

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, February 13, 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
Bill Capko	District Counsel
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
David Harris	Harris Engineering
Aftav Cumber	Developer
Gary Runge	CSID Resident
John Raper	CSID Resident
Joe Croce	CSID Resident
Susan Hess	City of Coral Springs
Scott Davidson	Davidson Design Studio, Inc.
Erik Wilczek	Kimley-Horn and Associates, Inc.

**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**

Mr. Paton stated that, to date, he, Mr. Donahue and Mr. Selchan met with 22 residents in Eagle Trace and the other side of Cypress Run. He was pleased to report that agreements were reached with all 22 residents to clear the area, with some wanting the ten (10)-foot buffer and

others not wanting it. There are 99 residences on the south side, east of Coral Ridge Drive, and 27 on the north side, which are primarily condominiums and townhouses. He indicated that they met with one (1) condominium association and the Eagle Trace Homeowners Association.

Mr. Paton reported that, of the 99 residences, 93 have some form of obstruction in the District's right-of-way (ROW); of the 27 on the other side, ten (10) have obstructions. He stated that field appointments are being scheduled as residents call. Mr. Paton indicated that residents have been cooperative and understanding.

In response to Mr. Morera's questions, Mr. Paton advised that Option 3 has been the most popular. This option allows them to keep the ten (10)-foot buffer area, with the remaining of the ROW being cleared. Mr. Paton stated that appointments are scheduled as calls come in and/or option forms are received. Mr. Morera asked about the percentage rate of approval the District desires, in order to proceed with work. Mr. Paton felt that is a Board decision.

Regarding the ten (10)-foot buffer option, Mr. Paton stated that it is offered on the Coral Ridge side, which has a large ROW; the Eagle Trace side is not wide enough to offer the ten-(10) foot buffer but the District could allow a five (5)-foot buffer. He confirmed that residents were agreeable.

Ms. Heafy pointed out that some residents are concerned that a future Board might take the buffers back. Mr. Wrathell recalled discussion at the workshop regarding this concern and Mr. Lewis' suggestion to enter into a recorded license agreement for the buffer, which can only be revoked by mutual consent.

Mr. Hulett clarified that the ROW is not actually 45 feet; by giving up the ten (10)-foot buffer and considering the slope, the District is really left with only a ten (10)-foot useable, accessible ROW.

Mr. Paton confirmed that the letters were mailed approximately three (3) weeks ago and 22 have responded, thus far.

Mr. Hulett felt that the Board must develop a follow-up plan, as most property owners have not replied. He suggested reminder letters, establishing a date certain deadline for responding and determining the consequences for not responding.

Mr. Wrathell recommended utilizing the same process used for Canal AA-BB.

Discussion ensued regarding the length of time to respond.

Mr. Morera felt that the District should be prepared to address resident concerns that have already come up.

Mr. Wrathell suggested that the follow-up letter include a reference to the buffer agreement Mr. Lewis suggested, which might give residents more comfort.

Mr. Hulett noted that Mr. Paton and his team are addressing concerns during their meetings with property owners.

Mr. Capko stated that relinquishing authority over District property, such as the buffer, is a policy decision for the Board. He noted that, if the Board agrees to offer this, it may want to include a provision so that the District can gain access, in emergency situations. Mr. Capko explained that the instrument would be a license agreement that would require mutual agreement in order to relinquish the resident's rights, under the agreement.

Mr. Wrathell recalled that the suggestion was that the agreement could not be revoked without mutual consent of both parties. He believed this would be a revision to the option form.

Mr. Ernest-Jones noted that these types of license agreements are used by entities.

Mr. Capko asked if the District will restrict the types of vegetation that can be planted within the buffer. Mr. Paton indicated that he met with the City Forester, Mr. Mark Westfall, and submitted the District's list of recommended vegetation, to which, a few changes were made. Mr. Paton stated that the list is provided to homeowners to inform them of what can be planted in the buffer. In response to a question, Mr. Paton confirmed that ficus is not included in the list and ficus will not be relocated; furthermore, most of the existing ficus is heavily damaged by white fly and residents are happy to get rid of it.

Mr. Wrathell recalled Mr. Croce's concern about the District wanting the buffer back in the future and questioned if the Board wants to make the license agreement as close to giving the land to the residents as they can, without actually giving it away, which is not allowed. He feels that the license agreement approach is a good selling point to homeowners.

Mr. Hulett was in favor of mailing follow-up letters, with a 30-day deadline to respond, along with mention of the license agreement for usage of the buffer. He concluded that, at the point it becomes apparent that residents are stonewalling, the District must consider taking other action.

Mr. Wrathell felt that reasonable residents, who want to work with the District, will view this as a fair option. He reiterated that this is a great selling point to bring residents on board.

Mr. Morera indicated that work will likely not begin until September. Mr. Paton stated that the ROW clearing can be completed despite the weather; the dredging and canal work would

wait. Mr. Morera preferred a tandem approach where the second phase begins immediately following the clearing.

Mr. Hulett discussed the timeline and felt that, by the time clearing is completed, the dredging contractor will be in place and ready to begin. Timing of the entire project is dependent upon when the District is finished meeting with residents.

Mr. Donahue stated that the ideal start date for the dredging phase is December 1, after hurricane season ends. Working back, he assumes three (3) months for clearing, meaning the tree clearing phase must be put out to bid by May, at the latest, in order to meet the December 1 goal to commence the dredging phase.

Regarding timing and the follow-up letters, Mr. Wrathell felt that the follow-up letter should include something definitive regarding the license agreement concept and, if the Board plans to review this option further at the next meeting, it makes no sense to offer it in the follow-up letter and require a response before the Board has fully decided on the terms.

Mr. Hulett asked Mr. Capko if he and Mr. Lewis are comfortable enough with the license agreement concept to proceed without further consideration. Mr. Capko replied affirmatively; he and Mr. Lewis are fine, as long as the Board agrees with that approach. Mr. Wrathell recalled that it was discussed at the workshop; the question is whether the Board agrees with the approach. Mr. Wrathell felt that, if the Board agrees, there is no reason to wait another 30 days before making a decision; however, if the Board waits, then there is no rush to send follow-up letters and ask residents to select an option and sign agreements until the District has something tangible to address the buffer.

Mr. Hulett polled the Board regarding the license agreement approach.

Ms. Heafy and Mr. Morera were comfortable with the approach.

Discussion ensued regarding the terms of the license agreement, should a property owner fail to maintain the buffer, as required.

Mr. Morera felt that the approach sounds too complex and he is not sure that it has been simplified to the point that residents can understand it and implementation of the approach. Mr. Morera preferred to delay a decision on the license agreement approach until after hearing citizens' requests.

Mr. Ernest-Jones noted the logistics with obtaining and enforcing nearly 100 licensing agreements and suggested that the District consider granting a specific license agreement, for the

entire length of canal, which allows landscaping within the ten (10)-foot buffer, and including a provision that the District reserves the right to maintain the buffer, if it becomes unkempt.

Mr. Capko pointed out that the District must still obtain signed agreements from each property owner.

Mr. Wrathell recalled discussion at the workshop such that Option 3 would be modified to reflect that the agreement could only be revoked, in writing, by mutual agreement of both parties. He believes that this is a simple agreement to Option 3, which addresses the concern raised by Mr. Croce, at the workshop.

**THIRD ORDER OF BUSINESS****Citizens' Requests**

Mr. David Harris, of Harris Engineering, stated that he and Mr. Aftav Cumber were asked to attend today's meeting to discuss the Cumber Professional Park, a project that Mr. Cumber built approximately five (5) years ago. Mr. Harris stated that this is a 5.25-acre parcel at Coral Ridge Drive and Sample Road. It was built as a professional office park and was permitted by the District and SFWMD. Mr. Harris indicated that he has been working with the District Engineer regarding this matter. He explained that he was approached several months ago because, after the project was built, it was turned over to an association, who is now managing it. The association is attempting to build additional parking spaces; however, in doing so, it came to the attention of the District and SFWMD that the project was never fully certified and moved from the construction to the operational phase, making the association the new operating entity.

Mr. Harris explained that the pipes and drains were installed properly and appear to be functioning well; however, the dry retention areas were not constructed as deep as the original approved plans provided. He was asked to complete a quantitative review of the area to determine how short it is of the specifications. Mr. Harris calculated that 100-year elevation shortfall was approximately one (1) acre foot, meaning, one (1) acre of land, one (1) foot deep of water. Due to the location of the dry retention areas and, since it is not under Mr. Cumber's control any longer, correcting the shortfall will create a burden on the property owners.

Mr. Harris stated that a suggestion was made for him to approach the Board.

Mr. Hulett reminded the audience that citizens' requests are limited to three (3) minutes per speaker. He recommended that this matter be included as a discussion item on the next agenda and that Mr. Harris be prepared to discuss it. Mr. Harris agreed.

Mr. Harris concluded that this issue was discussed with the District Engineer who suggested that the District might agree to a monetary resolution to the shortfall.

Mr. Hulett stated that the Board and District Counsel must have the opportunity to review this matter and asked that it be included on the next agenda.

Mr. Ernest-Jones confirmed that he discussed this with Mr. Harris but explained that policy matters must come before the Board.

Mr. Cumber noted that SFWMD's original deadline to respond was today but he was given a one (1)-week extension. Mr. Harris felt that SFWMD would be amenable if he notifies them that he spoke to the District and that the District needs more time.

Mr. Gary Runge, a CSID resident, noted that hurricane season starts June 1 and agreed with Mr. Morera's suggestion to delay everything until the fall. Regarding Option 3 and including the license agreement, Mr. Runge voiced his opinion that homeowners, who participated in the Canal AA-BB project, might not appreciate the addition to the option and suggested making it an entirely separate option. He asked if the District no longer plans to dredge on the west side of Canal Z.

Mr. Ernest-Jones explained that the canal will not be widened in that location; however, dredge material must be removed from the bottom of the canal. In response to Mr. Runge's question, Mr. Ernest-Jones indicated that dredging will not be done by barge. Mr. Runge asked when dredging will take place on Canal AA-BB. Mr. Ernest-Jones indicated that it will be included in the bid package for the entire dredging project, which will be put out to bid at a later time. Regarding dredging, Mr. Hulett advised that dredging Canal Z is a higher priority than Canal AA-BB, as Canal Z is a main drain canal with elevation issues.

Mr. Runge prefers that the District hire a Coral Springs based contractor, rather than a contractor based in another city.

Mr. Runge asked if the District settled the FEMA matter, and if not, the amount the District owes. Mr. Paton indicated that the District owes \$295,285. Mr. Hulett advised that the District was turned down by FEMA, at the highest levels. Mr. Paton indicated that both appeals were rejected by FEMA, even though the state agency supported the District.

In response to Mr. Morera's question, Mr. Paton confirmed that he provided Mr. Lewis with information and Mr. Lewis contacted a lawyer with the state's emergency management agency but he does not know the outcome of the conversation or when the District must pay the bill.

Mr. Hulett provided the audience with background information regarding the FEMA matter. He explained that the District provided over 95% of the necessary information but FEMA is denying the entire package, based on the small amount of missing information. He noted that the City is dealing with the same problem with FEMA and stated that the District is still working through this issue.

Mr. John Raper, a CSID resident, agreed with Mr. Wrathell's presumption that numerous Canal Z homeowners have not responded to the District's letter because many unknowns remain, such as the items discussed tonight. He recalled the District being agreeable to relocating areca palms; however, in the packet he received, his areca palms are identified as nuisance trees.

Mr. Selchan stated that this is the first time he heard this and told Mr. Raper that these things can be worked out; the District will meet with him personally, without him signing anything; he just needs to call to schedule an appointment. He noted that each homeowner's issues are varied. Mr. Selchan indicated that he is not aware of areca palms being nuisance trees; however, there may be some that are very large, making it difficult to relocate them.

Discussion ensued regarding the information Mr. Raper received.

Mr. Donahue explained that each homeowner received an inventory specific to their property, which was divided into three (3) categories, including trees requiring a permit and mitigation, nuisance and other trees that can be removed without a City tree permit, and hardscape items in the ROW. He stated that, while meeting on site, the homeowner can identify items that they would like relocated into the buffer. Mr. Donahue and Mr. Selchan attempt to honor requests, if feasible.

Mr. Wrathell stated that the District works with Mr. Westfall regarding what types of trees can be relocated, in case the City has an issue with any particular trees. He stressed that the District will attempt to be as reasonable and flexible as possible, regarding relocating items.

Mr. Runge recalled a question from a Commissioner, during the workshop, regarding whether the District investigated the possibility of digging Canal Z deeper, rather than wider. Mr. Ernest-Jones indicated that the option was researched; it is possible but does not really change the scope of the project. Mr. Hulett voiced his understanding that, due to the type of rock and the elevation issues on the bottom of the canal, widening, along with some deepening, is a more practical and cost-effective approach. Mr. Ernest-Jones reiterated that there is little to be gained by digging deeper, as opposed to widening, noting that, had it been a viable option, he would have suggested it in the first place; there is little advantage.

Mr. Runge recalled Hurricane Wilma and stated that trees that fell in his back yard were planted by previous homeowners or the developer. He advised that, when the District cleared the fallen trees, they left stumps that were two (2) to three (3) feet tall, which were very unsightly, which leads them to be skeptical of the District's work.

Mr. Hulett confirmed that those stumps will be removed.

Mr. Wrathell described the planned scope of work and assured that the bid package will require stumps to be ground flush to the ground, so that grass can be placed over it. Mr. Runge stressed that residents want to know that these matters are straightened out up front, which is why they are hesitant to respond to the District. Mr. Wrathell stated that the District's intent is to leave the area looking nicer than it was before. Mr. Hulett explained that the exact same work and stump grinding was successfully completed behind Coral Springs Christian School.

Mr. Joe Croce, a CSID resident, voiced his appreciation for the considerations from the workshop. He reported that he met with residents and noted that the main reason homeowners have not responded is because they felt that, if they sign the documents, they are entering into an agreement with the District and would have no recourse, once they sign. Mr. Croce believes that the ten (10)-foot buffer will work fine for everyone. He acknowledged that most would not care if the license agreement had to be revoked, due to a catastrophic event, and suggested that the revocation be temporary and reinstated, in that type of situation. Mr. Croce confirmed that property owners would like to see the agreement, prior to signing.

Mr. Croce noted that a resident was concerned about their irrigation system. Mr. Wrathell confirmed that the District already considered that matter and will repair any damage, at the District's expense. Mr. Selchan noted that there might be a short period of inconvenience; however, once work is completed, the District will ensure that irrigation systems are in working order.

Mr. Morera supports moving forward with the license agreement, as part of Option 3, provided the District can draft documents that residents can understand and be comfortable with. He feels that the documentation should be included in the follow-up letter.

Mr. Wrathell suggested that District Counsel draft the language and, once the Board agrees with it, he will circulate it to Mr. Croce for his input, at which point, this item can be formally approved at the next meeting.

- ***Permit Application Review: City of Coral Springs, Royal Palm Boulevard Entryway, Landscape Improvements in SWCD ROW at Pump Station #1***



***\*\*\*This item, previously Item 10Bi, was presented out of order.\*\*\****

Ms. Susan Hess, of the City of Coral Springs, introduced the City's consultant, Mr. Scott Davidson, of Davidson Design Studio, Inc.

Mr. Davidson indicated that he is the landscape consultant for the Royal Palm East Entrance Project. He stated that the City seeks permission to install landscaping along both sides of the roadway, beside Pump Station #1 and across the street from it. Mr. Davidson referred to Mr. Donahue's recommendation letter and comments regarding oak trees and shrubs. Referring to photographs, Mr. Davidson identified trees and shrubs and their planned locations. He confirmed that the City's public works department will maintain the landscaping.

Mr. Ernest-Jones asked if the City is prepared to enter into an interagency agreement for maintenance of the large medjool palms. Mr. Davidson stated that he confirmed the Public Works Department's agreement to maintain the landscaping and the medjool palms. Mr. Donahue stated that the District's primary concerns rest with the proposed oak trees, as those are not consistent with the tree policy, which the District is trying to implement along its ROWs. Mr. Donahue stated that the District is not thrilled about the proposed medjool palms, as they are quite large; if installed, they must not be placed atop the main culvert crossing Royal Palm Boulevard. Ms. Heafy pointed out that the oak trees also pose a problem. Mr. Davidson confirmed that oak trees are still proposed but was willing to sacrifice them, if necessary. Mr. Davidson stated that the most important thing to the City is maintaining the medjool palms, as they make an important statement, as one enters the City.

Mr. Davidson discussed the scope of work planned for the entrance. Regarding the oak trees and their planned locations, Ms. Heafy pointed out the problem with oak tree roots. Mr. Davidson reiterated that he is willing to give up the oak trees. Mr. Hulett noted the problem with large trees being placed right next to the pump station and asked if the landscaping could begin further west of the pump station.

Ms. Hess indicated that the first thought was to begin the entrance at the boundary, to create a gateway into the City, with these entrances eventually being installed throughout the City and carrying a common theme. She stated that this location was selected as the first because it is a city-owned road, with the thought being that the project could be completed in that location quicker than in others. Acknowledging the new pump station, Ms. Hess stressed that the City does not want that to be the first thing seen; the City feels they are helping out by creating aesthetic value in the area.

Mr. Selchan stated that palm trees typically do not fall in storms; therefore, he does not fear a palm tree plugging the area. He noted that oak trees are questionable, as they are large and could cause plugging.

Mr. Davison reiterated that he is willing to eliminate the oak trees.

Mr. Ernest-Jones recalled discussing this with the City a few months ago.

Mr. Morera agreed with the concept of creating a grand entrance to the City and that the pump station is not aesthetically appealing; however, he feels that the City should take into consideration the damage that plant material can cause in a storm. Mr. Morera felt that they should work towards being overcautious, rather than not, if it can prevent something from creating a bigger problem. He stressed caution, unless the City is willing to address any problems that result from something falling in the waterway, etc.

Mr. Hulett pointed out the irony; the District is asking residents to keep canal banks clear and, at this critical drainage area, which drains the entire East Basin, the City wants to plant 30-foot trees around the edge of the District's outfall basin. This gives him pause and seems to be a contradiction.

Mr. Ernest-Jones discussed the trees that are troublesome, in relation to their proximity to the District's pipe which runs under Royal Palm Boulevard. He wondered if this should be discussed further. Mr. Ernest-Jones reviewed the plans and identified problems.

Mr. Hulett read from the District Engineer's recommendation letter. In response to Mr. Hulett's question, Mr. Ernest-Jones stated that palm trees could be placed, such that they are not in harm's way. Mr. Ernest-Jones suggested working further with Mr. Davidson.

Mr. Hulett stressed that the District is not against the entrance and beautifying the City; however, this request puts the Board in a contradictory position, with regard to what they are trying to accomplish in clearing the ROW.

Mr. Ernest-Jones discussed the poor condition of the guardrails and asked Ms. Hess to pass the information to the public works department.

Mr. Morera questioned if Mr. Ernest-Jones recommends issuance of the requested permit, based on the recommendation letter. Mr. Ernest-Jones referred to the first two (2) comments, noting that those are the items of concern and the remainder of the plan is okay. Mr. Ernest-Jones noted that the consultant agreed to remove the oak trees from the plan; however, he would like to further discuss moving the palms as far away as possible. Mr. Ernest-Jones agreed that the request is contrary to the District's initiative to clear ROWs but it is different, when dealing

with an entity, such as the City, who is willing to maintain and take responsibility for the plantings.

Mr. Hulett stressed that he must be firmly convinced that, at maturity, what is planted will have zero possibility of being blown into the District's basin. Mr. Hulett asked to see the plans from an elevation standpoint to see what the City is projecting, to scale.

Mr. Morera asked the time frame for this project. Mr. Davidson stated that it is included in the current fiscal year budget. Ms. Hess and Mr. Davidson noted that this delays the project. Ms. Hess could not commit to providing a separate rendering, as it would cost the City more money. Ms. Hess stated that there could never be 0% percent chance of the trees falling; therefore, if that is what the District wants, the City cannot guarantee that.

Mr. Morera explained that the District is trying to reach a manageable level of assurance. He supports the City's desire for a beautiful entrance but wants to be sure that the District has a certain level of assurance that the project will not impact the District's ability to draw water and, if trees fall, the City will absorb the expense of removing them.

Mr. Wrathell pointed out that the greater concern is trees falling into the canal and blocking it, which could lead to flooding. He noted that this is the first the Board is hearing of this and suggested that both sides work together to address the District's legitimate concerns.

Mr. Ernest-Jones felt that the item to discuss is placement of the palm trees.

Mr. Davidson discussed fencing and access, which factored into the locations in his plans.

Mr. Hulett stated that he is not prepared to make a decision on this matter tonight, without further information. Mr. Morera wanted more information. Mr. Wrathell pointed out that, if that portion of the canal becomes blocked, everything the District was trying to do would become meaningless. Mr. Morera noted that residents, whose trees were removed, could easily question the District for allowing this project to go forward, as it appears that the District is allowing an exception to the City.

Mr. Davidson stated that he will work with District's Staff and present information at the next meeting.

Mr. Ernest-Jones advised that it might be easier for the City to work with the nearby office park, than to resolve this issue.

Ms. Hess indicated that they will try to present more information.

Mr. Hulett asked Ms. Hess and Mr. Davidson to understand what the District has gone through to bring the District's infrastructure into the modern age and that there are still issues with the clearing project. It was noted that the District has taken criticism from many, including the City, which is why the Board insists on a high level of comfort, before giving approval.

Discussion ensued regarding other options to ensure that trees would not fall into the canal, including a monument wall, tree stakes and root ball staking, which would keep the tree from fully falling.

- ***Permit Application Review: NE Corner of Sample Road & Coral Ridge Drive, Pharmacy***

***\*\*\*This item, previously Item 10Bii, was presented out of order.\*\*\****

Mr. Donahue indicated that this is a request for preliminary approval of the concept, prior to proceeding into the engineering phase necessary to apply for a permit.

Mr. Erik Wilczek, of Kimley-Horn and Associates, Inc., stated that the request is to allow the owner to construct the drainage improvements that would be required to fill a portion of the canal to provide parking, pavement and access, along with, in perpetuity, an easement granting those cross access rights and landscaping within those areas. The costs will be incurred by the applicant. Mr. Wilczek confirmed agreement with the District Engineer's comments for the applicant to maintain the improvements and reestablish improvements. He felt that creation of boat access is a possibility. Mr. Wilczek stated that, before proceeding further, the applicant wants to know if this is a project that would be approvable if completed through the permit requirements and guidelines.

Mr. Ernest-Jones stated that this is a complex matter. He explained what is proposed, noting that there is no substitute for a canal; however, a box culvert can be constructed to the point where head loss is negligible.

Mr. Selchan agreed with Mr. Ernest-Jones, stating that similar projects were previously allowed, such as at the old Coral Springs Mall location, which seem to be working well, with no issues. He has no concerns about this request, as long as the project is well engineered and allows proper access.

Mr. Ernest-Jones pointed out that, on the upside, the District would have less maintenance, as there would be 400 feet less of canal bank.

Mr. Hulett had no objection, as long as Staff assures that the box culvert is sizeable enough to allow the same flow that currently exists and that the retention issue is addressed.

**FOURTH ORDER OF BUSINESS**

**Approval of January 9, 2013 Regular Meeting Minutes**

Mr. Hulett presented the January 9, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Mr. Hulett commented that he is unclear about the 30-foot landscaping requirement to which Mr. Saltzman continues to reference. He asked if the District has a position on what that means, in light of the ten (10)-foot buffer being given.

Mr. Capko explained that the 30-foot landscaping requirement is in the City codes, although the expected level of landscaping and maintenance is not clearly defined.

Mr. Hulett questioned whether the City ordinance holds, as he saw language indicating that the District has more stringent requirements; therefore, the District's requirements would trump the City's, in this case. He asked what can be done if residents refuse to mow past 30 feet from their property line.

Mr. Capko believed that the District should maintain it; he is not aware of any District documents requiring landowners to maintain the entire bank.

Mr. Hulett noted that this is a unique area with wide banks.

Ms. Heafy felt that the District has too much ahead of it to worry about whether Mr. Saltzman cuts the grass.

Mr. Ernest-Jones recalled that he recommended the City Engineer participate in the workshop and noted that he did not attend it.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the January 9, 2013 Regular Meeting Minutes, as presented, were approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposed Citizen Comment-Request Policy**

Mr. Wrathell recalled that Mr. Hulett asked that this policy be developed. Mr. Hulett clarified that he thought the policy was in place and asked that it be included in the agenda, so that it is stated.

Mr. Wrathell stated that the three (3)-minute time limit can be included in the citizens' requests instructions, going forward.

Mr. Hulett explained that the City Commission's agendas include their complete policy regarding citizens' requests in each agenda; he would like to follow suit and have it included in the District's agendas, as well.

Mr. Morera noted that the District has been flexible in receiving comments and answering questions; however, at times, the citizen's tone has been more challenging of the District, rather than attempting to obtain information. He agrees that, at a certain point, residents with specific ongoing concerns should provide them to Management, in writing, so the questions can be answered, rather than it going back and forth meeting after meeting.

Mr. Wrathell noted that Management does not have the resources or personnel to devote to responding to resident inquiries, should the volume be large.

Ms. Heafy noted that this is an unusually stressful time for citizens and, sometimes, the Board must cope with that, in order to help the citizens understand; she feels that they should not be asked to sit when their three (3) minutes are up, if they are not finished.

Mr. Hulett noted that it has been stressful for the District, as well, given the harsh criticism that has been unfairly bantered about. He stated that the Commission is strict about their three (3)-minute rule.

Mr. Morera pointed out that the Commission typically does not allow back and forth exchanges.

Mr. Wrathell stated that most of Management's districts do not respond to public comments; this District's situation was extraordinary but he feels that the dialogue will begin to decrease, as residents are buying into what is being done. He added that the Board and Staff must also be disciplined in themselves to not always respond to the citizens' comments, during the meetings.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Proposed Citizen Comment-Request Policy, as presented, was approved.**

**SIXTH ORDER OF BUSINESS**

**Update: Joint Workshop with City Commission (February 6, 2013)**

Mr. Wrathell felt that the workshop went well and believes that the City may be gaining a greater appreciation and understanding of the need for the work. He stated that the District

received a letter from the City Manager. He noted that the City appears to still have concerns that the District will proceed without further consideration. Mr. Wrathell felt that the District's actions are consistent with what the City wants, such as working with residents.

Mr. Morera hoped that the City is now more understanding of the work to be completed.

Mr. Hulett found it disappointing that there did not appear to be much buy-in from the Commissioners, noting that not one (1) Commissioner commented on the accomplishments and awards the District has received for its work. In general, the Commissioners seemed to show no appreciation for the District's work.

**SEVENTH ORDER OF BUSINESS****Update: Corporate Park Project Meeting  
with Mayor Boccard**

Mr. Wrathell recalled that the Board authorized him to meet with Mayor Boccard to tour the Corporate Park. The Mayor's goal, over the next few years, is to clean it up and attract more job-producing businesses into the Corporate Park to compete with other municipalities.

Mr. Wrathell reported that there are aesthetic and functional issues within the Corporate Park. He noted that the Mayor pointed out some of the District's canals that, while functional, there is an opportunity to do work to make them more aesthetically pleasing. Mr. Wrathell summarized that he was able to show the Mayor that many of the Corporate Park issues are not the District's areas of responsibility; they are the responsibility of the association.

Mr. Wrathell referred to the canals, circled in black, indicating that those areas need attention. The Mayor asked if the District would consider addressing these canals, in the future, to clean them up and improve the aesthetic appearance. The Mayor requested that the most northern canal be considered first, as he feels that it is the most high impact, from a visual perspective.

Ms. Heafy agreed that the canal identified could use work.

Mr. Morera supported moving forward but only if there is cooperation from the property owners to address the problems that fall under their responsibility. He felt that the District should not start alone, if nothing else will be done.

Mr. Hulett agreed with Mr. Morera's comments. He recalled that the District Engineer previously met with the property owners in an attempt to convince them to complete work on their swales; however, nothing happened. Mr. Hulett agreed with Mayor Boccard's opinion that the work is necessary but is hesitant to invest the District's money into it until movement on the

part of the property owners is seen. He asked Mr. Wrathell to continue interacting with the Mayor to determine what the City has accomplished with regard to the property owners.

Mr. Wrathell summarized that the Board is supportive of playing a cooperative role with the City to clean up the Corporate Park, subject to the private property owners first beginning to address their issues.

**EIGHTH ORDER OF BUSINESS**

**Status: Letter to Canal AA-BB Residents**

Mr. Donahue indicated that the ‘thank you’ letters to the Canal AA-BB residents were mailed at the end of last week. Management is forwarding copies to the City’s staff.

Mr. Morera noted that the Board did not receive a copy. Mr. Donahue recalled that the Board reviewed the letter at the last meeting. Mr. Paton noted that Mr. Hulett had a few changes to the letter, which were made. Mr. Morera asked that all Board Members receive an email whenever something is being sent to residents, etc., so that they have a point of reference. Mr. Hulett confirmed that the Board must have the last review. Mr. Morera pointed out that he needs to be aware, in the event a citizen stops him with questions because, without the information, he appears out of touch with what is going on.

**NINTH ORDER OF BUSINESS**

**Supervisors’ Communications**

Ms. Heafy brought up the FEMA issue.

Mr. Capko clarified that Mr. Lewis has not spoken to the state’s emergency management attorney; he left numerous messages but received only one (1) reply, while he was out of the office. Mr. Lewis is willing to meet personally with the attorney, on the District’s behalf, during his next trip to Tallahassee.

In response to a question, Mr. Paton confirmed that the bill to the District was issued by the state, by order of FEMA.

Regarding District Counsel’s recommended action, Mr. Capko explained that Mr. Lewis is trying to communicate with the attorney so that the District understands how they expect the invoice to be handled; prior to writing a payment check, he wants to ensure that there are no other remedies.

Mr. Paton indicated that he never called him but the attorney with the state always responded to his emails.



Discussion ensued regarding the newspaper article related to the City's FEMA issue and the state's recommendation to FEMA that the City only be required to pay back \$29,315 of the millions received, versus paying back the entire amount, as FEMA is requiring of the District.

In response to Mr. Hulett's question regarding whether the District received a similar recommendation from the state, Mr. Paton indicated that the state felt that the District should be able to keep all of the funds received.

Mr. Morera indicated that he was invited to tour the Coral Springs Country Club to view the ponds, interconnects and how the outflow enters Canal AA-BB. He asked how water flows through the West Basin through the Country Club's system.

Mr. Ernest-Jones stated that very little flows into the Corporate Park; it mostly flows out. He noted there are questions regarding whether the lakes are interconnected; it is not a well documented situation. Mr. Ernest-Jones recommended hiring an engineer to evaluate the situation. He spoke about an idea to alleviate some of the development restrictions in the Corporate Park, including installing ten (10) acres of lakes in the golf course and trading that retention with the Corporate Park.

In response to this approach, Mr. Ernest-Jones confirmed that he would want to ensure that it does not disadvantage the District, in any way. In theory, it is okay to move retention from one location to another, within the same basin; connectivity between the parcels is the only issue. Mr. Ernest-Jones felt that this would be neutral to the District but beneficial to the City.

Mr. Wrathell discussed a meeting he had regarding the proposed approach.

Mr. Hulett recalled presentations by SFWMD, where they indicated that they are looking for innovative ways to build retention areas or keep more water in the system, rather than it flowing out and into the ocean. Mr. Ernest-Jones felt that the District will be called upon more often, in the future, to consider creative solutions.

Mr. Wrathell noted a suggestion during his meeting regarding whether the District would consider maintaining the internal system. He explained that golf courses typically involve fertilizer and pesticide issues and the District does not want to be involved in that, especially with water quality standards coming into effect. He noted that the District will eventually need to be cognizant of the quality of the golf course water entering the District's system.

Mr. Morera asked what will be done with the little pump station. Mr. Selchan stated that the District decided what to do but has not implemented a plan. Mr. Donahue stated that

conversations began with Royal Lands, as they must be a party to the permit; the work remains in the District's plans.

Mr. Morera asked if the District has researched cleaning certain canals, as discussed several years ago, when water levels drop. Mr. Donahue stated that one (1) of the two (2) original bidders no longer qualifies; he and Mr. Selchan identified a few canals and are in the process of obtaining prices from the other company, along with a few others. Mr. Morera voiced his concern that rains will start and the District will have done nothing on these canals, again. Mr. Donahue stated that prices and plans will be presented to the Board next month. Mr. Hulett asked if the cost for this project falls outside the scope of the CIP. Mr. Ernest-Jones replied affirmatively.

Mr. Morera indicated that the Taste of Coral Springs will be held on February 26, 2013 and asked that those who wish to attend contact him after the meeting.

Mr. Hulett referred to a notice received related to flood hazards and availability of federal assistance. He noted that the City of Coral Springs has at least a 1% chance of a flood equal to or exceeding the base flood elevation for a 100-year flood, in any given year. The notice further states that, during the life of a 30-year mortgage, the risk of a 100-year flood in a flood hazard area is 26%.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney: *Lewis, Longman & Walker, P.A.***

There being nothing further to report, the next item followed.

**B. Engineer: *IBI Group***

**i. *Permit Application Review: City of Coral Springs, Royal Palm Boulevard Entryway, Landscape Improvements in SWCD ROW at Pump Station #1***

This item was addressed during the Third Order of Business.

**i. *Permit Application Review: NE Corner of Sample Road & Coral Ridge Drive, Pharmacy***

This item was addressed during the Third Order of Business.

**ii. *Permit Application Review: Dentistry for Children, 10188 NW 31<sup>st</sup> St., Landscape Improvements in SWCD Easement***

Mr. Ernest-Jones presented the permit application, explained the proposed work and indicated that this matter is still under review. Mr. Donahue stated that a drainage easement will

also be necessary. Mr. Ernest-Jones indicated that the applicant needs to landscape the edge of their property; however, they cannot because it falls within the District's easement.

**iii. Permit Application Log**

The permit application log was included for informational purposes.

**iv. Monthly Engineer's Report: 01/02/13 to 02/05/13**

• **Update: Pump Stations 1 & 2**

Mr. Ernest-Jones reported that a few final issues are being worked through; however, major progress was made at the last meeting of the affected parties, the District, the contractor, the pump contractors, Mr. Selchan and Mr. McKune. They are trying to resolve one (1) technical aspect of the motors being utilized by MWI; the District gave MWI until close of business on Friday to provide answers. If answers are not received, the District will take stronger action. Mr. Ernest-Jones explained that the question relates to the bearings that were specified on the motors, which could be causing vibration. There is also a question about the suitability of how the motors were mounted. A clear discussion was held with MWI and the District wants to know the outcome of MWI's discussions with the motor supplier.

Mr. Ernest-Jones reported that the FPL transformer issues were finalized. IBI's electrical engineer concurs with FPL's recommendations and he is coordinating with FPL. In response to Mr. Hulett's question, Mr. Ernest-Jones confirmed that he is comfortable that 1,000 kVA will be adequate. Mr. Donahue confirmed that this information will be forwarded to Mr. McKune for his opinion. Mr. Selchan did not recall any concerns from Mr. McKune, as long as everyone is in agreement that 1,000 kVA is suitable; the only concerns were from IBI's personnel. Mr. Selchan recalled the meeting and concluded that everyone seems to be okay with 1,000 kVA.

Regarding telemetry, Mr. Ernest-Jones stated that there is a list of telemetry issues; the most difficult part is reaching the subcontractor. These items are being addressed. Mr. Selchan reported an issue logging in, which was resolved. Mr. Selchan discussed the benefits of telemetry to total rain levels, etc. Mr. Selchan stated that the current software does not trend the information; suggestions were made and IBI's technician will try to incorporate those. In response to Ms. Heafy's question, Mr. Selchan confirmed that he cannot currently track cumulative information, as desired. Mr. Ernest-Jones stated that this matter remains a punch list item and acknowledged Mr. Selchan's frustration.

Mr. Hulett asked if the work platforms were installed on February 8, 2013. Mr. Donahue replied affirmatively, noting that the height must be adjusted; a fabricator will shorten it a few

inches. Mr. Donahue stated that he expects the concrete walk and roof ventilation to be completed next week. Regarding the building signage, Mr. Donahue advised that the date must be put on the plaques; otherwise, they are ready for installation.

Mr. Ernest-Jones reported that the project closeout documentation is being prepared. Due to the issue with the motors, Mr. Ernest-Jones advised that a partial substantial completion will likely be issued, rather than full completion; the pumps would be left off. He explained that the District is receiving a lot of pressure to issue substantial completion for the components that are working. He noted that the District stressed to The Weitz Group the importance of finishing the punch list items.

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

Mr. Ernest-Jones indicated that final closeout paperwork related to Culverts W-55 and W-56 is being prepared.

- **Canal AA-BB ROW Vegetation Removal**

Regarding a final report, Mr. Ernest-Jones stated that it is prepared but with four (4) outstanding items to be addressed. Mr. Paton stated that the property with the shed is in foreclosure; Wells Fargo is working on removal of the shed.

- **East Outfall ROW Vegetation Removal**

Mr. Ernest-Jones stated that the City tree permit is being closed out.

- **Canal Z ROW Vegetation Removal**

This item was previously discussed.

- **Canal AA, BB, Z Restoration and Culverts W-50 and W-57 Replacement**

This item was not discussed.

- **Coral Springs Drive Bridge Over West Outfall Canal**

This item was not discussed.

Discussion ensued regarding a hydraulic study prepared by Mr. Ernest-Jones, which will be presented at another time.

Regarding the license agreement, Mr. Ernest-Jones stated that he will attempt to draft it and reiterated his feeling that a single, blanket license agreement for the entire canal bank is the simplest approach. He explained that it would be a license from the District; he feels it is dangerous to include a provision not allowing it to be revoked without mutual consent of both

parties because there could be a safety or emergency issue such that the District should have the right to revoke it.

Mr. Hulett voiced his agreement regarding the license agreement and asked District Counsel to comment.

Discussion continued on structuring the license agreement. Mr. Ernest-Jones commented that, bottom line, the District is giving a right and, if someone abuses it, the District should have the right to take away a nuisance.

Ms. Heafy felt that the Board cannot go back on what it discussed earlier in the meeting, meaning that they agreed to give the ten (10) feet and should not place a stipulation on it.

Mr. Capko will present the completed license agreement concept at the next meeting. Mr. Wrathell was in favor of Mr. Ernest-Jones' suggestion to create a license agreement covering the entire buffer but that the District can, for individual properties, rescind the agreement or address problems, if there is a problem or emergency. Mr. Capko noted that this document would not be a license agreement if there is only one (1) party to it; it would be a license.

Mr. Hulett asked Mr. Capko to give his opinion regarding the partial substantial completion of the pump stations suggested by Mr. Ernest-Jones. Mr. Ernest-Jones indicated that the partial substantial completion approach is being considered because the pump issues may take some time to resolve; not issuing completion imposes an unfair burden on the contractors who installed the structure, which is fine and was completed some time ago. Mr. Ernest-Jones stated that it is quite commonplace to give a partial substantial completion. Mr. Capko will review the matter.

Regarding retention in the Cumber Professional Park, Mr. Ernest-Jones noted that the District based the value of retention on the initial cost to install; if money from an impact fee comes in to the District, he feels that it is money that the District could divert back to District work, without encountering legal issues. He explained that this is not a situation where a developer wants to develop the land; it is an attempt to fix the permitting problem.

Mr. Wrathell stated that he has never seen a District sell retention capacity and questioned if the District has much capacity, given the outcome of Tropical Storm Isaac. He noted that for the developer to have not adhered to SFWMD's requirements is huge. Mr. Wrathell felt that doing this would set a precedence whereby other developers will do the same with the intention of buying out the District.

Mr. Hulett questioned if this issue is one that the City should have discovered years ago when it was closing out the project. Mr. Ernest-Jones replied affirmatively. It was noted that the developer wants to correct the problem now because SFWMD is pursuing it.

Mr. Ernest-Jones advised that he will not attend the next meeting.

**C. Field Supervisor: *Cory Selchan***

Mr. Selchan reported that an employee is out of town to assist his injured mother.

Mr. Hulett asked Mr. Ernest-Jones to provide a status on the Coral Springs Drive bridge over the west outfall canal. Mr. Donahue stated that the matter is pending but is progressing through the county's chain of command.

Mr. Selchan indicated that the culvert projects will not be closed out until the problem with the mouths of the existing pipes containing a lot of material is resolved. The contractor committed to clean them. In response to a question, Mr. Selchan confirmed that the problem exists at both locations.

Mr. Selchan noted that a resident, whose property backs up to the old Broken Woods Golf Course, sent many emails regarding no water behind their home. They copied the Commission stating that the District is not giving them the same level of service that other areas in the District receive. He is not sure the resident understands the issue; however, he responded to Mr. Michaud, who responded to the resident, to which the resident requested a written response from the District. Mr. Selchan asked Mr. Donahue to draft a response explaining the situation. He wants the Board to know that he is trying his best to keep some water in the area and address the resident's complaint. Mr. Selchan indicated that a blockage was discovered in the culvert, near the home, and his crew worked this afternoon to remove material from the mouth of the pipe, which created decent flow. The crew will work on the other side tomorrow.

Mr. Selchan advised that Mr. Michaud will inform the Commissioners of the status of this matter.

Mr. Selchan indicated that there has not been much rain.

Mr. Selchan attended the Broward County Water Academy with Mr. Hulett and voiced his feeling that it is a great, informative program. He encouraged others to attend. Mr. Hulett noted that commissioners and city representatives throughout the area were present; however, the City of Coral Springs had no one in attendance. Mr. Hulett and Mr. Selchan discussed the important information provided.

Mr. Selchan noted that the Canal Z residents he met with have been reasonable, once they understand what the District is doing.

Mr. Hulett asked Mr. Selchan to convey the Board's appreciation to his staff for the work that they do.

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

**i. Approval of Unaudited Financial Statements as of December 31, 2012**

Mr. Wrathell presented the Unaudited Financial Statements as of December 31, 2012 and the unreconciled cash balances. He indicated that money was moved into the FineMark Bank Insured Cash Sweep (ICS) account. He noted that, based on this change, the District will begin to surpass its budgeted interest income. Mr. Wrathell reported that assessment collections were at 78%. The November 1, 2012 interest payment on the bond was made.

<p><b>On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of December 31, 2012, were approved.</b></p>
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**ii. NEXT MEETING DATE: March 13, 2013 at 6:30 P.M.**

Mr. Wrathell indicated that the landowners' meeting will be held on March 13, 2013 at 6:30 p.m., immediately followed by the regular meeting.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at approximately 10:31 p.m.



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Secretary/Assistant Secretary



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Chair/Vice Chair