

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **January 9, 2013, at 6:30 p.m.**, at the **LaQuinta Inn, Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065.**

Present at the meeting were:

David Hulett	President
Joe Morera	Vice President
Emily Heafy	Secretary

Also present were:

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hunt and Associates, LLC
Terry Lewis	District Counsel
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Mike Saltzman	CSID Resident
Michael Goldberg	CSID Resident
Larry Vignola	Coral Springs City Commissioner

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:30 p.m.

Mr. Wrathell indicated, for the record, that Supervisors Hulett, Morera and Heafy were present, in person.

SECOND ORDER OF BUSINESS

Discussion: Canal Z

A. Draft Letter to Property Owners Adjacent to Canal Z

Mr. Paton presented the draft letter prepared for property owners adjacent to Canal Z for the Board's consideration. He indicated that the letter provides a background of what happened, to date, along with attachments of the individual property owners' property and an inventory of items in the District's right-of-way. He noted the use of the term, ten (10)-foot vegetative buffer, for the ten (10)-foot wide buffer area.

Mr. Morera asked if the draft letter was shared with City staff. Mr. Paton indicated that the City Manager, Attorney and Forester will each receive a copy of the letter.

Mr. Paton noted a typographical error, on Page 2, that was already corrected.

Mr. Wrathell referred to a detailed email to the City Manager, located behind Tab 6, which explains the status of the project and the ten (10)-foot buffer concept. He reported that, prior to the holidays, he spoke to four (4) of the five (5) City Commissioners regarding the email and answered their questions.

Mr. Hulett questioned where the nameplates are for tonight's meeting. Mr. Wrathell was unsure of the whereabouts but will check into the matter.

Mr. Hulett referred to the second to the last sentence, at the end of the letter, which states "The District would also be required to pay a mitigation fee to the City Tree Fund...". He asked that the sentence be changed to state "The District has agreed to pay the mitigation fee to the City Tree Fund...".

Ms. Heafy voiced her opinion that the District should not be required to pay mitigation fees if someone planted the tree on the District's property. She expressed her dismay that the City is charging the citizens, when another citizen planted it and the District needs to remove it.

Mr. Hulett stated that District Counsel's position is the same; however, the District agreed to pay mitigation fees in an attempt to create a friendly environment with the City and citizens.

Mr. Ernest-Jones indicated that he had meetings with the City Engineer, Mr. Peter Moore, of Chen Moore, on various District matters, including Canal Z. He suggested using Mr. Moore as a conduit for information, when necessary. Mr. Ernest-Jones stated that Mr. Moore understands what the District is trying to accomplish and might be a valuable resource to convey the message to the City. In response to a question, Mr. Ernest-Jones confirmed that information should be sent to Mr. Moore, as well.

B. Right-of-Way/Easement Clearing Policy

Mr. Hulett referred to the fourth paragraph, on Page 2 and recommended changing "These canals have been identified as seriously clogged.." to "These canals have been identified as seriously silted or not dug to originally specified depths..".

Referring to the fifth paragraph, Mr. Hulett asked that the sentence "Over the years, access to many of our canals, right-of-ways and easements have become blocked by illegal..." be changed to "Over the years, access to many of our canals, right-of-ways and easements have

become completely blocked by illegal...” Mr. Ernest Jones recommended replacing the word “have” with “has” in the same sentence.

Mr. Hulett asked District Counsel’s opinion of what the District should do if property owners refuse to sign an option agreement or stall, to the point of delaying the District’s work. Mr. Lewis stated that the District should give notice, via Certified US Mail, that the District will implement Option #1 and proceed with removal of the obstruction(s).

Mr. Donahue indicated that each letter will include the aerial and ground photographs of the individual property, along with the inventory of tree removals requiring a tree permit, the nuisance trees and hardscape.

Mr. Morera asked if the letter will address vegetation for potential relocation to the ten (10)-foot vegetative buffer. Mr. Donahue stated that the intent is for him, Mr. Paton and Mr. Selchan to discuss that matter during their meeting with the property owner. Mr. Ernest-Jones explained that, from the District’s perspective, it agrees to leave the ten (10)-foot buffer.

Mr. Wrathell indicated that Management reached out to the City, a number of times, regarding their availability to participate in a joint workshop; however, the City has not responded but anticipates responding in the future. He asked if the Board is comfortable with him conveying the planned process to the City, as well as informing them that the District looks forward to a joint workshop.

Mr. Hulett felt that the last part of the statement is not necessary. Mr. Hulett referred to Page 6 of the December meeting minutes regarding the City’s lack of a response to the District’s offer to hold a joint workshop, as well as the question of renting the Commission Chambers. In response to Mr. Hulett’s question, Mr. Wrathell confirmed that the City still has not responded to either email. Given the City’s choice not to respond to the District, Mr. Hulett stated that he has no problem providing the City Manager, Commissioners and Engineer with copies of what the District intends to do, so that they are aware.

Ms. Heafy voiced her appreciation that the City Manager, Commissioners, etc., are busy and the District is not a top priority to them; however, she finds their lack of response is clear that the City does not want the District to meet at City Hall. Ms. Heafy stated that the move to a new location will be good for the District in defining and separating themselves from the City. They are a water control district trying to control flooding.

Mr. Morera voiced his disappointment that the City did not respond, as a matter of business courtesy, after the District’s second attempt. He agreed that the City’s silence is a sign

of its position and recommended that the District move forward with changing the meeting location. Mr. Morera expressed his hope that, once the City finally decides to move forward with a meeting, they will give sufficient notice to those involved. He feels that it is important for everyone to have the opportunity to attend and represent their positions.

Mr. Hulett agreed with Mr. Morera's comments. He found it difficult to understand, given that the District bent over backwards reaching out to the City to develop a good working relationship and to not even get the courtesy of a reply is very discouraging.

Mr. Wrathell advised that the Board's discussion is sufficient, as far as authorizing Mr. Paton to proceed with mailing the letters to property owners. Mr. Lewis agreed.

C. Typical Sections with Landscape Buffer

This item was discussed in conjunction with Item A.

THIRD ORDER OF BUSINESS

Citizens' Requests

Citizens' requests were heard during the Second Order of Business.

Mr. Michael Goldberg, 11911 Classic Drive, recalled that the District mailed notification letters for the last two (2) meetings and voiced his feeling that the lack of resident attendance is because residents relied on receiving a letter announcing this meeting. He acknowledged that the meeting is announced online; however, many do not have access or check the website. Mr. Goldberg asked why the District did not send letters to everyone announcing tonight's meeting.

Mr. Hulett stated that, previously, the letter was mailed because it was the presentation of the District's approach, which was approved by the Board.

Mr. Goldberg reiterated his opinion that a letter should have been sent.

Mr. Wrathell acknowledged that letters were mailed for the previous meetings but explained that the last meeting was the action item. The letter in this agenda relates to notifying property owners of the Board's policy approved at the well attended previous meeting.

Mr. Goldberg reiterated his opinion a third time that a letter should have been mailed, as he knows of many who still disagree with what is happening.

Mr. Goldberg stated that, while everyone worries about flooding, the Board's actions and removal of trees will decrease property values. He indicated that he would never have bought his house; he paid \$365,000 and would not have bought even if the price was \$290,000 or \$250,000, with the way it will look when the vegetation is removed. Mr. Goldberg voiced his

opinion that the District's actions are preventing flooding that could occur in the future, while guaranteeing property owners a major loss in value now.

Mr. Wrathell reminded the public that each speaker is limited to three (3) minutes.

Mr. Mike Saltzman, 10763 NW 21st Place, recalled discussion, at the last meeting, regarding comments he made at a previous meeting related to the City Ordinance requiring property owners to landscape 30 feet beyond their property line, into the right-of-way. He stated that this item is in the City's Zoning ordinance related to land use and apologized for not providing a copy. He stated that the City Ordinance requires property owners to landscape and maintain to the street right-of-way, as well as to the water line of any abutting canal, up to a maximum distance of 30 feet. Mr. Goldberg indicated that his property line is approximately 45 feet from the water's edge, which he interprets to mean he is not required to maintain to the water's edge; maintenance of the last 15 feet is not his responsibility, under the ordinance. He questioned if the Board has addressed how this will be done in the future, as the District would be required to maintain that area, as mandated by the City codes and ordinances.

Mr. Saltzman recalled discussion, at the last meeting, that the main reason for canal widening was to establish safe, stable slope, along the canal edges. He stated that the properties to the north of the canal do not have adequate space to dig, meaning there are no planned changes to that slope and the drop-off condition would remain the same. Mr. Saltzman voiced his opinion that, if there is a safety concern, it should be addressed on both sides of the canal. He noted the higher density of people on the north side of the canal.

Mr. Saltzman voiced his feeling that the District's plan is approaching a solution but it is not there. He is upset that talks with the City broke down and are not moving forward.

Ms. Heafy clarified that talks did not break down, the District has not heard from the City.

Mr. Saltzman asked if the Canal Z project is permitted. Mr. Ernest-Jones indicated that the final permits are pending. Mr. Donahue stated that comments were received from Broward County Wetlands and Aquifer Group, to which the District is responding, and he is still working with the South Florida Water Management District (SFWMD); the permits are in progress.

Mr. Saltzman surmised that the permits are expected in March and asked if the District still plans to meet with individual property owners. Mr. Wrathell stated that the letters will be mailed shortly, along with a copy to the City Manager and Engineer. Mr. Wrathell explained

that the letters will include an inventory and pictures of the right-of-way issues. The District will meet with each property owner to discuss the issues and present the options.

Regarding when meetings will be held, Mr. Paton stated that the property owner will mail their selected option to the District office, at which time, he will contact them to set an appointment.

Mr. Saltzman recalled previously informing the Board that he is not agreeable to any of the District's options. Mr. Paton stated that District Staff will meet with him.

▪ **District Counsel Memorandum – Whether City of Coral Springs Ordinances Require Property Owners to Maintain 30-foot Beyond Property Line**

Mr. Hulett asked Mr. Lewis to present his findings regarding Mr. Saltzman's statements, at a previous meeting, indicating that the ordinance requires property owners to landscape a 30-foot buffer extending beyond their property line, into the right-of-way.

Mr. Lewis indicated that Sec. 250833(7)(c) of the Land Development Code – Minimum Landscape Requirements for Zoning Districts (Special Provisions) states that landscape material shall be placed and extend to the mean water line of any abutting canal up to 30 feet, and "shall be used and installed in such a manner as to allow reasonable maintenance." He referred to another section of the code, which states that a property must conform with federal, state and local regulation, even when those regulations are more restrictive than the City requirements. Mr. Lewis stated that, in this case, the District's regulations are more stringent; therefore, the District's regulations apply.

Mr. Lewis explained that the District must keep the areas clear in order to maintain the canals, which provide District residents with flood protection. He is of the opinion that the District's regulations apply.

Mr. Saltzman asked if a tree outside the canal would be an obstruction. Mr. Lewis indicated that it depends on whether the tree impedes maintenance. Mr. Lewis noted that Option 3 allows the property owner to negotiate what is left and what is cleared, which may allow a property owner to retain some vegetation in the right-of-way.

Mr. Saltzman asked if he could apply for a right-of-way beautification permit. Mr. Lewis was not aware of such a permit.

Ms. Heafy acknowledged how devastating it is to live across from the apartments but explained that, if the canals are not at proper depths and the canal banks are not stabilized, the

pump stations will not be as viable; everything works together. Ms. Heafy suggested approaching the City to install a buffer.

Mr. Saltzman asked the status of the culvert under Royal Palm Boulevard, west of Coral Ridge Drive. Mr. Ernest-Jones indicated that, currently, no modifications to those culverts are planned. Mr. Ernest-Jones stated that those culverts lead into the canal that is to be excavated.

Mr. Saltzman asked if that culvert is adequate to drain the Westchester basin. Speaking to Mr. Saltzman, engineer to engineer, Mr. Ernest-Jones explained that it is a question of head loss and if it is justified, for example, if it is causing a three (3)-inch head loss, as the water flows through the culverts, there is a value judgment to be made about whether everything is pulled out and replaced and, if so, under what priority. Regarding whether the culvert is adequate, Mr. Ernest-Jones replied affirmatively but stated that it would drain quicker with a larger culvert and the upstream problems would be less.

Mr. Hulett advised Mr. Saltzman that Staff would be happy to address his questions in a telephone call or a meeting.

FOURTH ORDER OF BUSINESS

Approval of December 13, 2012 Regular Meeting Minutes

Mr. Hulett presented the December 13, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Page 1: Insert "Terry Lewis, District Counsel" under "Also present were:"

Line 455: Change "cannot" to "can"

Line 484: Change "no" to "not a"

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the December 13, 2012 Regular Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS

Location for Remainder of Fiscal Year 2013 Meetings - *LaQuinta Inn, Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065*

Mr. Wrathell indicated that, until a response from the City is received, the remainder of the District's Fiscal Year 2013 meetings will be held at this location.

Mr. Hulett questioned why the LaQuinta relocated the meeting to a different room; he feels that the other meeting room is a better fit.

SIXTH ORDER OF BUSINESS

**Emails to City of Coral Springs
Officials/Staff (for informational purposes)**

A. December 17, 2012, Canal Z Update

B. December 18, 2012, Room Rental

These items were discussed during the Second Order of Business.

SEVENTH ORDER OF BUSINESS

**Discussion: Email Follow Up Notice from
Florida Division of Emergency
Management**

Ms. Heafy referred to the email and asked if the statement that noncompliance can result in denial of funding refers to denial of future funding. Mr. Lewis felt that is the meaning. Ms. Heafy suggested delaying payment and building the monies into the District's emergency fund.

Mr. Lewis indicated that the District exhausted all of its appeals and FEMA takes the position that all of the expenses cannot be properly documented; therefore, they want the District to pay them back. He noted that Florida has a Prompt Payment Act for local governments; any lawful debt that the District incurs should be paid within 30 days of receiving an invoice. Mr. Lewis stated that ignoring the invoice places the District in violation of that law; however, the question remains as to what FEMA can do. Mr. Lewis pointed out that the money was not stolen or wasted and the District documented what it was used for, in great detail. He stated that, throughout this process, the State Department of Emergency Management, in dealing with FEMA, has sided with the District and recommended that FEMA forgive the debt.

Mr. Hulett asked what the City did when FEMA asked them for the return of \$5 million. Mr. Paton heard that the City sent a team to FEMA's Tallahassee office to argue their case.

Mr. Wrathell recommended deferring a decision to a future meeting.

Mr. Lewis asked Mr. Paton if he had previous contact with Mr. Manuel Berrios, who sent the emails. Mr. Paton indicated that Mr. Berrios is a new contact. Mr. Lewis asked Mr. Paton to call Mr. Berrios, or another contact, to inquire about what will happen if the District does not pay. Mr. Paton pointed out that the amount requested is less than the original amount.

Ms. Heafy questioned if payment could be made in installments.

Mr. Wrathell confirmed that the District has the cash to pay the amount requested.

Mr. Hulett noted that the District provided FEMA with dump tickets for 95% of the total and it seems unreasonable that FEMA is seeking full repayment because two (2) or three (3) dump tickets are missing. Ms. Heafy indicated that FEMA is doing this all over the country.

Mr. Selchan clarified that the District provided all of the dump tickets; the problem was with the contractor that hauled it away. He explained that FEMA's stance is that the District was to follow the process cradle to grave; however, the contractor could not provide the District with dump tickets for the final disposal location.

Mr. Lewis recalled that at least two (2) of the contractors used during this time were out of business, so located records was nearly impossible.

Mr. Paton indicated that the contractor involved in the District's issue was Southern Waste Management. He and Mr. Selchan visited their offices, viewed the dump tickets and were told that they did not know where it went but that FEMA said it was alright to dispose in different places. Mr. Selchan stated that they were told the location but that Southern Waste Management could not provide the actual cubic feet or tonnage.

Mr. Morera asked Mr. Lewis if he encountered other Districts with this problem and, if so, what was their solution. Mr. Lewis stated that he had experience with a few water control districts; however, they did not have problems, as they were able to document everything. Mr. Lewis discussed other Districts that received millions of dollars from FEMA.

Mr. Morera pointed out that all parties involved are aware of the guidelines and questioned if the parties who transported the waste were aware of FEMA's requirements. Mr. Lewis indicated that any licensed hauler has documentation obligations. Mr. Morera questioned the responsibility of the contractor who failed to provide documentation.

Mr. Lewis indicated that the contractor had a responsibility to follow the law and is liable to the District, if they did not. He explained that the question, nearly eight (8) years after the hurricane, is whether the Board wants to incur legal fees seeking money from the contractor.

*****Coral Springs City Commissioner Vignola joined the meeting.*****

Mr. Hulett asked Mr. Vignola if he had anything to share and if he knows the status of FEMA's request for payment of \$5 million. Mr. Vignola indicated that the City Commission is back and forth with the City Manager's office; they went to Tallahassee and are receiving conflicting statements from FEMA and those running FEMA, under the State's jurisdiction. Mr.

Vignola stated that the City has everything documented and indicated that FEMA promised the money to the City, if the City spent it in a certain way but it remains pending.

Mr. Wrathell explained that the District contracts with firms for debris removal and for monitoring. It is explicitly outlined that those firms must adhere to all FEMA standards necessary to ensure that all items are eligible for reimbursement.

EIGHTH ORDER OF BUSINESS

Draft Letter to Canal AA-BB Residents

Mr. Paton presented the draft of the letter to Canal AA-BB residents thanking them for their cooperation during the Canal AA-BB Project and notifying them that additional dredging will take place. Mr. Wrathell recommended modifying the letter to indicate that the dredging will take place later this year.

As the letter will go to all residents along Canal AA-BB, Mr. Paton suggested including a reminder that property owners are obligated to maintain the right-of-way free and clear of obstructions.

Mr. Ernest-Jones recommended that a copy be mailed to the City.

Mr. Morera asked how the canal will be dredged. Mr. Hulett felt that the dewatering approach will be necessary.

NINTH ORDER OF BUSINESS Supervisors' Communications

Mr. Morera stated that he attended the Coral Springs Improvement District's (CSID) Christmas Luncheon where he met the CSID Board members. He noted that Mr. Selchan was also in attendance.

Mr. Morera indicated that the Taste of Coral Springs will be held on February 26, 2013.

Mr. Hulett advised that he registered to participate in the Broward Leaders Water Academy. He detailed the informational topics to be covered in the program.

Regarding the Sawgrass Nature Center Wild in the Park sponsorship request, Mr. Hulett explained that District funds are not being used; several parties made donations, on behalf of the District.

Mr. Hulett recommended posting new pictures on the District's website. Mr. Morera questioned if the District's most recent award is mentioned on the website, as he could not locate it. Mr. Morera asked the process for getting information posted. Mr. Wrathell indicated that the

information should flow through Management's office. Mr. Selchan stated that information about the recent award is contained in the newsletter that is posted on the website. Mr. Morera voiced his feeling that the award should be a separate item and that, generally, the website information should be kept more up to date. Mr. Hulett agreed and suggested Management assign Staff to ensure that information on the website is as current as it could be. Mr. Wrathell pointed out that, if a Board Member or Staff has something they want on the website, it would be helpful if they told Management.

Mr. Hulett reflected on the District's accomplishments during 2012, including completion of the pump stations, movement into the next phase of the Capital Improvement Program, with the successful initial right-of-way clearing project, retirement of the \$5 million loan for Hurricane Wilma cleanup, establishment of a \$2 million emergency reserve, the addition of a new trash removal crew, updating the website to make it more user-friendly, distribution of the District's first ever newsletters to residents, named District of the Year by the Florida Association of Special Districts (FASD), Broward Society of Civil Engineers' naming of the new pump stations as their Project of the Year, Mr. Morera's completion of the Association of Certified District Officials program and designation as a Certified District Official, balancing the budget while having a small decrease in assessments and a clean audit. Mr. Hulett found these achievements outstanding for all Staff and Board Members involved; they are an example of a well-managed District, with a high level of integrity.

TENTH ORDER OF BUSINESS**Staff Reports****A. Attorney: *Lewis, Longman & Walker, P.A.***

Mr. Lewis noted that the legislative season has officially begun and the first set of committee meetings will begin next week. The session will commence the first Tuesday in March. Mr. Lewis stated that, for the first time in four (4) years, Florida should have surplus tax revenue. He reminded the Board that, two (2) years ago, the Florida Legislature passed a law requiring people not already vested in the Florida Retirement System to contribute 3% to their pension. This matter was challenged by the unions, who prevailed at the circuit court level; however, the Florida Supreme Court decision is pending. He explained that, if the Supreme Court agrees with the circuit courts, Florida will not have surplus revenue.

Mr. Lewis indicated that the next FASD meeting is January 31 through February 1, in Sebring, Florida. He advised that a Certified District Manager course will be offered at the meeting, along with a purchasing and contract seminar.

B. Engineer: IBI Group

i. Permit Application Review: 9903 NW 39th Court, Coral Springs, FL – Maraglino – Fence

Mr. Ernest-Jones presented the permit application and explained the proposed work. He recommended approval of a permit under the special conditions, as noted in his letter dated January 3, 2013. He noted that the property owner is asked to rid their adjacent canal bank and easement of any major vegetation, as well as adhering to Standard Condition 1, which states that the landowner is required to remove the fence or any portion, if necessary, and replace it at the property owner's expense.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the 9903 NW 39th Court, Coral Springs, FL – Maraglino – Fence, IBI Job #22761, right-of-way permit application, subject to the special conditions, as set forth, was approved.

ii. Permit Application Review: Royal Palm Blvd at Pump Station 1 – Comcast – Conduit Trench Installation

Mr. Ernest-Jones presented the permit application, explained the proposed work and indicated that this matter is still under review. He stated that there were questions regarding the alignment proposed by Comcast and asked them to propose a different location. Mr. Donahue explained that a number of utility lines, etc., exist in the location path originally proposed.

Mr. Ernest-Jones advised that the District was provided with a copy of the City's Improvement Plan for that area, which proposes major trees in the District's easement. He indicated that the District will ask that the major trees be omitted; shrubs are fine. Mr. Ernest-Jones contended that it does not make sense to plant large oak trees in the easements. In response to a question, Mr. Ernest-Jones stated that a tree is proposed right on top of the culvert that runs under Royal Palm Boulevard. His recommendation to the City was to limit vegetation in the easement to bushes, shrubs and small trees. The City's proposed design will be presented at the next meeting.

iii. Permit Application Log

Mr. Ernest-Jones indicated that the permit application log is up to date.

iv. Monthly Engineer's Report: 12/04/12 to 01/02/13**• Update: Pump Stations 1 & 2**

Mr. Ernest-Jones reported that the pump station projects are nearing completion. Minor vibration issues remain at Pump Station #2. Pump #1 was modified with additional bracing, which proved successful. The pump supplier, MWI, is responding to the District's requests and actively working to complete the problems. Regarding when Advanced Mechanical Solutions will finish testing, Mr. Ernest-Jones indicated that it is ongoing. Mr. Donahue stated that Advanced Mechanical Solutions was on site with MWI, when they performed the testing. Both MWI and Advanced Mechanical Solutions, representing the District, felt that the larger vibration issue was resolved; however, a secondary minor vibration was unmasked, which is related to the belts. Mr. Donahue stated that MWI's belt specialist will adjust the belts, which should alleviate the problem. In response to Mr. Hulett's question, Mr. Donahue confirmed that, once this problem is corrected, work on the remaining three (3) pumps will proceed.

Mr. Ernest-Jones indicated that he has not signed off on substantial completion of the pump stations, pending correction of the problems; however, he is receiving pressure from the contractor to recognize that substantial completion has taken place. Installation of the new transformers is scheduled for February.

Regarding the transformers, Mr. Hulett pointed out that IBI Group's electrical engineer recommends upgrading to 1,500 kVA; however, FPL plans to upgrade to 1,000 kVA. Mr. Hulett questioned the difference. Mr. Ernest-Jones indicated that they are still debating the matter. IBI Group is working with FPL; however, in the end, he will be able to certify that the transformer is correct. Mr. Hulett asked if that means that IBI Group will find 1,000 kVA to be sufficient, should that be the size FPL installs. Mr. Ernest-Jones stated that IBI Group's electrical engineer is still pursuing 1,500 kVA; he does not want anything installed that is less than IBI Group's recommendation. Mr. Hulett asked how the process works. Mr. Donahue stated that each party is reviewing the other's calculations. Mr. Ernest-Jones stated that, if FPL does not approve 1,500 kVA, they will appeal.

Mr. Ernest-Jones indicated that the building signage and plaques for both pump stations were ordered. Staff training on the telemetry and controls was completed and all other training is complete.

- **Culverts W-55 & W-56**

Mr. Ernest-Jones indicated that Culverts W-55 and W-56 are substantially complete and final closeout paperwork is being prepared. In response to Mr. Hulett's question regarding what remains incomplete, Mr. Donahue stated that only the paper is incomplete; they passed all inspections.

- **Canal AA-BB & East Outfall ROW Vegetation Removal Program Final Report**

Per the Board's previous request, Mr. Ernest-Jones indicated that a final report was prepared for the City. He requested the Board's authorization to transmit the report to the City. Mr. Hulett clarified that the report is to the Board, with copies provided to the City, along with a copy of the District's thank you letter to residents.

Mr. Hulett pointed out that, according to the report, there are a few unresolved issues. He asked if those items should be resolved, prior to submitting the final report. Mr. Donahue advised that Mr. Selchan is hiring contractors to address those items. Mr. Hulett requested that the items be completed, prior to issuing a final report. Mr. Morera agreed with Mr. Hulett.

Referring to ongoing canal clearing, Mr. Ernest-Jones asked Mr. Vignola if he has an update regarding the District's invitation for a workshop with the City, as the District feels they will be governed by the terms of a workshop that was discussed but of which the City has not responded. Mr. Ernest-Jones asked Mr. Vignola to comment on why the City has not responded.

Mr. Vignola stated that, since the election, the Commission has had many workshops, orientations and City events, such that it has been difficult to get all Commissioners together; few dates are available for them to meet. Mr. Vignola acknowledged that the District hopes to commence work in March and voiced his hope that the workshop can take place by the end of February.

Mr. Ernest-Jones noted that it is extremely important that the City Engineer participate in the workshop, as well, as he is the City's in-house advisor on all engineering matters.

Regarding the East Outfall right-of-way vegetation removal, Mr. Ernest-Jones indicated that final inspection will take place tomorrow. Mr. Donahue recalled that trees were cleared in November and December, leaving 200 stumps. At the last meeting, the Board approved a change order for All County Tree to stump grind. Mr. Donahue provided before and after pictures. Mr. Morera pointed out that many stumps were the result of the Hurricane Wilma cleanup and the current Board was faced with fixing the problem left by the prior Board. Mr.

Donahue stated that the stump grinding was completed and the area is now maintainable, which is the Christian Academy's responsibility. Mr. Donahue noted that the area may need to be reseeded or sodded; however, he recommended waiting until the rainy season, in June.

Regarding Canal Z, Mr. Ernest-Jones indicated his understanding that they are to produce a canal cross section that allows a ten (10)-foot buffer. IBI Group is preparing construction documents that will be ready for presentation at the next meeting. Mr. Hulett asked for an explanation of what permits Mr. Saltzman is referring to. Mr. Donahue responded that the Broward County Aquatics and Wetlands Department requires a permit for any work performed within waters in Broward County. Mr. Ernest-Jones stated that permits from the Army Corps of Engineers or DEP are not needed for dredging associated with regular canal maintenance. Mr. Donahue indicated that the dredging work is being addressed with Broward County and SFWMD. Mr. Ernest-Jones noted that the plans were changed based on changes to the cross section. Mr. Hulett asked if citizens can stall the process. Regarding the Broward County permit, Mr. Lewis suspected that the citizen would have to take the matter to circuit court. Mr. Lewis stated that a citizen, with standing, can file an administrative challenge to a water management district permit.

Regarding the bridge over the West Outfall Canal, Mr. Ernest-Jones reported that Mr. Andre Slintak, of Broward County Highway & Bridge Maintenance Division (BCH&BMD), is requesting a letter from the District explaining why the District wants Broward County to clean and stabilize the banks under the bridge. He noted that there is significant head loss, on the bridge, during times of heavy rainfall. Mr. Slintak acknowledged responsibility but it is a matter of prioritizing it, in terms of the County funding it.

Regarding Canal Z, Mr. Hulett asked when the District will seek tree permits from the City. Mr. Donahue indicated that the permit applications are being completed and will be submitted to Mr. Westfall next week. Mr. Donahue advised that Mr. Westfall will complete the final inspection on the East Outfall tomorrow and is processing the other individual properties; now that Canal AA-BB was closed, Mr. Westfall is starting to process everything else.

Mr. Hulett asked how the District will track and ensure that its mitigation money is spent planting trees within the District's boundaries. Mr. Selchan indicated that the City has not provided the details but, as a courtesy, the City will provide the District with an outline of how they intend to spend the money. Mr. Selchan noted that the City had a meeting in January to discuss the matter. Mr. Selchan recalled that elaborate work is planned near Pump Station #1, as

well as in parks in the District's boundaries. Mr. Selchan concluded that the City will provide updates and track the spending to ensure that the District's residents are comfortable that the mitigation paid is put back into their area.

Mr. Hulett asked Mr. Ernest-Jones to present the City's plans for the Royal Palm Boulevard entranceway.

- **Corporate Park of Coral Springs**

Mr. Ernest-Jones indicated that Mr. Wrathell had discussions with the Mayor concerning the Corporate Park. He noted that there are significant questions regarding which areas are under the District's control and which are under the City's control. Mr. Ernest-Jones reviewed photographs of the area detailing the areas of responsibility for the District and the City. He noted that the Corporate Park has a large canal system that is operated by the District, along with numerous platted drainage easements. Mr. Ernest-Jones discussed the conditions within the Corporate Park. Discussion ensued regarding the Corporate Park and what is trying to be accomplished. Mr. Wrathell stated that the Mayor's primary concern was aesthetics.

Mr. Ernest-Jones explained that the District's responsibility is to provide a means for the stormwater to get to an outfall. He noted that the top of the Corporate Park is five (5) miles away from a pump station, meaning it must travel five (5) miles, by gravity, to reach the pump station. He presented photographs showing the localized flooding after Hurricane Ivan. He explained that the tail water builds up at the top of the system to a point where there is nowhere for the water to flow, due to head loss and congestion the entire five (5) miles. Mr. Ernest-Jones stated that the District's primary concern is to provide a clear conveyance of the water. He noted that, in his opinion, the design criteria previously accepted for the Corporate Park are flawed because it relies on a lot of swale drainage, as well as swale and parking lot flooding; it is performing as designed, at the time. Mr. Ernest-Jones discussed the retention areas and function in the Corporate Park. In response to a question from Ms. Heafy, Mr. Ernest-Jones felt that the District should focus on reducing the tail water elevation.

Mr. Wrathell stated that the Mayor reached out and he wants to provide the presentation to show the area and let him know that the District will look at their canals; however, a lot of the issues seem to be related to the swales, which are on private property and on which the City will need to focus. He explained that this presentation enables the District to help the Mayor, from an informational perspective and outline what the District plans to do. Mr. Wrathell noted that the main issues center around the swales on the property.

Mr. Ernest-Jones indicated that addressing the issues will be a matter of setting priorities, based on available funds. He continued reviewing photographs depicting areas where property owners are taking care of their canal banks and where they are not. Discussion ensued regarding vegetation, retention areas and swales.

Mr. Selchan discussed Corporate Park areas with very limited access, which makes his job to maintain the vegetation extremely difficult. Ms. Heafy asked what will be done. Mr. Hulett explained that the plan is to present the facts to the Mayor to see what he has in mind, because, until the City implements a uniform plan for the Corporate Park, it makes little sense for the District to spend a lot of money, when it will not solve the real problem.

Considering the change in the City Commission, City legal staff and their new initiative on code enforcement, Mr. Ernest-Jones suggested informing the City of the swale issue, as the property owners should be maintaining the swales on their property.

Mr. Wrathell summarized that the City must understand that the District can clean its canals but it would do no good; once the City requires the property owners to address the swale issues, the District will be happy to work on the canals in the Corporate Park. Mr. Wrathell suspected that the Corporate Park situation will not be as sensitive as the residential areas. He views this as an opportunity for the District and the City to work together in a positive manner.

Mr. Hulett noted that this has been a long-standing problem.

Mr. Ernest-Jones detailed the issues within the swales. Mr. Hulett noted that the ones he reviewed would not allow much water to pass through.

Mr. Hulett directed Mr. Wrathell to present the information to the Mayor.

C. Field Supervisor: *Cory Selchan*

Mr. Selchan indicated that the telemetry, by design, was simply for staff to observe. He asked the telemetry personnel to set the system to maintain running data for 24-hour periods and total the data.

Mr. Selchan indicated that .79 inches of rain was received during November and .66 was received in December. The water levels in the canals are dropping fast. Supervisor Heafy asked if cleanup work could begin in some of the canals.

Mr. Selchan indicated that they are headed in that direction but cautioned against letting the levels drop too far because of the City's well fields. He stated that he is receiving many complaints about the dry canals, dead fish and the smell. Mr. Selchan advised that he opened the

recharge system and the canals are being recharged at a rate of two (2) to three (3) million gallons of water per day to replenish them because residents are becoming increasingly upset.

Mr. Hulett questioned the amount of the District's recharge allocation.

Mr. Selchan indicated that the District used to be restricted to 2.2 million gallons per day, with a total allocation of 464 million gallons per year; however, while the per-day restriction was lifted, the per-year allocation was cut to approximately 250 million gallons per year. He explained that this requires being careful in how the water is allocated. Mr. Selchan felt that allowing two (2) million gallons per day will not hurt the District. In response to a question, Mr. Selchan stated that this is the beginning of the drought season and no significant rainfall can be expected until March.

Mr. Ernest-Jones indicated that he received communication from the owner of the Coral Springs Country Club regarding irrigation from the lakes. He informed them that there are solutions; however, hiring an engineer for assistance is required. Mr. Ernest-Jones stated that he reminded them that the District's responsibility is to eliminate the water, not to be their water supplier.

Mr. Morera recalled that the District identified areas to be dredged, a contractor was in place but the work did not occur due to rain and the same situation happened last year. Mr. Morera asked if the options are still viable, given today's low water levels.

Mr. Selchan indicated that he can have it evaluated and obtain quotes. Mr. Selchan advised that the work could not be completed now, as another month of no rain would get them closer to being able to do some work, provided funds are available. Mr. Morera voiced his opinion that the project should commence because it was needed before and it is now two (2) or three (3) years later. Mr. Selchan suggested that the District Engineer evaluate the situation and he will then obtain quotes. Mr. Selchan warned that this will not be a cheap process. Mr. Wrathell discussed the cost and suggested prioritizing.

D. Manager: *Wrathell, Hunt & Associates, LLC*

Mr. Wrathell stated that the District had its funds in a non interest bearing account with Community Bank of Broward, which allowed for an unlimited balance, while maintaining FDIC insurance. This program was not extended past December 31, 2012. As a result of the deadline and due to the holidays, Mr. Wrathell explained that he coordinated with Mr. Hulett to move funds to an ICS account at FineMark Bank, which acts much like the CDARS Program. The money is under the umbrella of FineMark Bank, who then deposits the monies into other

participating banks. Mr. Wrathell stated that he did not want to delay moving the funds. In response to Mr. Hulett's question regarding what banks FineMark will deposit the funds into, Mr. Wrathell indicated that Management will tell FineMark which banks they cannot use, because the District already uses them. Mr. Hulett stated that he wants to see a breakdown of the participating banks.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Management's actions in closing of the Community Bank of Broward account and opening the FineMark Bank ICS account, were ratified.

i. Approval of Unaudited Financial Statements as of November 30, 2012

Mr. Wrathell presented the Unaudited Financial Statements as of November 30, 2012 and the unreconciled cash balances. He indicated assessment collections of \$290,000 in November and noted that a large check was received in December. He noted that the unaudited financial statements reflect the first two (2) months of activity in Fiscal Year 2013. Mr. Wrathell reviewed the fund balance and the allocation of those monies.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of November 30, 2012, were approved.

Mr. Hulett noted a payment for the audit and asked the status. Mr. Wrathell indicated that a draft is expected and the audit should be completed in February.

ii. NEXT MEETING DATE: February 13, 2013 at 6:30 P.M.

Mr. Hulett indicated that the next meeting will be held on February 13, 2013 at 6:30 p.m.

Ms. Heafy asked that the monthly water magazine no longer be mailed to the Board, as Mr. Wrathell can bring them to the meetings. The Board concurred.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at approximately 9:09 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair