town of Loxahatchee Groves. These previously budgeted road maintenance funds have been reallocated to canal maintenance expenditures.

Mr. Saunier requested a motion to approve issuing notice of the "D" Road Canal Maintenance Project (Phase II) Request for Proposals in The Palm Beach Post on Sunday, November 15, 2009 and Sunday, November 22, 2009.

MOTION: Mr. Ryan made a motion to approve issuing notice of the "D" Road Canal Maintenance Project (Phase II) Request for Proposals in The Palm Beach

Post on Sunday, November 15, 2009 and Sunday, November 22, 2009. Mr. Widing seconded the motion.

Mr. Ryan had several comments regarding the General Conditions and Instructions for Bidders associated with the "D" Road Canal Maintenance Project (Phase II).

There were no additional comments from the Board or the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: SOUTH "C" ROAD OGEM STABILIZATION PETITION - UPDATE. Mr. Saunier stated as previously reported, the District received a petition for road stabilization with OGEM on September 16, 2009 from landowners of South "C" Road, between Collecting Canal Road and Okeechobee Boulevard.

Mr. Saunier stated, upon review of the affected area, there are a total of 98 subdivided parcels (377.083 acres total) that would be assessed for the road improvements upon a favorable referendum vote of the affected landowners. The petition form contains 43 signatures representing 233.60 acres, or 62% of the total affected acreage. Staff has verified 29 signatures on the petition representing 149.56 acres, or 40% of the total affected acreage. Staff is continuing to validate the remaining 14 signatures. Many of the landowners have not returned phone messages.

Mr. Saunier requested Board direction to Staff on how the Board wishes to proceed with accepting the petition as presented; and, If accepted, direction to proceed with the referendum process for South "C" Road OGEM stabilization.

Mr. Saunier noted in past referendum processes, after calculating the estimated, conceptual per-acre costs over a 10-year period, the District sent a survey to the affected landowners and asked them to indicate whether they were interested in going forward with the OGEM road stabilization. Once the survey results were received by the District, the Board decided whether or not to proceed with a referendum vote of those affected landowners.

Ms. Crawford stated there is sufficient representation of the affected landowners along South "C" Road, and stated the Board should allow the affected landowners an opportunity to indicate whether they would be interested in proceeding with the referendum process.

Mr. Widing had no comments.

Mr. Ryan stated perhaps a workshop meeting could be scheduled for the affected landowners of South "C" Road. He added that the workshop presentations for the other road segments were very effective because they gave the affected landowners an opportunity to see the costs, project details, and the impact that the project would have on them.

Mr. Saunier stated he is not certain a workshop meeting would be necessary for South "C" Road. He stated it might be sufficient to send a letter to the affected landowners outlining the potential costs; then request those landowners to indicate whether they are interested in proceeding with the OGEM stabilization. Those survey results would then be presented at a regular Board meeting, at which time the Board would direct Staff to move forward with a referendum.

Mr. Saunier stated at the last meeting, it was suggested that, even though a referendum vote may or may not occur (or may / may not pass), the District could possibly go ahead and present the data to Palm Beach County Information Systems Services (which is responsible for creating assessment rolls) prior to the January 20, 2010 deadline in conjunction with the other three OGEM projects that are proceeding; with the proviso of potentially not needing it if the referendum does not pass.

Mr. Ryan asked if Mr. Saunier's suggestion is to prepare an informational package that would be made available to the affected landowners. Mr. Saunier replied in the affirmative, and added that a workshop meeting at this point is unnecessary. He stated it would be sufficient to mail the informational package to the affected landowners, and then present those results to the Board at a subsequent Board Meeting.

Ms. Viator stated the District needs to ensure that it is on schedule in order to utilize Palm Beach County ISS and place this information on the assessment roll.

Mr. Snowball asked whether there is sufficient time to notice the referendum vote and hold a referendum vote prior to the January 20, 2010 deadline.

Mr. Saunier explained that the District could tentatively proceed.

Mr. Snowball stated he agrees with Ms. Crawford, and would like to proceed with the survey letter to all affected landowners of South "C" Road.

MOTION: Ms. Crawford made a motion to provide the affected landowners of South "C" Road with a cost-analysis survey and letter to determine the level of interest in the OGEM stabilization road improvements. If there is sufficient interest, the Board will schedule a referendum vote for the affected landowners of

South "C" Road, and submit the applicable data to Palm Beach County ISS prior to the reporting deadline. Mr. Snowball seconded the motion.

Town Council Member Ron Jarriel, 2800 161st Terrace North stated he is pleased that the Board decided to go forward with the referendum process for South "C" Road OGEM stabilization. He asked whether the cost-analysis survey would be sent to all affected landowners on South "C" Road, or only to those who signed the petition. Mr. Saunier replied it would be sent to all affected landowners of South "C" Road.

There were no additional comments from the Board or the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: NORTH ROAD CANAL - LANDOWNER FORUM. Mr. Saunier stated this item was placed on the meeting agenda to allow the affected landowners to express their questions and concerns regarding this issue. He stated he will continue to keep this item on the agenda until this issue is resolved.

Phil Liang, 4245 148th Terrace North stated she received the notification letter from the District stating access along the North Road Canal right-of-way would be blocked effective April 30, 2010. Ms. Liang stated the letter was forwarded to her attorney, who will then forward it to her title company. Ms. Liang stated she is optimistic this issue will be resolved soon.

Mr. Saunier noted he spoke to Mitra Malek of The Palm Beach Post, who published an article in the newspaper on Saturday, November 7, 2009 regarding the North Road Canal right-of-way issue.

Ms. Crawford stated all landowners affected by this issue need to start becoming involved so the Board can more easily assist them in the decision-making process.

There were no additional comments from the Board or the public on this item.

MOTION: No motion was necessary.
ACTION: NO ACTION WAS TAKEN.

SUBJECT: WEBSITE CONTENT DISCUSSION. Mr. Saunier stated Ms. Crawford requested the District add a section to its website for frequently asked questions. Ms. Crawford created a list of questions she would like to see posted on the website. Mr. Saunier stated he would like to obtain feedback from the Board on Ms. Crawford's suggested comments. Mr. Saunier requested the Board Members provide their comments to him.

Mr. DeMarois stated typically, the Board Members would direct landowners to contact Mr. Saunier; if they are not able to obtain an immediate answer, they could then contact Mr. Saunier through the website.

Ms. Crawford commented that having the information on the website provides empowerment to the landowners by allowing them to access available information 24 hours a day, seven days a week.

Ms. Viator stated it would be a good idea that, once the Board Members have created their lists of questions to be placed on the website, they bring those questions (and their suggested responses) back to the Board for discussion and approval.

Mr. Snowball stated he likes all of Ms. Crawford's questions as they are currently written.

There were no additional comments from the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: IT WAS THE CONSENSUS OF THE BOARD THAT THE BOARD MEMBERS WOULD PROVIDE THEIR INPUT REGARDING FREQUENTLY ASKED QUESTIONS TO MR. SAUNIER. THE COMMENTS WOULD THEN BE PRESENTED TO THE BOARD AT THE DECEMBER 14, 2009 REGULAR MEETING.

SUBJECT: CONSENT AGENDA. There were no additions, deletions, or substitutions to the Consent Agenda.

1. Minutes of October 12, 2009 Regular Meeting
2. Financial Reports
 - A. Warrant Report – October 2009
 - B. Treasurer's Report – October 2009
3. District Staff Reports
 - A. Attorney's Report – October 2009
 - B. Superintendent's Report – October 2009
 - C. District Engineer's Report – October 2009
 - D. District Administrator's Report – October 2009

MOTION: Mr. Snowball made a motion to accept and approve the Consent Agenda. Mr. Widing seconded the motion.

DISCUSSION REGARDING CONSENT AGENDA:

DISTRICT ENGINEER'S REPORT. Mr. Saunier referred to the District Engineer's report regarding the Palm Beach County Water Resources Task Force and Working Group meetings. He stated these groups are attempting to allocate water supply during dry-season months. Mr. Saunier explained there are three different pilot projects they would like to consider. He volunteered the District for a pilot project, contingent upon the Board's approval.

Mr. Saunier stated this is a radically new way of looking at water conservation. There are several variables involved in this project. If the District is selected for a pilot study program, he will bring the information back to the Board.

Mr. DeMarois asked whether individual Board Members could discuss this issue with Mr. Saunier. Mr. Saunier replied in the affirmative.

Mr. Ryan stated the idea is that the District would be given the ability to backpump from the C-51 Canal to maintain higher water levels; the second purpose would be for fire protection.

BRIDGE CULVERT - TONY PATEL. Mr. Ryan asked Mr. Saunier whether Tony Patel's bridge culvert issue would be resolved by the end of this year. Mr. Saunier replied that Mr. Patel's contractor has been trying to complete the permit process on behalf of Mr. Patel. However, the contractor did not submit the required application fee, and the plans were not signed and sealed by an engineer, among other things. Mr. Saunier stated when the permit fee is not included with a permit application, District policy is to return the permit application without review to the applicant. Mr. Saunier stated he went ahead and reviewed the plans and made notes in the letter he sent back to Mr. Patel. Mr. Saunier stated he anticipates the entire permit application package to be re-submitted very soon.

There were no additional comments from the Board or the public on the Consent Agenda.

ACTION: MOTION PASSED 5 TO 0.

SUPERVISOR COMMENTS

Mr. Snowball asked about the status of the laptop computers. Mr. Saunier replied he is working on them.

Mr. Ryan stated the notice letter sent to affected landowners regarding the North Road Canal right-of-way was a well-written letter, and he is optimistic that the letter will be effective in obtaining responses.

Mr. Widing stated he is ready to go paperless, and looked forward to obtaining the laptop computers. He complimented Lynnette Ballard for doing a good job with the .pdf file of tonight's Board Meeting packet. He requested the District not provide him with a hard-copy of the Board Meeting packets in the future.

Mr. Snowball also requested the District not provide him with a hard-copy of the Board Meeting packets in the future.

Ms. Crawford stated she likes the new asphalt aprons on the north side of Okeechobee Boulevard at the intersections of the lettered roads. She asked how the District was so fortunate to have these improvements done.

Mr. Saunier replied that Mike Bowman, Director of Palm Beach County Road & Bridge Division, has been a friend of the District's and has helped the District on many occasions in the past. Mr. Saunier stated he contacted Mr. Bowman about the asphalt aprons, and within two to three weeks, they were constructed. Mr. Saunier stated that Mr. Bowman and his staff are to be commended.

Ms. Crawford stated several residents on "E" Road north of Okeechobee Boulevard are very thankful.

Ms. Crawford stated the FASD meeting she attended on October 30, 2009 was very informative and stated there are many interesting issues occurring in the State Legislature. She stated she looks forward to meeting with landowners from 40th Street North and resolving this issue between now and April 30, 2010.

Mr. DeMarois complimented Lynnette Ballard for doing a good job verifying the signatures on the South "C" Road OGEM Stabilization petition.

PUBLIC COMMENTS

Marge Herzog, 966 "A" Road agreed with Ms. Crawford that the asphalt aprons are great, and they have made a big difference. She complimented District field staff for doing a good job with tree trimming, and stated it makes a big difference on the roads when there are no obstructions from trees. She stated the District's canal banks look great.

Ms. Herzog announced that the next LGLA meeting will be held on Thursday, November 19, 2009.

The Chair adjourned the meeting at 8:10 p.m.

David DeMarois, Chair

Donald P. Widing, Vice Chairman

Darlene Crawford, Secretary-Treasurer

John Ryan, Deputy Secretary-Treasurer

Robert Snowball, Supervisor