

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /  
TOWN OF LOXAHATCHEE GROVES  
INTERGOVERNMENTAL COMMITTEE MEETING  
JANUARY 2, 2009**

Call to Order at 2:00 P.M.

Roll Call: Clete J. Saunier, P.E., LGWCD District Administrator, John Ryan, LGWCD Secretary-Treasurer, Dr. Irv Rosenbaum, Town Manager, Dr. Bill Louda, Town Council Member present.

Also Present: Lynnette R. Ballard, LGWCD Administrative Secretary, members of the public.

Invocation / Pledge of Allegiance led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. There were no additions, deletions, or substitutions to the Regular Agenda.

MOTION: Dr. Louda made a motion to approve the Regular Agenda. Mr. Ryan seconded the motion.

ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: INTERGOVERNMENTAL COORDINATION COMMITTEE PROCEDURES: DISCUSSION. Mr. Saunier stated he was asked to act as Chair of this meeting, and recommended that the Committee establish a meeting facilitator on a rotational basis. Mr. Saunier stated if the Committee desires, he will serve as facilitator at today's meeting, and recommended Dr. Rosenbaum to serve as facilitator at the next committee meeting, then John Ryan followed by Dr. Louda. **The Committee agreed.**

Mr. Saunier reminded the Committee that it is only recommending action to the Board of Supervisors and Town Council and is not actually voting on any issues. Mr. Saunier recommended the Committee present only those items of "committee consensus" to the Board and Council. In the event the Committee does not reach a consensus, that item should be tabled to the next meeting for further discussion. **The Committee agreed.**

SUBJECT: 2009 PERMIT VARIANCE SUBMITTAL TO THE SFWMD: DISCUSSION. Mr. Saunier stated, in anticipation of the anticipated drought conditions, in December 2007, the Loxahatchee Groves Water Control District submitted an application for

variance to the South Florida Water Management District. This variance request was approved by SFWMD allowing the District to exceed water-use restrictions imposed by SFWMD Emergency Order No. 2007-869-DAO-WS. In preparation of the 2009 dry season, long-term drought solutions should be considered by the Committee. Mr. Saunier invited comments from the committee members.

John Ryan stated as of today's date, Lake Okeechobee's elevation is at 13.97 feet. Last year at this time, Lake Okeechobee was at 10 feet. Mr. Ryan noted that, although the lake is approximately four feet higher this year, it is still six inches lower than its historical average. Mr. Ryan stated there is not an immediate need for a variance request to the South Florida Water Management District. He noted the District maintains daily records with regard to rainfall, canal levels, and pumping volumes, which is the basic information used by SFWMD to evaluate our variance request.

Mr. Ryan stated the District depends on water in the canals for fire protection. He further stated that when the SFWMD was not indicating at the staff level that they would place the District's variance request on their next meeting agenda, the District requested that Loxahatchee Groves public officials and landowners contact the SFWMD's Board members. After some direct e-mail contacts, the District's variance request was then placed on the agenda and approved. The SFWMD also provided three long-term drought response recommendations to the District: (1) deepen and/or harden the District's canals so that water can be stored more efficiently; (2) construct emergency wells, or (3) expand the use of potable water fire hydrants. Mr. Ryan noted the variance approval letter from SFWMD states it is SFWMD policy to grant a variance request for a particular reason once.

Mr. Saunier noted that although the District is not statutorily responsible to maintain canal water surface levels sufficiently high enough for fire protection purposes, it acknowledges responsibility to provide good governance for the community by seeking solutions for this problem.

Mr. Ryan noted the District's maintained water surface elevation is three to four feet higher than surrounding communities. SFWMD strongly suggested the District utilize the recently constructed Palm Beach County Water Utilities Department water mains as a long-term solution. They also suggested the installation of groundwater wells as a source for pumping water into the canals. Mr. Ryan stated he would like to see the Town consider whether it would be feasible to install emergency-use water wells.

Mr. Ryan also noted the large difference in maintained water surface elevations between the District and surrounding communities that results in significant ground water lost due to underground seepage.

Dr. Louda stated seepage barriers for the eastern and southern borders of Loxahatchee Groves would be extremely expensive. He was not sure how effective using clay on the canal surface would be.

Mr. Saunier stated the District's groundwater table is approximately three feet higher than the maintained control water level within communities east of the District. Those communities were permitted by SFWMD to construct their stormwater management systems at this lower elevation. The District had no say in SFWMD's decision. There is also an average five-foot difference between the maintained water surface elevation of the C-51 Canal's and the District's groundwater table.

Mr. Saunier stated deepening or hardening the canals would provide a very limited amount of water for fire protection purposes. He also noted that deepening the canals would require widening the canals to provide necessary bank slope. This would require condemnation of adjacent properties that could be cost prohibitive.

With regard to expanding the use of fire hydrants, Mr. Saunier stated the only way that Palm Beach County Water Utilities Department would be able to maintain pressures in those hydrants is within a looped system. That would require extensions between the existing North Road water main and the Okeechobee Boulevard and Southern Boulevard water mains. This option could also be cost prohibitive.

Mr. Saunier stated the District provided SFWMD a map with the variance application showing where the canal surface water staging areas are located. These staging areas are strategically located along each of the lettered canals to provide firefighting source water for Palm Beach County Fire-Rescue.

Dr. Louda asked whether the SFWMD is referring to the surficial aquifer with respect to emergency wells. Mr. Saunier replied in the affirmative. In the event of a wildfire, emergency personnel would be able to hook up to a dry hydrant (unpressurized water source) at the well locations.

Mr. Saunier suggested the District inform SFWMD that it is considering these three options, and provide SFWMD with their associated costs. He suggested the Town might be able to assist the District with this.

Mr. Saunier asked for the Committee's consensus to recommend that the Town and District further investigate costs for the alternatives suggested by SFWMD. In the interim, should drought conditions occur, the District and Town would have a track record showing they are investigating alternatives for the community and are working toward a solution. Dr. Louda added the Town should consider the costs of installing wells by commissioning a groundwater study from an outsourced hydrogeologist that

would consider well size and depth to meet Fire Department water source requirements. **The Committee agreed.**

Mr. Saunier asked whether the Committee could request that the Town conduct such a study. Dr. Louda stated he would present this request to the Town Council for consideration. Dr. Rosenbaum stated they would make the request to the Town Council and would discuss this issue further. He stated if the SFWMD sees the Town and District moving in this direction, and in the event the District has to make another variance request, the SFWMD should be more receptive to granting the request.

Mr. Saunier asked if the Committee is prepared to present this request to the Town Council at their next meeting on January 6, 2009, and the District's Board of Supervisors on January 12, 2009. **The Committee agreed.**

SUBJECT: COORDINATION BETWEEN TOWN AND LGWCD RELATING TO THE TOWN COMPREHENSIVE PLAN: DISCUSSION. Dr. Louda stated it is his understanding that the Town and the District would be moving forward (and working together cooperatively) with Alternative Four to the Town's Comprehensive Plan.

Dr. Rosenbaum stated there is a great deal of benefit to the Loxahatchee Groves community in having the Town and the District work closely together. Having the District's ability to do certain things under its statutes, and the Town's ability to do certain things under the incorporation statutes gives the landowners an opportunity to resolve problems. He noted there are currently several problems throughout the community, i.e., canal elevations, code enforcement issues, traffic issues, etc. He stated it is in the best interest of the community for the Town and District to work together to resolve these issues.

Dr. Louda asked if there were any comments on the memorandum from Calvin-Giordano dated December 29, 2008 regarding comments submitted by the District on September 15, 2008 in response to the Town's Comprehensive Plan transmitted to the DCA.

Mr. Saunier asked if the Committee would like to address the comments within the memorandum by individually referencing the numbering provided. The Committee agreed.

Comment #1 and #6: Mr. Saunier requested these comments be replaced with the following language: "The major east-west roadways are paved, including SR-80 Southern Boulevard and Okeechobee Boulevard. Remaining roadways in the Town are unpaved. Twenty-nine (29) miles of basic traffic movement unpaved roadways

are named alphabetically from A Road to G Road, North Road, Collecting Canal Road, and Folsom Road. Another twenty-nine (29) miles of unpaved roads have lesser traffic volume. The unpaved roads are maintained by the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District (LGWCD). **The Committee agreed.**

Comment #2: **The Committee accepted this comment as written.**

NOTE: The Town Council, at its July 6, 2008 meeting, requested the following change to this comment: "...The Town and LGWCD should coordinate with each other, FDOT, and Palm Beach County for acceptable improvements to address the deficient roadways."

Comment #3: **The Committee accepted this comment as written.**

Comment #4: The Committee noted the following text should have been deleted: "was designed to remove 2.63 inches of runoff in 24 hours from one square mile."

Comment #5: **The Committee accepted this comment as written.**

Comment #7: Mr. Saunier requested the Committee consider accepting the following language: "A Town Road, Greenway, and Equestrian Trail Master Plan will be developed by the Town over the next year. The Master Plan will identify and evaluate existing public easements, rights-of-way, roadway characteristics, roadway deficiencies, and traffic volumes and patterns so that potential road improvements and safety recommendations can be identified. Coordination of this information with **all affected** local governments, special districts, and other agencies, along with substantial public input will help to form a plan that the Town can use to guide future roadway maintenance and safety improvements. The Master Plan will review the local..." **The Committee agreed.**

Comment #8: Mr. Saunier requested the same change be made as in Comment #7 as follows: "Coordination of this information with ~~the~~ **all affected** local governments, special districts and other agencies, **including the LGWCD**, along with public & ~~LGWCD~~ input will help form a plan that the Town can use to implement new trails and trail connections through Town funded projects and/or future development requirements." **The Committee agreed.**

Comment #9: Mr. Saunier requested the same change be made as in Comment #7 as follows: "The Town of Loxahatchee Groves shall provide a convenient roadway network through coordination with **all affected** local governments, special districts, Florida Department of Transportation, and other public agencies..." **The Committee agreed.**

Comment #10: Mr. Saunier requested similar changes as in Comment #7 as follows: “The Town of Loxahatchee Groves will coordinate with all affected local governments, special districts, Florida Department of Transportation and other public agencies to provide input and advocate for the Town’s interests regarding future roadway plans for Okeechobee Boulevard, E Road/140th, SR-80 and other roadways as necessary.” **The Committee agreed.**

Comment #11: Mr. Saunier requested the Committee consider revising this comment as follows: “The Town will develop minimum design standards for greenway and equestrian trails for inclusion in its Land Development Regulations. ~~Should any of the proposed greenways or equestrian trails be planned so that they will be constructed within any LGWCD easements, the Town will coordinate the construction of those greenways and trails.~~ The Town shall coordinate the application of its minimum design standards with the LGWCD whenever a proposed greenway or equestrian trail encumbers an LGWCD right-of-way.” **The Committee agreed.**

Comment #12: Mr. Saunier requested the Committee consider deleting the sentence and replacing it with the following language: “The Town shall coordinate the planning and construction of proposed greenways or equestrian trails with the LGWCD whenever they encumber a LGWCD right-of-way.” **The Committee agreed.**

Comment #13: Mr. Saunier requested the Committee consider similar changes as in Comment #7 as follows: “The Town should pursue joint efforts with ~~other~~ all affected local governments, special districts, and other public agencies with respect to the acquisition, development and maintenance of trails as a means for reducing costs and pooling resources.” **The Committee agreed.**

Comment #14: **The Committee accepted this comment as written.**

Comment #15: Mr. Saunier requested the Committee consider similar changes as in Comment #7 as follows: “The Town shall investigate and implement strategies with ~~adjacent~~ all affected local governments, special districts, and other public agencies to discourage cut-through traffic on local roads throughout the Town.” **The Committee agreed.**

Comment #16: Mr. Saunier requested the Committee consider similar changes as in Comment #7 as follows: “Within one year of adoption of the comprehensive plan, the Town shall adopt and implement a Road, Greenway, and Equestrian Trail Master Plan. Through coordination with all affected local governments, special districts, and other public agencies, the Town Road and Equestrian Trail Master Plan will identify...” **The Committee agreed.**

Comment #17: **The Committee accepted this comment as written.**

Comment #18: Mr. Saunier noted the reference to “30 inches of stormwater runoff” should be rewritten as “3.0 inches of stormwater runoff.” **The Committee agreed.**

Comment #19: **The Committee accepted this comment as written.**

Comment #20: Mr. Saunier requested this sentence be revised as follows: “Storm water management facilities shall be designed in accordance with South Florida Water Management District (SFWMD) and ~~will coordinate with Loxahatchee Groves Water Control District (LGWCD) when applicable.~~ criteria and when applicable, Loxahatchee Groves Water Control District (LGWCD) criteria. **The Committee agreed.**

Comment #21: **The Committee accepted this comment as written.**

Comment #22: **The Committee accepted this comment as written.**

Comment #23: **The Committee accepted this comment as written.**

Comment #24: Mr. Saunier requested the Committee consider deleting the existing language and replacing it with the following: “~~Should the construction of trails fall within the Loxahatchee Groves Water Control District right-of-way, the Town shall coordinate with the Loxahatchee Groves Water Control District to ensure sufficient right-of-way is preserved to construct and maintain the multiuse trails.~~ The Town shall coordinate the construction of proposed multiuse trails with the LGWCD whenever they encumber LGWCD rights-of-way. Doing so shall ensure sufficient right-of-way is preserved to construct and maintain the Town's multiuse trails.” **The Committee agreed.**

Comment #25: Mr. Saunier requested similar changes be made as in Comment #7 as follows: “The Town should pursue joint efforts with adjacent **all affected** jurisdictions **including** local governments, special districts, and other public agencies in the acquisition, development and maintenance of trails as a means for reducing costs and pooling resources.” **The Committee agreed.**

Comment #26: Mr. Saunier requested the Committee consider changing the language as follows: “It is important to coordinate efforts with the Loxahatchee Groves Water Control District (LGWCD) which provides storm water management and **shared** road maintenance services on ~~some of the Town's~~ **local** roads **within the Town's municipal boundaries.** The Town coordinates with neighboring municipalities, special districts, Palm Beach County, and other governmental agencies that provide

storm water management, fire and police protection, utilities and road maintenance services." **The Committee agreed.**

Comment #27: Mr. Saunier requested the last sentence be revised as follows: "~~If~~ **As** necessary, the Town will coordinate with adjacent **all affected** local governments, special districts and other agencies to alleviate any impacts to local roads within or adjacent to the Town's municipal boundaries." **The Committee agreed.**

Comment #28: **The Committee accepted this comment as written.**

Comment #29: **The Committee accepted this comment as written.**

Comment #30: **The Committee accepted this comment as written.**

Dr. Louda stated he will provide these suggestions to Calvin-Giordano prior to the next Town Council meeting on January 6, 2009.

Mr. Ryan noted the District's comments are grammatical and in general agreement with the modifications made by Calvin Giordano.

SUBJECT: ROAD AND MAINTENANCE RESPONSIBILITIES AND JURISDICTION. Dr. Louda noted that the Town and District have joint road maintenance responsibilities, and stated this needs to be made clear in all communications that go forward to the DCA.

Mr. Saunier stated the District cannot jeopardize its ability to collect road maintenance assessments to maintain its roads. Dr. Louda referred to Chapter 298, Florida Statutes, and stated the District's assessments are for drainage. Mr. Saunier replied in the negative. He explained by the District's authorizing legislation (Special Act), the District also collects an assessment for road maintenance purposes.

Mr. Ryan stated that Chapter 298 relates to certain special districts. However, Chapter 298, together with the District's special enabling legislation and the original road easement deed to the District in 1918 expands the District's authority to much more than drainage and water control. He stated the District would probably be agreeable to disregarding the last two or three paragraphs of the October 15, 2008 letter from Frank Palen (District's Attorney) to the DCA.

Mr. Saunier noted the level of service language within Mr. Palen's letter is no longer relevant since the Town has agreed not to establish level of service standards for local roads.

Dr. Louda emphasized that the Town and District have shared road maintenance responsibility and this is necessary in order for the Town (and Loxahatchee Groves community) to continue receiving shared gas tax revenues from the State. He stated he would like to see the gas tax monies being used for both District roads and non-District roads. If the Town does something on a non-District road, the Town and District will have to coordinate.

**IT WAS THE CONSENSUS OF THE COMMITTEE THAT THE TOWN AND DISTRICT SHOULD SHARE THE USE OF GAS TAX REVENUE BY ENTERING INTO SEPARATE, PROJECT-SPECIFIC INTERLOCAL AGREEMENTS.**

Mr. Saunier suggested the Town prioritize the projects that the District recently submitted and draft interlocal agreements for the District to consider.

Mr. Ryan clarified that the District cannot legally use the road maintenance assessments it collects for purchasing materials to improve non-District roads.

Dr. Louda asked if the Town purchases material to upgrade a road, how that would work with respect to using District equipment and manpower. Mr. Ryan replied that historically, if it is an emergency situation, the District has provided these services. Mr. Saunier stated it is a policy decision the Board of Supervisors has implicitly adopted on past occasions when the use of District equipment and manpower on non-District roads was utilized on County-funded non-District road improvement projects. Mr. Saunier stated there should be no reason why the Town and District could not work together in a similar fashion and develop interlocal agreements to provide road maintenance and improvement services on non-District roads.

Dr. Louda asked if anything needs to be done by the District regarding the October 15, 2008 letter submitted by the District's Attorney to the DCA. Mr. Ryan stated should the Committee's recommendations regarding Calvin-Giordano's memo be accepted by the Board and Council, the District may be able to send a letter that states the District has coordinated with the Town to make fully acceptable amendments to the Town's Comprehensive Plan. Mr. Saunier stated when the Town resubmits its Comprehensive Plan to the DCA, the District's letter could be resent as an attachment to the transmittal package. **The Committee agreed.**

Mr. Saunier asked when the Plan has to be resubmitted to the DCA. Dr. Rosenbaum stated the deadline is the first week in March 2009 (March 2-6, 2009).

SUBJECT: COORDINATION BETWEEN TOWN AND LGWCD RELATING TO ROAD IMPROVEMENTS: DISCUSSION. Mr. Saunier read the Town's Agenda Memo

into the record as follows: "The Town is developing a comprehensive Master Road, Equestrian and Greenway Trail Plan. This Plan should be completed by February, 2009. The District has been utilizing a road petition process to determine road paving and stabilization. The discussion will be focusing how the two approaches can be combined for the roadway planning efforts to succeed."

Dr. Louda stated the Town feels out of the loop with respect to the District's road improvement petition process. He stated the petition process used by the District worked well and that if landowners wish to pay for the OGEM stabilization themselves, that is commendable. However, it affects other people on the same road who may or may not want OGEM. It also affects the overall traffic pattern, and planning needs to be coordinated. Dr. Louda stated "F" Road was gratuitous in that it was improved with OGEM with an existing equestrian trail for equestrians and pedestrians. With other roads, it is unknown whether a trail for equestrians and pedestrians will be provided. He asked how this could be worked out to have the road improvements incorporated into some type of overall plan.

Mr. Ryan requested the Town keep the District informed about the progress of the MREG Plan process and traffic studies, and stated the District will keep the Town informed of the referendum process for road improvements, and also referred to the District's 10/13/08 letter to the Town.

Dr. Louda asked who will conduct the referendum vote and whether it has to be conducted by the Palm Beach County Supervisor of Elections office. Mr. Saunier replied the referendum vote would be held in the District office typically with a third-party consultant doing the actual ballot counting. The Palm Beach County Supervisor of Elections is not involved.

Mr. Saunier stated it would be very helpful for the Town to be informed of the District's road improvement referendum schedule, and for the District to become involved and participate in the Town's MREG plan process.

Mr. Saunier requested an initial draft copy of the Town's MREG plan when it becomes available.

Mr. Ryan stated certain District roads have borne the brunt of traffic volume for a variety of reasons. The landowners along many of these roads have petitioned the District to consider OGEM stabilization as an improvement, including speed tables to control traffic.

Dr. Louda stated he would like to see FDOT-type improvements to South "D" Road, including guardrails. He stated this would give the Town a strong position in requesting a traffic light at the intersection of Okeechobee Boulevard and "D" Road.

Mr. Ryan stated the new President and Democratic Congress have indicated they will establish some type of infrastructure plan for government agencies. Mr. Saunier stated the Town and District should consider discussing this infrastructure plan at future intergovernmental committee meetings.

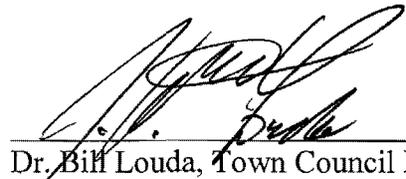
Mr. Saunier requested the discussion of 40<sup>th</sup> Street / North Road Canal at the next intergovernmental committee meeting. **The Committee agreed.**

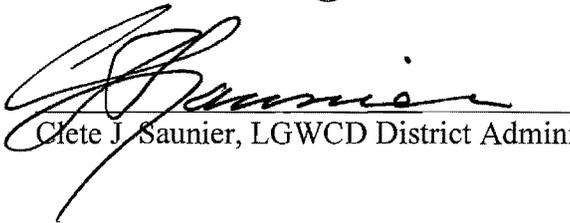
Mr. Ryan requested the discussion of federal funding sources at the next intergovernmental committee meeting. **The Committee agreed.**

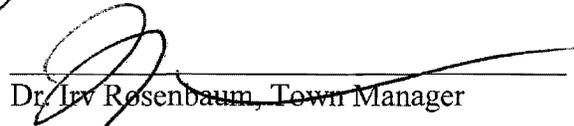
SUBJECT: NEXT MEETING DATE AND TIME: DISCUSSION. The next meeting date was set for Friday, January 16, 2009 at 2:00 p.m. at the LGWCD office located at 101 West "D" Road, Loxahatchee Groves. Dr. Irv Rosenbaum will be the meeting facilitator.

**The meeting was adjourned by the Committee at 3:30 p.m.**

  
John Ryan, LGWCD Secretary-Treasurer

  
Dr. Bill Louda, Town Council Member

  
Clete J. Saunier, LGWCD District Administrator

  
Dr. Irv Rosenbaum, Town Manager