

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, March 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:

Joe Morera	President
Emily Heafy	Vice President
Daniel Prudhomme	Secretary

Also present were:

Craig Wrathell	District Manager
Bissi DiCenso	Wrathell, Hunt and Associates, LLC
Doug Paton	Wrathell, Hunt and Associates, LLC
Bill Capko	District Counsel
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
Susan Hess	City of Coral Springs
Scott Davidson	Davidson Design Studio, Inc.
David Hulett	Resident
Mark Westfall	City of Coral Springs

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at approximately 7:05 p.m.

Mr. Wrathell indicated that a Landowners' Meeting was held just prior to this meeting, where, Mr. Daniel Prudhomme received 319 votes.

Mr. Wrathell thanked Mr. Hulett for his years of service.

Mr. Wrathell welcomed Mr. Prudhomme to the Board.

Mr. Wrathell explained that, although Mr. Prudhomme's votes are still being confirmed, he will proceed with administering the Oath of Office.

SECOND ORDER OF BUSINESS

**Consideration of Resolution 2013-1,
Canvassing and Certifying the Results of
the Landowners' Election**

This item was deferred until later in the meeting, pending confirmation of the votes cast for Mr. Prudhomme.

THIRD ORDER OF BUSINESS

Administration of Oath of Office for Newly Elected Supervisor *(the following to be provided in a separate package)*

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Prudhomme. Mr. Wrathell provided and briefly explained the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - i. Form 1: Statement of Financial Interests**
 - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**

As Mr. Prudhomme currently serves on another board, Mr. Wrathell advised him to file Form 1X, amending his previously filed Form 1.

- iii. Form 1F: Final Statement of Financial Interests**

Mr. Wrathell instructed Mr. Hulett, as a departing Supervisor, to file Form 1F.

Mr. Wrathell explained the Sunshine Law and recommended to Mr. Prudhomme that he keep his personal documents and electronic communications separated from the District documents, files and electronic communications, etc., as all District information is a matter of public record. He recommended forwarding any public records requests to Management.

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

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2013-2, Electing the Officers of the District

Mr. Wrathell presented Resolution 2013-2 for the Board's consideration. Mr. Wrathell indicated that Mr. Hulett previously served as President, Ms. Heafy is Secretary, Mr. Morera is Vice President and he is Treasurer and Assistant Secretary. For convenience, Mr. Wrathell asked to continue serving as Treasurer and Assistant Secretary.

Mr. Wrathell asked for nominations. Ms. Heafy nominated the following slate of officers:

President	<u>Joe Morera</u>
Vice President	<u>Emily Heafy</u>
Secretary	<u>Daniel Prudhomme</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	<u>Craig Wrathell</u>

No other nominations were made.

On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, the slate of officers, as nominated, was approved.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2013-2, Electing the Officers of the District, as nominated, was adopted.

FIFTH ORDER OF BUSINESS

Update: Canal Z

- **Letter to Property Owners**
- **Canal Z Right of Way Obstructions Removal Agreement and License - Option 3**
- **ROW Clearing Summary, February 26, 2013**

Mr. Paton presented a draft follow-up letter to residents who have not responded to the District's initial letter. Residents were urged to contact the District to schedule a meeting to review their property; an explanation of the right-of-way (ROW) clearing options was included with the letter. Mr. Paton indicated that the District has met with approximately 30 homeowners and successfully resolved each of those homeowners' ROW issues; however, most residents have not responded. He explained that the proposed follow-up letter specifies a deadline of April 1, 2013 to respond; after that date, the District will proceed with any necessary clearing.

Mr. Paton indicated that, during the meetings with residents, the 10' buffer option is explained, as well as the other options. He noted that the District can relocate certain plants from the ROW into the 10' buffer area. Mr. Paton advised that the District wants to notify the City, prior to sending the follow-up letter.

For Mr. Prudhomme's benefit, Mr. Wrathell explained the history of the Canal Z project and resident issues. He noted that Canal Z is a main drain canal in the District, leading to the pump station. Mr. Wrathell stated that Canal Z was not built to the original design specifications; therefore, to improve water flow to the pump station, excavation is necessary. He explained that this, coupled with silt buildup in the canals, have restricted water flow in the canals. The plan is to excavate Canal Z to create better water flow. Mr. Wrathell recalled that, during Tropical Storm Isaac, the new pump stations operated so effectively that they pulled water quicker than water flowing through the currently constricted canals could reach them.

Mr. Wrathell noted that the homeowners along Canal Z, being offered the 10' buffer, do not live in the Sunshine Water Control District; however, their property is adjacent to the District's ROW. He acknowledged that, over the years, many residents located vegetation and other items within the District's ROW. He advised that the District Engineer evaluated the amount of access space needed, along with different dredging approaches, which is why the District is now able to offer the 10' buffer option to those Canal Z residents.

Mr. Wrathell recalled that Mr. Joe Croce, a Canal Z resident, voiced concerns about future Boards possibly rescinding the buffers. The main concern was that they would lose their privacy and buffer from the multi-family units across the canal. As a result of these concerns, the District is offering a license agreement, whereby the District would dedicate the 10' buffer to the benefit and use of those private property owners. He explained that the District cannot give the land away, which is why the license agreement approach is being offered.

Mr. Wrathell stated that he forwarded the draft agreement to Mr. Croce. The agreement states that it can only be rescinded if one (1) of the parties violates the agreement or upon written mutual agreement by both parties.

Mr. Paton noted that the 10' buffer was not included as part of Option 3 offered to Canal AA-BB residents; it is only being offered to Canal Z property owners and might not be offered to any others. He stated that the Obstruction Removal Agreement will include a map highlighting the property line, the District's ROW and the 10' buffer. Mr. Paton explained that, even with the

10' buffer option, the District will perform a one (1)-time clearing of the remaining ROW, at the District's expense, and the property owner will be responsible for future maintenance. Mr. Paton reiterated that all of the residents that the District Staff members have met with are happy and their encroachment issues were successfully addressed.

Ms. Heafy advised that silt buildup is very evident in the canal along the road from University Drive, leading to the hospital, going past Bank of America and the post office. She stressed the importance of clearing the canal.

Mr. Prudhomme asked if silt is just algae. Mr. Paton indicated that silt is runoff, dirt and other items.

Mr. Prudhomme asked what a culvert is. Mr. Paton explained that a culvert is a large pipe under the road through which water flows.

Mr. Morera recommended that Mr. Prudhomme contact Mr. Selchan to schedule a tour of the District for a better understanding of what the District does, the terminology and the rationale for why certain things must be done.

Mr. Wrathell referred to Page 3, Section 10 and noted the language that addresses Mr. Croce's concerns. The agreement states that "this license may not be revoked except by mutual consent of the District and the owner, in writing." It also states that the District may enter the license area during and after periods of emergency conditions, such as tropical storms, hurricanes or flooding, to repair damage to District facilities and that any damage to the buffer area, due to the District's activities, would be replaced by the District, at the District's expense. Regarding the buffer, Mr. Wrathell noted that he is not aware of any other district ever being as accommodating as the Sunshine Water Control District.

Mr. Wrathell stated that the District Engineer completed a hydrologic analysis a few years ago; he explained that the District finds itself with the way the system was designed versus the current conditions, along with the reality that the City might have been developed beyond the anticipated capacity, which factors into the system not functioning at 100%. The District already had legitimate concerns about flooding and Tropical Storm Isaac demonstrated those concerns. Although Staff did a great job and the pump stations operated well; the canal system was constricted in many areas and was not able to move water effectively to the pump stations so it could be pumped to the C-14 Canal. Mr. Wrathell speculated that there would be problems if there was a heavy rain event, such as Tropical Storm Isaac, coupled with a strong wind event,

similar to Hurricane Wilma. If anything falls into the canals and further restricts them, the drainage issue is exacerbated; the system must be able to function at full capacity.

Mr. Wrathell pointed out that, in the past 40 years, there was not much reinvestment into the system, which is why the District issued bonds a little over a year ago to build the new pump stations, replace culverts and excavate the canals.

Mr. Prudhomme questioned how a culvert can be replaced without the road collapsing.

Ms. Heafy noted that there are City representatives waiting to speak and asked if the Board would consider addressing those matters now and returning to this item later in the meeting.

Mr. Morera referred to Page 2, Section 7, of the agreement and pointed out that it lists a 30-day time frame but Section 10 lists ten (10) days; he feels that Section 10 should be updated to 30 days.

Mr. Wrathell indicated that the form license agreement is still pending Mr. Croce's comments; however, it could be amended, if necessary, once comments are received.

Regarding the follow-up letters, the Board asked that the form of agreement be included, so residents can see it. Mr. Paton indicated that the final agreements will be specific to the property owners' property.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, authorizing Staff to send follow-up letters, including the form license agreement, to the Canal Z property owners who have not responded, was approved.

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

******This item, previously Item 14Bi, was presented out of order.******

Mr. Donahue presented the District Engineer's latest comments, along with the City's plans. He recalled concerns at the last meeting regarding live oak trees that the City wanted to plant in the ROW, in front of the new pump station. The City's revised plan removes the large live oak trees, with the medjool palms remaining, along with small hedges and shrubs. In an attempt to respond to the District's concerns about the palms falling into the discharge basin, the landscape consultant proposed placing two (2) metal bars across the palms' root balls to anchor

them and prevent them from overturning. The City’s revised plan also proposes a 36” high concrete wall as a barrier to palms falling into the basin.

Mr. Donahue introduced the City of Coral Springs’ landscape consultant, Mr. Scott Davidson, of Davidson Design Studio, Inc.

Mr. Davidson indicated that Mr. Donahue did an excellent job of explaining the City’s revised plan to address the District’s concerns. He offered to answer the Board’s questions.

Mr. Wrathell reported that District Staff met with Mr. Davidson on this matter.

Mr. Donahue advised that the District Engineer has no objection to the additional landscaping near Riverside Drive and the drainage improvements near Royal Palm, which tie into the existing culvert. If the Board approves the permit, Mr. Donahue noted that six (6) special conditions are listed in the District Engineer’s recommendation letter. Mr. Davidson indicated that the City has no objections to the six (6) special conditions.

In response to Mr. Hulett’s question, Mr. Davidson indicated that nothing additional is planned, in lieu of the live oak trees that are no longer in the plan.

Mr. McKune asked if the proposed wall will be connected to the culvert headwall. Mr. Davidson replied no; it will not be connected to the culvert headwall in any way.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the City of Coral Springs - Royal Palm Boulevard Entryway - Landscape Improvements in SWCD ROW at Pump Station #1, IBI Job #22761, right-of-way permit application, subject to the special conditions, set forth, was approved.

SIXTH ORDER OF BUSINESS

**Discussion/Consideration:
Comment/Request Policy**

Citizen

Mr. Wrathell recalled that the District is considering a citizen comment policy similar to that of the City. He presented a draft example, which explains the three (3)-minute limitation, decorum and describes the requirements. He stated that the policy was incorporated into the speaker cards previously utilized.

The Board agreed to utilize the written Citizen Comment/Request Policy, going forward.

Ms. Heafy questioned the three (3)-minute speaker time limit. Mr. Wrathell stated that the Board has latitude to allow more time.

SEVENTH ORDER OF BUSINESS

Citizens Comments/Requests [3-Minute Time Limit] *Requests should be made from the microphone to ensure recording of all comments. Please state your name prior to speaking.*

Mr. Hulett, a resident and former District President, thanked the District for the privilege of serving on the Board. He voiced his feeling that the District is one (1) of the supreme governmental units in Broward County, having been named FASD's District of the Year last year. He identified Mr. Morera, Ms. Heafy, the entire District Staff and their various support staffs for their superb work over the past several years. Mr. Hulett urged Mr. Prudhomme to take advantage of the expertise and knowledge of the Staff and to tour the District with Mr. Selchan, as it would be a valuable experience. He stated that, contrary to recent press and the comments of certain City of Coral Springs Commissioners, once he studies the data and numbers, Mr. Prudhomme should find that the plans for the Capital Improvement Program (CIP) are of outstanding quality, both from the standpoint of the engineering and use of taxpayer dollars. Mr. Hulett assured that no taxpayer dollars have been wasted. He noted that the Board now faces completion of the task, the serious portion, including dredging and canal clearing, which will make it possible for water to flow to the pump stations. He discussed the importance of bringing the canal elevations down to zero. Mr. Hulett voiced his confidence that Mr. Morera can guide the District, move it forward and keep it in the forefront of special purpose districts in all of Florida. He noted that it is critical for the District's drainage system to work and continue to provide protection to all of the City's major facilities, as every important City facility, such as City Hall, the fire/police and emergency management, public works yard, library, hospital, charter school, falls within the District's boundaries. He noted that the City spends millions of dollars on fire equipment, training and preparation to address only a few fires per year; the District needs to prepare for a 100-year storm because they do not know when it will happen but better be prepared when it does, as the District's purpose is flood prevention.

Mr. Hulett wished everyone well.

Ms. Heafy stated that is has been a pleasure serving with Mr. Hulett. She feels it would be difficult to find a finer man with greater integrity. Ms. Heafy indicated that Mr. Hulett led the Board to hiring an excellent District Engineer, District Manager and District Counsel. She

pointed out that past District Engineers paid no attention to the canals for 45 years, while the current District Engineer has made valuable progress.

Mr. Hulett thanked Ms. Heafy for her kind comments.

Ms. Heafy added that the District would not have won District of the Year without Mr. Hulett's leadership and he will be sorely missed.

Mr. Prudhomme stated that he is excited to be a part of the Board and thanked everyone for the warm welcome.

Mr. Morera echoed all of Ms. Heafy's comments about Mr. Hulett's service to the District. He thanked Mr. Hulett for encouraging him to participate and stated that, under Mr. Hulett's leadership, he has learned what the District does, the benefit it provides and how well it operates. Mr. Morera voiced his understanding of the strength it took for Mr. Hulett to take on the long time needs of the District, which no one, prior to his tenure, had the strength to address. Mr. Morera stated that he will continue to move the District forward to bring the CIP to the final conclusion so that the District operates as intended.

Mr. Morera thanked Mr. Hulett for his support and for all that he has done for the District.

Mr. Hulett thanked Mr. Morera for his kind words.

Mr. Wrathell thanked Mr. Hulett and noted that Mr. Hulett is a superior quality person and Board Member, who has always operated with the upmost integrity and professionalism. He stated that Mr. Hulett has always been well intended to do what is best for the residents of the District and the City of Coral Springs, as a whole. Mr. Wrathell noted that it is never easy to serve on a public board, such as this one. He explained that people do not necessarily understand the way things work; for example, when the drainage system works the way it should, people come to expect it, but when it does not operate properly and floods, people become upset.

Mr. Wrathell stated that the Board, under Mr. Hulett's leadership, should be commended for doing the right thing for the District, even if it was the tougher road to travel. He gives tremendous credit to Mr. Hulett for those efforts; the amount of progress, under Mr. Hulett's leadership, has vastly improved drainage in the community. Mr. Wrathell summarized that Mr. Hulett has done a great job serving on the Board.

Mr. Wrathell assured Mr. Prudhomme that he will assist him in any way he can.

Mr. Selchan concurred with all of the previous comments regarding Mr. Hulett's service. He thanked Mr. Hulett for his recognition of the District's employees, which was never previously mentioned. Mr. Selchan noted that Mr. Hulett was the first to ever point out that the District's employees are hardworking, dedicated employees.

Mr. Donahue stated that he and Mr. Ernest-Jones are very proud of what the District has accomplished over the last five (5) years and pointed out that Mr. Hulett never blindly accepted what was told to him; he asked questions and required answers. Mr. Donahue indicated that it has been a pleasure working with Mr. Hulett and accomplishing so much; he appreciates Mr. Hulett's efforts.

Mr. Capko stated that it was a pleasure for him and Mr. Lewis to work with Mr. Hulett and the District. Mr. Capko stressed that, with every endeavor, Mr. Hulett had only the best intentions for the District's landowners and residents, which came through at every Board meeting and during regular communications with him. He voiced his appreciation for Mr. Hulett's willingness to remain involved with the District, in spite of no longer being on the Board.

Ms. Heafy commented on the "can of worms" that resulted from the Board trying to accomplish a project that will eventually have a phenomenal impact for the District.

Mr. Morera welcomed Mr. Prudhomme and assured him that he will see what the District does and how they go about doing it and that there is truth and necessity to the process, more so than what has been interpreted by other points of view.

Ms. Heafy noted that the District tries to keep politics out of it but sometimes that does not happen.

Mr. Morera and Ms. Heafy agreed that Mr. Hulett shall remain an emeritus part of the District.

▪ **Consideration of Resolution 2013-1, Canvassing and Certifying the Results of the Landowners' Election**

******This item, previously the Second Order of Business, was presented out of order.******

Mr. Wrathell indicated that 214 of the 319 votes cast for Mr. Prudhomme were confirmed. He stated that, of the 79 proxies presented by Mr. George Rahael, only 26 could be confirmed as being located within the District's boundaries. Additionally, of the 38 proxies presented by Ms. Gisele Rahael, only 15 could be confirmed. The 157 votes cast by Mr. Bernie Moyle were confirmed. An additional 16 individual votes were confirmed.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, Resolution 2013-1, Canvassing and Certifying the Results of the Landowners' Election, with 214 confirmed votes cast for Mr. Prudhomme and three (3) confirmed votes cast for Mr. Hulett, was adopted.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

A. February 6, 2013 Joint Workshop

Mr. Morera presented the February 6, 2013 Joint Workshop Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 20: Add "Bill Capko.....District Counsel" to those present at the workshop
- Line 274 and throughout: Change "eureka" to "areca"

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, February 6, 2013 Joint Workshop Minutes, as amended, were approved.

B. February 13, 2013 Regular Meeting

Mr. Morera presented the February 13, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

- Line 209 and throughout: Change "eureka" to "areca"

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, February 13, 2013 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Discussion: Pump Station Dedication

Mr. Donahue indicated that the pump stations are operational; the final issues are being worked out. The certificates of final completion will be presented at the next meeting. He stated that dedication can take place anytime after early April.

Mr. Wrathell suggested setting the dedication ceremony date after certification is completed.

Mr. Wrathell advised that, although the construction contractor still has insurance on the pump stations, the District has acquired insurance, in anticipation of them being turned over to the District.

Mr. Prudhomme asked if both the District and the District Manager have insurance on the pump stations. Mr. Wrathell replied no; the construction manager at risk (CMAR), The Weitz Company, has insurance on the pump stations during the construction phase until the project is officially turned over to the District. Mr. Wrathell added that the District obtained insurance in anticipation of the transition.

Mr. Prudhomme asked if Mr. Wrathell's company is an endorsement on the District's insurance policy. Mr. Wrathell explained that the District obtains separate insurance coverage; Wrathell, Hunt and Associates, LLC, is simply the District Manager. Mr. Wrathell stated that, as District Manager, his company will secure insurance for the District; however, the insurance is in the District's name and is separate and distinct from his firm.

Mr. Morera agreed with setting the dedication date, once the project is completed, and asked that Mr. Hulett be notified of the date, once it is set.

TENTH ORDER OF BUSINESS

Discussion: East Basin Water Levels & Recharge

Mr. Selchan recalled resident concerns at the last meeting regarding water levels in the canals. He stated that he was asked to discuss drought conditions and the effects on the District's basins, due to the way it was designed, in the East Basin. Mr. Selchan stated that the canals are much shallower and the culverts are much higher in the East Basin so the water in that area is used more rapidly during drought conditions. He advised that Broward County is currently experiencing a severe drought. Mr. Selchan acknowledged that the areas in the East Basin are beginning to look bad, notably around the former Broken Woods Golf Course, which is where a resident, who corresponds frequently with the City, happens to live.

Mr. Selchan explained that, in these areas, the culvert pipes under the road are 5' high; therefore, the canal water level must be at least 5' high in other areas for it to reach that area. He noted that, at the time, the District did not have the water to get it there because the bypass was not functioning such that the amount of water let back in could be recorded. Mr. Selchan explained that bypass refers to a pipe that goes around Pump Station #1. He noted that the

permit is issued by South Florida Water Management District (SFWMD) because the District, along with the City, requested water from SFWMD because they needed to recharge their well field. Mr. Selchan clarified that this is called a Well Field Recharge Permit. The permit is used to allow water back into the system during drought conditions to recharge the City's well field.

Mr. Selchan indicated that the permit was issued in 1989, with a daily water allocation of 1.5 million gallons per day and an annual allocation of 1,650 million gallons. Upon renewal in 1992, the daily water allocation was 2.22 million gallons, with an annual allocation of 810 million gallons. He explained that, when the permit was renewed in 2010, a daily allocation was no longer given; rather, 73 million gallons are allowed per month, with a total annual allocation of 262 million gallons per year. Mr. Selchan pointed out that, as of mid-March, approximately 145 million gallons have already been used. He anticipated drought conditions to continue through May.

Mr. Selchan reviewed photographs of the pipes, explained why water was not in the area where the resident who complained lives and detailed the actions taken by his crew. He presented photographs of culverts on Sample Road and explained that those culverts allow water from the recharge pipe to flow through the District to the area he spoke about. He noted that this is an area that demonstrates the necessity and why the District wants to keep them clear; water needs to be able to flow. Mr. Selchan pointed out that water levels are 2.5' lower than normal for this time of year.

Mr. Selchan wants the Board to know that many calls are received from people in the older neighborhoods insinuating that water is being supplied to the affluent Coral Springs neighborhoods but that is not true. The canals in the East Basin were not dug as deep, aesthetically pleasing drainage canals; they are simply drainage ditches designed to remove water during storm events.

Mr. Selchan advised that, going forward, some areas will need to be dug out and culverts must be lowered. He noted that this will serve to keep water in certain areas and allow the District to pump water out more efficiently, during storm events.

For the benefit of Mr. Prudhomme, Ms. Heafy pointed out that the District's original Engineer, in the 1960's, dug to a minimum, likely due to cap rock. She voiced her feeling that digging must go deeper, which is a source of angst for residents; residents do not understand the need to dig deeper. Regarding recent criticism of the current District Engineer, she noted that

they were unable to obtain certain information from the previous engineer; thus, certain things had to be done, prior to moving forward with improving the canals. She asked that Mr. Prudhomme take this fact into consideration.

Mr. Selchan stressed the need to disseminate the message to residents. He relayed that residents made comments that the District has a secret pipe that goes to the wealthier neighborhoods and such. He assured everyone that the District does not have a secret pipe and suggested the District issue a press release or educate residents, by another means, regarding why the conditions exist.

Mr. Wrathell indicated that it is time to begin work on the semiannual newsletter and recommended that Staff draft an explanation of the drought conditions and the conditions that residents can expect. Mr. Morera suggested providing this information to the City, as many residents contact the City before contacting the District. Ms. Heafy felt that it is the District's responsibility to convey the message. Mr. Wrathell recommended providing the City with a copy of the newsletter, once completed.

Ms. Heafy noted that she has a neighbor who waters nearly every day and sometimes twice per day and recommended including information about the watering restrictions in the newsletter.

Mr. Mark Westfall, of the City of Coral Springs, indicated that the City amended its landscape ordinance two (2) years ago, whereby, twice per week watering is a mandated code. He stated that excess watering is a code violation and Code Compliance will first warn, followed by further pursuing the matter. Violations can be reported on the Code Compliance Hotline.

Noting that almost half of the recharge allotment has been used and, if the entire allotment were to be used, Mr. Hulett asked what depth, at the head, will be reached when the canals in the East Basin are absolutely dry. Mr. Selchan stated that some canals are already dry and indicated that they will go dry at about 5.5' and every tenth of water lost will add to the number of canals that start to dry. Mr. Selchan anticipates critical lowness at 4', resulting in a lot of the East Basin canals having little or no water.

Ms. Heafy asked how this affects the canals.

Mr. Selchan presented photographs of canals and explained that there are cavities; once the water level is below the rock, sand underneath shifts and caving can occur. He stressed that the impact could be dramatic, if the allocation runs out and the drought extends beyond May.

Mr. Donahue wondered about SFWMD possibly issuing a water shortage order and shutting off the allocation, should the drought conditions continue. Mr. Selchan stated that, if SFWMD issues a water shortage order, which they have done five (5) of the last seven (7) years, the District will immediately stop recharging the canals. Mr. Selchan expects that SFWMD will issue a water shortage order.

Mr. Morera suggested having information prepared to communicate to residents, should this occur.

Mr. Hulett recommended notifying the City Commissioners of the conditions, as they are the ones who will receive the calls.

Management and Staff will prepare a single page announcement to be placed on the District's website, along with notifying and providing it to the City and City Commission, so that residents who call the City can be directed to the District's website. If this approach is not sufficient, the Board will consider whether to mail it.

Mr. Prudhomme voiced his opinion that, of the 16,000 property owners within the District, only a few hundred even know what the Sunshine Water Control District is and suggested collecting contact information from those residents who wish to be informed and using those people as spokespeople for the District; basically, their roll would be to tell their neighbors about the District and its website. Mr. Prudhomme recalled the comment that the mission of the District is flood control but he never saw it that way until he heard it tonight.

Ms. Heafy pointed out that the canals are not really canals; the canals are drainage ditches to move water for flood control.

Mr. Prudhomme stated that the first time he heard the name Sunshine Water Control District, he wondered if people purchased water from the District and did the District take water away from people; he did not know. He favors informing those that are interested so they can mention the District at condo meetings, to their neighbors, etc., in lieu of the expense to mail notices to 16,000 property owners.

Mr. Wrathell indicated that the goal of the District's newsletter is to inform as many property owners as possible. He was concerned about creating a conduit whereby only a certain group of people receive the information and others are potentially left out. Mr. Wrathell's recommendation was to continue with the semiannual newsletters to all property owners. He

supports the concept of posting a single page announcement regarding the drought conditions on the District's website.

ELEVENTH ORDER OF BUSINESS**Discussion: 36th Annual Broward County Waterway Cleanup**

Mr. Selchan stated that the District has always participated in this event and asked if the Board wishes for them to continue. He noted past controversy, as some feel that this participation sends a bad message that the District only cleans the canals once per year when, in reality, the District has two (2) full-time trash crews that clean the District's waterways all day, every day. Mr. Selchan indicated that most participants are students who clean along the C-14 Canal; he rarely sees anyone cleaning the District's canals. He recalled questions about District liability should something happen to a volunteer while on the District's property.

Mr. Wrathell summarized that the District's trash crews already clean the canals on a daily basis. He noted that the upside is that the District participates in a program, doing what they already do but, instead of dumping normally, trash is dumped at the specified location, which adds to the success of the program. On the contrary, Mr. Wrathell pointed out that the program more or less says that the canals are not cleaned, so they need to clean them. He noted the irony of District Staff doing what it already normally does, with the only difference being the dump location. Mr. Wrathell stressed that, if the District participates, it should be recognized.

Mr. Selchan pointed out that the controversy is that there is never any recognition of what District Staff does every day; the organizers of these efforts pat themselves on the back for their accomplishments but never give credit to any of the districts or employees who tackle the problem all day, every day. Mr. Selchan feels that, in a sense, participation sends the message to residents that the District only does this once per year because no one ever educates them.

If the District participates, Mr. Wrathell suggested taking pictures and clearly explaining in the newsletter that the District does this every day but participated in this event.

Mr. Morera felt that participation is important, from a public relations standpoint. He stressed the need to inform the event organizers of the District's ongoing work and, if they do not include that information as part of their programming, the District will reconsider future participation.

Mr. Selchan indicated that, if the District participates this year, it will be the only Coral Springs district that participates. Mr. Morera saw that fact as a plus and reflects that the Sunshine Water Control District is in cooperation with the City.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with Mr. Prudhomme and Mr. Morera in favor and Ms. Heafy dissenting, the District's participation in the 36th Annual Broward County Waterway Cleanup, was approved. (Motion passed 2-1)

TWELFTH ORDER OF BUSINESS**Discussion: FEMA Revision of Overpayment**

For Mr. Prudhomme's benefit, Mr. Paton explained that, in 2004, the District Board obtained a grant from FEMA to clean up after a hurricane. The District received approximately \$295,000. About two (2) years ago, FEMA requested additional documentation. The District provided the necessary information, with the exception of the dump tickets for the final dump location and documentation of the weights. Mr. Paton estimated that 98% of the requested documentation was provided to FEMA. Since FEMA does not accept submissions for funding with any missing documentation, they are rescinding the entire grant amount and requesting full reimbursement. He noted that Mr. Capko and Mr. Lewis have worked on this, as well. The District appealed the decision but it was denied. Mr. Paton noted that the state Division of Emergency Management supported the District but FEMA still rejected the first and second appeals.

Mr. Paton pointed out that FEMA is pursuing many grant recipients, including the school boards and other cities.

Mr. Paton indicated that the original invoice was \$295,000; however, a revised invoice for \$281,000 was subsequently received. He noted that another revised bill was received on February 12, 2013 stating that the amount due is \$288,000.

Mr. Paton advised that Mr. Lewis is still trying to speak with the Florida Division of Emergency Management regarding repayment of this grant.

Recalling that this arose as a result of a former Board's handling of the matter, Mr. Paton pointed out that the most recent Board and Staff properly documented information and obtained

\$1.7 million from FEMA, following Hurricane Wilma. Mr. Paton reiterated that the Board, including Mr. Hulett and current Staff, were not involved with the recordkeeping of the 2004 FEMA grant, which must now be repaid.

Mr. Prudhomme questioned whether the District can pursue Southern Waste, since their missing waste tickets caused the District to lose the funds. Mr. Paton stated that the matter relates to three (3) contractors; one (1) is no longer in business, another is very small and Southern Waste. Mr. Paton recalled that Mr. Capko and Mr. Lewis felt that the District could end up spending a lot in legal fees to potentially receive \$280,000. Mr. Paton again stressed that FEMA is not singling out the District; FEMA is pursuing many entities and individuals. Mr. Capko felt that it is almost unconscionable that, for this de minimis type of error, FEMA would rescind the entire grant; however, that is the federal policy. Mr. Paton concurred, stating that he was told that the FEMA requires complete cradle to grave documentation.

Mr. Wrathell stated that the District is currently waiting for FEMA to demand payment. He noted that the Board worked to build a \$2 million hurricane reserve, for the future. Mr. Wrathell indicated that the majority of the post hurricane costs were related to removing trees and vegetation that fell into the canals; therefore, if the District is allowed to be successful in its planned canal ROW cleanup and clearing program now, the cleanup costs should be less than in the past.

As he finds it unconscionable that FEMA is requiring 100% reimbursement of the money, when only 2% of the documentation was missing, Mr. Morera voiced his opinion that the District should postpone making payment. In response to the question of what will FEMA do if payment is not made, Mr. Capko stated that District Counsel is trying to find out.

Mr. Wrathell noted the time limit for public records retention and that FEMA's request came long after the time limit passed.

Regarding payment, Mr. Capko voiced his preference to have leeway to pay FEMA, should District Counsel discover consequences or penalties for not paying within the prescribed deadline. Mr. Paton indicated that the latest invoice is dated February 12, 2013 and a 45-day deadline is noted, which is before the next meeting.

Mr. Morera noted articles, both pro and con, which have appeared in the local papers. He pointed out that some articles are fair, balanced and present the whole picture, while others are not, probably because information was provided but selectively chosen to be presented in a form that was not reality; rather, it was what the writer thought it should be. He felt that the later angle led to many interpretations that did not put the District in good light. Mr. Morera voiced his disappointment that certain papers choose to communicate in that manner, as opposed to really reporting.

Mr. Morera indicated that the Taste of Coral Springs was a great success. He advised that the Festival of the Arts is this weekend.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Capko advised that Senator Ring filed legislation to make a large number of independent, special districts, throughout Florida, become dependent districts of the city or county in which they are located. The bill is bare bones in terms of a process for accomplishing that and the repercussions for each individual district's debt and how it would be paid, if the district were assimilated into the city or county. Mr. Capko stated that the bill is so broad and bad that the chances of the legislature passing this exact bill are slim because FASD, along with other districts, will fight it. He also believes that the Association of Counties and Florida League of Cities will likely not support the move. Mr. Capko explained that, the reason special districts exist is because they perform the functions that cities and counties do not want to do, and do so more efficiently.

Mr. Capko stated that Senator Ring's bill assumes the opposite, whereby the cities and counties would spend a year evaluating to determine if they could handle the responsibilities on a more efficient basis and, if so, they would then begin assimilating the district.

Mr. Capko pointed out that Senator Ring represents Coral Springs.

Mr. Morera recalled a letter from the FASD President in response to comments made in a certain local paper.

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 Fifth Order of Business.

- **Comcast CATV Installation in East Outfall ROW at Pump Station #1**

Mr. Donahue reviewed the permit request. He noted that Comcast was previously advised of existing utilities and other features and had the applicant change the route to minimize impact on the pump station. Mr. Donahue recommended approval of the permit, subject to the eight (8) special conditions set forth in the District Engineer's recommendation letter and a \$2,500 trash bond, which was already received.

ii. Permit Application Log

The permit application log was included for informational purposes.

iii. Monthly Engineer's Report: 02/05/13 to 03/05/13

- **Update: Pump Stations 1 & 2**

Mr. Donahue indicated that work is being completed on the final items. The latest issues were with the motor and vibrations; the District accepted the final fix and it is being implemented. Once all work is completed, all equipment will be tested, along with a vibration analysis; he is confident that all issues will be resolved.

Mr. Donahue reported that FPL should be installing the upgraded transformer at Pump Station #2 very soon. He hopes that all testing can be completed by the end of next week. Mr. Donahue reviewed the items to be completed listed in his report.

Ms. Heafy questioned if this is a normal arduous process. Mr. Donahue advised that the pump stations are complicated, unique facilities so some issues are expected; however, there is some disappointment with the scale and length of time it is taking to resolve the issues.

In response to a question, Mr. Donahue confirmed that FPL's data showed the transformer at Pump Station #1 to be adequate.

Mr. Donahue indicated that the motors have a five (5)-year warranty. Mr. McKune felt that a five (5)-year warranty is sufficient. Mr. Morera stressed the need for complete confidence.

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

Mr. Donahue indicated that all vegetation was removed; a few fence/shed issues remain and are being resolved. Mr. Paton stated that the property with the shed is in foreclosure; Wells Fargo issued a work order to remove the shed but discovered that someone is living in the home.

According to Wells Fargo, the property is in foreclosure but it is not complete. Mr. Paton stated the work behind that home cannot be completed until the shed is removed. Discussion ensued regarding the difficulty in contacting the owner and it was noted that the people living at the home are not the owners. Mr. Capko will discuss this matter with Mr. Lewis to determine what the District can do.

Mr. Donahue reported that the East Outfall ROW vegetation removal project was completed and is closed out.

Mr. Donahue stated that meetings with Canal Z residents continue and, once the clearing is completed, dredging will commence.

- **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**

Mr. Donahue stated that the District Engineer is working with the Broward County Highway & Bridge Maintenance Division concerning their restoration of the West Outfall Canal at the Coral Springs Drive Bridge.

- **Bids – Miscellaneous Clearing (Tree Removal)**

****This item was an addition to the Agenda.****

Mr. Donahue stated that bids were obtained for tree removal at two (2) locations. The first property is adjacent to 12186 NW 32 Place, on Canal LL. This location has two (2) very large trees within the District's ROW, which could block the canal, if they fell into it. Mr. Donahue reported that the property owner is very agreeable to removal of the trees and amenable to signing an Option 2 agreement. He indicated that the City Forester approved a tree removal permit for these trees, due to the eminent danger and public safety factor; therefore, the mitigation fee was waived. The second area is on Canal D, adjacent to 3500 Riverside Drive, where a large tree fell across the canal during Tropical Storm Isaac and must be removed.

Based on the bids received from four (4) contractors, of which three (3) are based in Coral Springs, Mr. Donahue recommended awarding the contract to All Florida Tree & Landscape, Inc., who was the low bidder and a Coral Springs contractor.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the All Florida Tree & Landscape, Inc., bids for tree removal, adjacent to 12186 NW 32 Place and 3500 Riverside Drive, in not-to-exceed amounts of \$5,450 and \$1,800, respectively, were approved.

▪ **Bids – Dry Canal Excavation**

*****This item was an addition to the Agenda.*****

Mr. Donahue recalled that, in May, 2011, the District received and approved proposals from two (2) firms to provide canal excavation in dry conditions; however, the rainy season began prior to commencing work. In 2012, canal levels were not low enough to make dry dredging feasible.

Mr. Donahue advised that the canals are approaching the dry conditions which would allow for dry excavation in a few canals. He contacted the contractors and both agreed to hold their previous proposed price of \$44 per cubic yard for removal and proper disposal.

Mr. Donahue indicated that he and Mr. Selchan identified Canal D as being almost dry; therefore, work could commence immediately. Canal D runs along the south side of NW 44 Street, from Woodside Drive to Riverside Drive, and southerly, along the west side of Riverside Drive to NW 40 Street/Cardinal Drive. Mr. Donahue stated that this canal is more than 4,000 linear feet. He presented photographs of Canal D. He stated that both contractors are prepared to mobilize immediately, with the work lasting approximately two (2) weeks. The excavation would improve canal elevation by 1' to 2'.

If funds sustain, Mr. Donahue pointed out Canals M and K, adjacent to City Hall South, as candidates for dry canal excavation.

Based on the \$44 per cubic yard unit price, Mr. Donahue estimated that a budget of \$100,000 would allow for significant dry canal excavation work and improve those areas.

Mr. Morera recommended removing City Hall from the equation, as the City is planning to build a new City Hall at that location, with the canals being significantly changed. He saw no reason to spend money on a canal that will be filled in a few years; the funds should be spent on areas where the impact will last longer. He noted that he previously supported working on the area near City Hall; however, due to the City's new plans, it appears to no longer have the same benefit.

Mr. Donahue agreed and indicated that the focus will be on Canal D; other areas will be considered, if money remains.

Ms. Heafy identified NW 31st Street, by the post office, as being very low. She pointed out another area, near the apartments, where the culverts entering the canal have issues. She questioned if those area will be addressed.

Mr. Morera stated that functionality and benefit will be the priority, with visibility being secondary. He acknowledged that if the District can remedy the dry canal issues in certain high visibility areas, it should go a long way with the City.

Mr. Donahue stated that both contractors are ready to proceed. There is not much work to split; therefore, splitting it will be a challenge. In response to a question, Mr. Donahue confirmed that the work could be completed quicker, using both contractors. Mr. Donahue explained that the District Engineer will monitor daily quantity reports to ensure that the total costs do not exceed \$100,000.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the expenditure of not-to-exceed \$100,000 for dry canal excavation and authorizing Staff to select USA Equipment Service, Inc., and/or Shenandoah Construction, to complete the work, were approved.

Mr. Donahue pointed out Canal LL, behind the Saveology Iceplex, where, as a condition of the expansion, several years ago, the City contributed \$30,000 for excavation of the canal. One of the contractors agreed to perform the work for the same \$44 per cubic yard. He stated that the \$30,000 would complete most of the work required on Canal LL.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, expenditure of not-to-exceed \$30,000 for dry canal excavation of Canal LL, behind the Saveology Iceplex, and authorizing Staff to select USA Equipment Service, Inc., and/or Shenandoah Construction, to complete the work, were approved.

Mr. Donahue offered to meet with Mr. Prudhomme to review the District Engineer's projects, plans and explain to him what is happening in the District.

C. Field Supervisor: *Cory Selchan*

Mr. Selchan reported that there has been no rainfall. He stated that he attended the Broward Leaders Water Academy last month. The subject matter this month related to all legislation that could affect districts.

Mr. Morera asked if calls are being received from residents because they cannot water their lawns. Mr. Selchan advised that most callers want to know why the water levels are going down.

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

i. Approval of Unaudited Financial Statements as of January 31, 2013

Mr. Wrathell presented the Unaudited Financial Statements as of January 31, 2013 and the unreconciled cash balances. He indicated that money was moved into the FineMark Bank Insured Cash Sweep (ICS) account. For Mr. Prudhomme's benefit, Mr. Wrathell explained that, through the ICS account, FineMark Bank parks the funds in various other FDIC insured banks; As required, FineMark Bank is a qualified public depository (QPD) but the ICS program allows the funds to be spread to underlying banks, which are not required to be QPDs. Mr. Wrathell confirmed that the money is spread to remain within the FDIC threshold and maintain FDIC coverage.

Mr. Wrathell indicated that assessment collections, through January 31, were at 80%; he expects the District to reach 100%. He pointed out that total expenditures were at 23%. Under fund balance, Mr. Wrathell explained that the District budgets three (3) month's working capital to fund expenses during the gap until assessment funds arrive from the tax collector. He referred to the \$2 million budgeted for disaster recovery and \$413,419 unassigned fund balance. Mr. Wrathell further explained that, at this point in the fiscal year, the District's revenues are bloated, due to incoming assessment collections; however, expenditures are low, as it is only four (4) months into the fiscal year. The figures will begin to balance, as the fiscal year progresses. Mr. Wrathell reviewed the debt service fund information on Pages 4 and 5, along with the bond amortization schedule on Pages 6 and 7, which relates to the 2011 bond to fund the District's pump stations, along with other capital improvement work. He pointed out the interest rate and stated that the Board did a great job in obtaining a very good coupon rate.

On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of January 31, 2013, were approved.

ii. Update/Discussion: Mayor Bocard Regarding Corporate Park

Mr. Wrathell recalled his meeting with Mayor Bocard to tour the Corporate Park. He recalled that the City wants the District to perform some work, mostly for aesthetic purposes and indicated that he advised the Mayor that the Board is supportive of the concept; however, the District wants to know more about the Mayor's plan, in order to understand what the City will do. The larger issue, related to the Corporate Park, is that the area also involves private drainage, which is the property owners association's responsibility; however, they have not done a very good job of maintaining the drainage on the private property. From a pure drainage and aesthetic standpoint, drainage is very bad.

Mr. Wrathell stated that Mayor Bocard was to provide a letter, which remains pending. He explained that the City is planning a municipal service benefit unit (MSBU) or dependent district, layered over the Corporate Park, to address drainage issues on the private property, along with street lighting and other improvements. Mr. Wrathell noted that the Mayor is working on a letter in this regard. He will follow up with the Mayor.

Mr. McKune indicated that the thermostat for the meeting room is computer controlled but can be adjusted if a request is made in advance. Mr. McKune felt that the room temperature should be raised.

iii. NEXT MEETING DATE: April 10, 2013 at 6:30 P.M.

Mr. Morera indicated that the next meeting is scheduled for April 10, 2013 at 6:30 p.m.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the meeting adjourned at 10:35 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair