

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District’s Board of Supervisors was held on **Wednesday, April 10, 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
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
Michelle Blackstock	Grau & Associates
Howard Jablon, P.E.	A. J. Hydro Engineering, Inc.
David Hulett	Resident
Gary Runge	Resident
Mike Saltzman	CSID Resident
Dennis Poore	Resident
Michael Goldberg	CSID Resident
Anna Singh	Resident
Sasha Rios	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Morera called the meeting to order at approximately 6:33 p.m.

Mr. Wrathell noted, for the record, that all Supervisors were present, in person.

- **Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2012, Prepared by Grau & Associates**

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

Ms. Michelle Blackstock, of Grau & Associates, indicated that this is an unqualified opinion, meaning it is a clean opinion. She referred to the Balance Sheet on Page 8, noting that,

this year, the District has general, debt service and capital projects funds. For the fiscal year ending September 30, 2012, the District had total assets of \$8,107,642 million, which exceeds total liabilities of \$662,980, resulting in a total fund balance of about \$7,444,662 million.

Ms. Blackstock referred to the Statement of Revenues, Expenditures and Changes in Fund Balances, on Page 10, noting, that there was a deficiency of \$6.4 million in revenues over expenditures, primarily related to the bonds that were issued in the previous year, along with the capital outlay during the current year. Total revenues were \$3,322,176 and total expenditures were \$9,402,342, resulting in the \$6.4 million deficiency. She reiterated that most of the deficiency is related to capital outlay.

She referred to the Report on Internal Controls Over Financial Reporting and Compliance, on Page 24, and indicated that it is a clean opinion. The Management Letter and the Report to Management, on Pages 25 through 27, state that there were no current or prior year findings for the District.

Mr. Morera thanked Ms. Blackstock and voiced his appreciation to Grau & Associates.

▪ **Consideration of Resolution 2013-3, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012**

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

Mr. Wrathell presented Resolution 2013-3 for the Board’s consideration.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, Resolution 2013-3, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012, was adopted.

▪ **Discussion: Letter to Auditor General from Don Gaetz, Florida Senate President and Senator Joseph Abruzzo Requesting Operational Audit of SWCD [WC]**

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

Mr. Capko advised that the request for an operational audit of the District was initiated by Senator Jeremy Ring, immediately following his bill, which would have impacted the bulk of independent special districts throughout Florida. The bill was temporarily passed in committee, thereby making it unlikely that the bill would proceed. Senator Ring filed the request, which Senator Abruzzo was required to hear, as Chair of the Joint Senate Auditing Committee, and pass along to the Auditor General’s office. Mr. Capko indicated that Mr. Lewis hopes to meet

with the Auditor General's staff for initial discussion of the expected process. He noted that the Auditor General has much discretion regarding how much detail he feels is necessary in an operational audit, the timing and other issues.

Ms. Heafy asked if this is the only district being audited. Mr. Capko stated that other districts will be audited; however, this request was made specifically regarding Sunshine Water Control District. Ms. Heafy welcomed the audit.

Mr. Prudhomme had no comments.

Mr. Morera voiced his disappointment in receiving the notice. He stated his belief that the District had entered into another phase of communication with the City of Coral Springs. He pointed out that, based on the date of the letter, the mechanism for this request must have been initiated prior to the joint workshop. Mr. Morera felt that, in the midst of the Board and City trying to gain an open channel of communication to begin a dialogue, the City had already initiated this process to question the District's operational integrity. He reiterated that he was upset to receive this notice, as he feels that it was not warranted. Mr. Morera concluded that the District will come away from this audit with its reputation untainted.

Ms. Heafy felt that Mr. Morera should not be offended, as it is political play.

Mr. Morera agreed but reiterated his feeling that the request was not necessary, since the District and the City are striving towards a more meaningful, open relationship.

Mr. Wrathell indicated that, since Wrathell, Hunt and Associates became District Manager, the District has received clean, independent audits each year. He noted that this type of audit is different and unique. Mr. Wrathell checked the state website and reported on other entities that were subjected to this type of audit. He stated that he has no concerns.

Ms. Heafy voiced her opinion that the City was not wholly involved in this matter; rather, it was Senator Ring trying to do what he wants to do with all special districts.

SECOND ORDER OF BUSINESS

Update: Canal Z

- **ROW Clearing Summary, April 3, 2013 [DP, TD]**

Mr. Paton presented the ROW Clearing Summary. He stated that he, Mr. Donahue and Mr. Selchan are meeting with Canal Z residents. To date, they have met with approximately half of the residents in the Cypress Run development; they met with 25 of 51 homeowners. In Eagle Trace, on the south side of Canal Z, they met with 31 of 45 homeowners. Overall, the team has

met with approximately two-thirds of the property owners. Mr. Paton confirmed that the numbers have changed since the agenda package was prepared.

Mr. Paton recalled that letters were mailed in January and follow-up letters were sent in March. He stated that the homeowners understand the reason that the District must widen and deepen the canal. He acknowledged that not everyone is happy about losing vegetation; however, the 10' vegetative buffer allows for approved plantings and relocation of certain vegetation to the buffer area.

Regarding the north side of Canal Z, Mr. Paton stated that 350 condominiums are affected. The team met with condo associations representing 325 of the 350 units and all are agreeable to the District's plans. Meetings are pending with the final condo association, along with owners of two (2) gas stations.

In response to Mr. Morera's question, Mr. Paton stated that there are 51 homes on the south side of Canal Z, from Coral Ridge Drive to Coral Springs Drive; Staff met with 25 of the 51 homeowners and resolved all encroachment issues with those properties. Mr. Morera asked if those homeowners received the second mailing. Mr. Paton replied affirmatively, noting that, still, half have not responded.

Mr. Prudhomme asked how the homeowner meetings were initiated. Mr. Paton stated that homeowners received two (2) mailings, which included pictures and descriptions of the issues. Within the package, the owner was asked to return a form identifying their preferred option. Once a response was received, appointments were scheduled with the property owner. Some owners called to schedule an appointment prior to returning their form. Mr. Paton stressed that Staff's meetings have been successful.

Regarding Option 3, Mr. Prudhomme asked who would pay for the plants placed in the 10' vegetative buffer area. Mr. Paton indicated that plants would be relocated. Mr. Wrathell clarified that the District will relocate plants, when possible, at the District's expense; otherwise, residents may plant new vegetation within the 10' buffer at their own expense.

Mr. Prudhomme questioned if the District expects those who did not contact the District to do so.

- **Canal Vegetative Buffer – Removable Fence Concept [JM]**

Mr. Morera reported that a Canal Z resident contacted him informing him that they are willing to consider a fence, instead of plants, in the 10' buffer area. He further discussed the

matter with the homeowner and noted criteria that must be met regarding fences. The resident wants to install a removable fence. Mr. Morera spoke with the Coral Springs City Attorney and was told that the City does not take a positive position on installation of a removable fence; they do not allow them and there are no removable fences that the City considers to be an acceptable option. He explained that the City is developing a resolution regarding fences.

Mr. Morera's position was one of possible consideration, provided the District and City's required criteria are met.

Mr. Wrathell recalled discussion at a previous meeting where Mr. Joe Croce, a resident, mentioned the fence concept. Mr. Croce felt that if the District could accommodate the fence request, as part of the 10' vegetative buffer licensing agreement, it would end resident concerns regarding the District's plans. Mr. Wrathell advised Mr. Croce that the District was already offering to relocate material and a 10' buffer and, should the District agree to fences and people still resist, it marginalizes the reasonableness of property owners.

Mr. Wrathell stated that the District Engineer, Staff and contractors did a good job of trying to accomplish the necessary work, while accommodating property owners' concerns. He voiced his thought that the removable fence concept could be workable; however, City code does not currently allow for such a fence. Mr. Wrathell noted that another District approached the City requesting changes to the fence codes. He noted that it was suggested that the new ordinance specify a certain number of feet, from the water's edge, that must remain clear. Mr. Wrathell felt that this approach, specifying 35', would likely alleviate most of the issues.

Mr. Morera asked Mr. Selchan to comment on the matter.

Mr. Selchan stated that he is not in favor of obstructions in the right-of-ways(ROW). He noted that he does not necessarily agree with Mr. Wrathell's earlier comments that the District determined that it "does not need" the 10' area being offered as a vegetative buffer. Mr. Selchan stated that it is not needed for this particular project; it was a good compromise for this project, where property owners were trying to maintain relief from an unsightly area behind their homes. He stated that fencing in the ROW has never been allowed; therefore, he feels that the removable fence concept is a bad idea. In response to Mr. Morera's question, Mr. Selchan confirmed his opinion that, from an operational standpoint, any type of fencing in the 10' vegetative buffer would be a potential hindrance to responding to a disaster or catastrophe.

Ms. Heafy pointed out that this is discussion of placing fences in the District's ROW. She felt that allowing fences in the ROW is not a good idea.

Mr. Prudhomme felt that giving this option to a few could open the District to discontent or angst from others.

Mr. Ernest-Jones confirmed that the matter was considered and strongly suggested that fencing only be allowed on the property owners' property.

Mr. Paton pointed out that there are already permanent fences in locations where the 10' buffer would be. Those property owners were advised that the fences were not legal and must be relocated. Mr. Paton confirmed that those residents knew the fences should not have been installed and understood that they must be moved.

Mr. Morera noted that those fences were most likely installed without a permit from the City, which is a code violation. Mr. Paton concurred, adding that the City will not issue a permit to install a fence on someone else's property; the homeowners cannot apply for a permit to place a fence in the District's ROW. Mr. Morera indicated that it is a code enforcement issue; however, the City does not typically enter homeowners' backyards to search for code violations.

Mr. Morera stated that this was placed on the agenda because he wants to find a solution to the needs of the balance of the residents and get them to respond. He voiced his understanding that, based on today's comments, the potential conflict of allowing removable fences far outweighs the benefit.

Mr. Morera asked that Staff contact those property owners who have not responded, rather than waiting for them to respond. If no response is received, after the District's attempts, Mr. Morera recommended proceeding with Option 2, for those properties. He pointed out that several residents have failed to respond, even after receiving the second letter, which included the new option that those residents wanted.

Mr. Paton noted that one (1) resident asked the District to pay for the vegetative buffer plants.

Mr. Prudhomme asked if any property owners threatened legal action. Mr. Paton pointed out that the encroachments are on the District's ROW. In one (1) instance, a shed straddled the District and the homeowner's properties. In spite of their surveys, Mr. Paton noted that many homeowners did not know that there was a property line; they thought that all of the land behind their home belonged to them.

Mr. Wrathell suggested mailing a final letter to the property owners who have not responded and advising them that if they do not respond by the given deadline, the District will proceed with Option 2.

Mr. Morera asked about the necessary bid cycle so that the project can proceed on schedule. Mr. Donahue stated that approval to advertise for bids will be needed at the May meeting, in order to commence work in July. Mr. Ernest-Jones explained that the contractors must be shown the ROWs and told the plans in order to bid on the work.

The Board agreed to a response deadline date of May 1, 2013 for those that have not responded.

Ms. Heafy pointed out that some properties have wildlife habitats and suggested that the District remain sensitive to those locations, disrupting them as little as possible. Ms. Heafy clarified that she is referring to those locations that are specifically identified as wildlife habitats.

THIRD 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. Mike Saltzman, a Canal Z resident, confirmed that he has not signed and returned the necessary forms; however, he contacted the District. He referred to the recent letter, containing the new option, and stated that he is still not comfortable signing the agreement. Mr. Saltzman requested to meet with Staff to discuss language in the agreement, as he feels much of it is one-sided. He wants the agreement changed from being a licensing agreement to the District giving the property owners an easement on the property. Mr. Saltzman advised that it would be possible to obtain a fence permit if a recorded easement is given. He questioned what is meant by a removable fence. He feels that a fence is no more of an impediment to access than vegetation would be. Mr. Saltzman stated that he wants to meet with someone in authority regarding whether language in the agreement can be changed. He reiterated his opinion that the agreement is one-sided. He questioned language in the licensing agreement that requires the property owner to maintain the canal bank and indicated that he should be given beneficial use of the property if he is expected to maintain it.

Mr. Wrathell advised that an easement would be a departure from the licensing agreement.

Mr. Capko pointed out that an easement would not allow for a fence, based on city code, because the resident would not be the owner of the ROW. Mr. Saltzman voiced his opinion that an easement would give him the right of use and allow him to install a fence. Mr. Wrathell stated that the city code precludes fences.

Mr. Morera stated that Staff can meet with Mr. Saltzman to review his property but, regarding his request to change the language in the licensing agreement, the District may not be able to entertain the request. In response to Mr. Saltzman's question, Mr. Morera indicated that Mr. Saltzman has the choice to sign the agreement or not. Mr. Morera pointed out that the District has made many accommodations; however, to continue making specific directive needs to accommodate a single homeowner, which will impact the entire project, cannot be entertained. The District has done all that it can.

In response to Ms. Heafy's question, Mr. Saltzman confirmed that he is unwilling to accept any of the three (3) options offered by the District. He clarified that he might be able to work with Option 3 but only if the District incorporates his requested language changes. Ms. Heafy suggested that Mr. Saltzman draft his proposed changes and provide them to District Counsel.

Mr. Wrathell pointed out that Mr. Saltzman asked the Board to change the licensing agreement to an easement, which the District will not do; the Board may consider other reasonable requests that are consistent with the District's policy. Mr. Wrathell discussed the difference between the licensing agreement and easements. He explained that the District is offering the licensing agreement, which allows the property owner to use the District's property, under certain conditions.

Mr. David Hulett, a resident, voiced his understanding that the second mailing provided property owners with a deadline of April 1, 2013 to respond. Mr. Morera and Ms. Heafy concurred. Mr. Hulett pointed out that the District only has a 10' maintenance area and the 10' buffer; the remainder is sloped canal bank, on which the truck cannot pass. He encouraged the District to keep focus of the capital improvement program (CIP), which is not a tree program; it is a flood protection and drainage program. The CIP is intended to change the canal elevations

so that water flows to the new pump stations and out of the District's infrastructure. The CIP is to provide flood protection and protect every major facility owned by the City of Coral Springs.

Mr. Hulett challenged Mayor Boccard's comments in the newspaper last week where the Mayor stated that what the District is doing is not in the best interests of the City. Mr. Hulett contacted the newspaper reporter to confirm that Mayor Boccard was quoted correctly and the reporter confirmed that the quote was correct. Mr. Hulett questioned how the Mayor does not find flood protection for every major City-owned facility, along with the 16,000 landowners within the District, to not be in the best interests of the City. He pointed out that the City was only able to build its new fire station because the District gave them the water retention necessary to build it.

Mr. Hulett voiced his concern about the issue of transparency and the notice of audit received by the District. He noted that the CIP was fully reviewed by everyone, including the bond underwriters, District Counsel, District Engineer, the District's engineering ombudsman, etc., and questioned the notion by the City that the CIP has been a waste of taxpayer's money.

Mr. Hulett reiterated that the Board should maintain focus.

Mr. Dennis Poore, a resident, stated that, since the clearing along Canal AA-BB, residents are experiencing a flood of people behind their homes. The area was opened to burglars and teenage trespassers, who harass residents. He stated that his wife no longer feels safe on her back patio. Mr. Poole indicated that the letter sent to the Police Department has not been effective. He asked the District to post signs at the canals advising that there is no fishing, swimming or trespassing. Mr. Poole stated that he does not believe that the District does not have the right to post such signs and protect the property.

Mr. Michael Goldberg, a Canal Z resident, contended that the 10' foot vegetative buffer discussed is not accurate, as it was reduced to 5' for the Eagle Trace side of the canal. Mr. Donahue pointed out that the upland ROW on the Eagle Trace side of Canal Z is much narrower; therefore, the District can only allow a 5' buffer in that particular area. Discussion ensued regarding the limited bank width on the Eagle Trace side of Canal Z, as well as the fact that the sloped bank in that area is not usable for maintenance purposes.

Mr. Goldberg voiced his understanding of the bank width limitations and why only 5' can be offered on the Eagle Trace side. He stated that his main issue is with poor communication. Mr. Goldberg felt that Eagle Trace residents are not really being given 5', as they must plant a

few feet in from the line in order to keep the vegetation within the 5' buffer. Mr. Goldberg voiced his opinion that there will be safety issues for children if the trees in the ROW are removed because Eagle Trace will not allow residents to install fences, unless every resident installs exactly the same fence.

Mr. Prudhomme asked if the space that is lacking on the Eagle Trace side is made up for on the other side of Canal Z. Mr. Ernest-Jones stated not really; the Eagle Trace side is lacking because the canal was excavated significantly wider. Mr. Ernest-Jones pointed out that the situation has nothing to do with the District's actions; it dates back to the original Coral Ridge/Westinghouse development of Eagle Trace. The developers wanted more fill dirt, so they dug the canal wider and wider; this practice is very apparent in areas west of Coral Ridge Drive. Mr. Ernest-Jones stressed that the District is offering the buffer width that it can in that area. Mr. Prudhomme asked about the possibility of making the north side of Canal Z the platform for work on both sides of the canal. Mr. Selchan stated that it is impossible. Mr. Ernest-Jones indicated that the suggestion is impossible due to the slope.

Mr. Goldberg voiced his understanding that there is only one (1) way in and out of the Eagle Trace canal area. Mr. Selchan confirmed that situation but stated that the District will seek the City's permission to enter through the complex at the end of Royal Palm Boulevard, so that trucks only travel one (1) direction. Mr. Ernest-Jones suggested that residents could best help themselves in the access matter by contacting the City, their respective commissioners and Mayor Boccard to voice their request that the City allow the District entrance through the other location.

Ms. Anna Singh, a resident, indicated that she called the District several times regarding canal conditions. She met with Staff a few weeks ago. She reported a raccoon problem in her storage area to the city; however, Animal Control was not able to find the raccoon. Ms. Singh stated that her canal bank slopes and she wants something to be done. Additionally, there are mosquito issues and trees are not trimmed. She stated that she is allergic to the trees and it is not fair that she must live in those conditions. Ms. Singh wants the District to resolve the problems.

In response to a question, Ms. Singh confirmed that she is the owner of the duplex. Ms. Heafy voiced her opinion that the District is not responsible for Ms. Singh's raccoon problem. Ms. Singh felt that the raccoons are the result of bushes.

Mr. Selchan indicated that he and Mr. Donahue visited Ms. Singh's property, which is adjacent to Canal A. He confirmed that vegetation needs to be removed. He pointed out that Canal A is a box-cut canal, meaning it drops. Attention shifted from Canal A to other canals when the District was faced with drainage problems elsewhere. Mr. Selchan advised that the canal vegetation is extremely overgrown.

Mr. Ernest-Jones recalled walking the canal with city officials to illustrate the issues the District faces with regard to obstructions and growth into the ROW.

Mr. Morera assured Ms. Singh that the District is aware of the issues and will do what it can, within the scope of the District's projects, to address the needs, when possible. He noted that the problems are more complex than just addressing the area behind her home.

Ms. Singh reiterated her raccoon problem. Mr. Morera suggested that she contact the City's animal control department.

Mr. Prudhomme asked Ms. Singh to clarify if she stated that the foundation of her home is in jeopardy due to the canal bank slope. Ms. Singh agreed that, each year, the bank slopes more and more. Mr. Prudhomme asked Ms. Singh if the foundation of her home is cracking. Ms. Singh stated that she has not noticed cracking. Mr. Prudhomme advised Ms. Singh to contact her homeowner's insurance company if she has concerns about her foundation cracking.

Ms. Sasha Rios, a resident, stated that she is Ms. Singh's neighbor and that she has also contacted the District for several months regarding removal of the vegetation. She questioned the comment that it is her responsibility to maintain the canal bank to the water's edge. Ms. Rios stated that she is trimming vegetation that is coming over her privacy fence onto her property. She was not clear regarding her responsibility to clear the District's property. Ms. Rios informed the Board that the canal has mosquitoes and smells bad, at times.

Mr. Prudhomme suggested that Ms. Rios' problems would be solved by selection of Option 2. Ms. Rios pointed out that she does not live along Canal Z. Mr. Morera explained to Mr. Prudhomme that Option 2 will be one (1) of the options available at the time the District begins working on that particular canal; however, it is not practical to address properties individually, when the entire canal needs to be addressed.

Mr. Wrathell recalled the City's request that the District focus attention on specific canals, finishing one, before moving to another. Ms. Heafy noted that the District's focus now is to address the main drain canals. Mr. Ernest-Jones stressed the need to prioritize, as the District

cannot address all 22 miles of canals at once. Mr. Ernest-Jones pointed out the degree of controversy in trying to accomplish the necessary work, related to Canal Z, which is the primary main drain canal for the West Basin, and is of very high priority.

Mr. Morera asked if the District can provide assurance that erosion is not causing future problems. Mr. Selchan stated that Canal A was built that way; the main issue is removing vegetation to allow access for dredging and maintenance. Mr. Morera asked Mr. Selchan to provide Ms. Singh with the telephone number for Broward County's mosquito control department so that she can call and have the area sprayed.

Mr. Prudhomme asked if the conditions along Canal A are the worst within the District, from the standpoint of vegetation growth. Regarding overgrowth of vegetation, Mr. Selchan stated that it is about as bad as it gets; however, there are no drainage problems in that area.

Ms. Singh stated that the boat that cleans the canal does not clean the back area.

Mr. Gary Runge, a resident, discussed his concerns, as a taxpayer, and informed the Board that many residents are more upset than the Board knows. Regarding approaching the canal projects one (1) at a time, Mr. Runge voiced his opinion that it is the wrong approach. He feels that the best interest of the City is to not lose any more trees. Mr. Runge recalled asking the District for an environmental assessment of the overall project and accused the District of overlooking that request. Mr. Runge voiced his anticipation in further discussing this matter in the coming months.

Regarding the FEMA reimbursement matter, Mr. Runge asked if this type of situation could happen again or if anything can be put in place to stop it. Mr. Morera indicated that the issue will be addressed later in the meeting and invited Mr. Runge to remain at the meeting to hear the discussion.

FOURTH ORDER OF BUSINESS

Approval of Minutes

A. March 13, 2013 Landowners' Meeting

Mr. Morera presented the March 13, 2013 Landowners' Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, the March 13, 2013 Landowners' Meeting Minutes, as presented, were approved.

B. March 13, 2013 Regular Meeting

Mr. Morera presented the March 13, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections.

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

FIFTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2012, Prepared by Grau & Associates

This item was discussed during the First Order of Business.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2013-3, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012

This item was discussed during the First Order of Business.

SEVENTH ORDER OF BUSINESS

Discussion: Letter to Auditor General from Don Gaetz, Florida Senate President and Senator Joseph Abruzzo Requesting Operational Audit of SWCD [WC]

This item was discussed during the First Order of Business.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Broward County Land Use Plan Amendment PC 13-2 Broken Woods [CW]

Mr. Wrathell indicated that the Broward County Planning Council contacted him requesting that the District provide a letter to them, exactly like the one provided to the City of

Coral Springs, regarding the District’s neutral position on the planned development of the Broken Woods area.

Mr. Wrathell recalled that the parties related to Broken Woods initially asked the District to support their project; however, the District chose to take a neutral position with no objection to the project, other than the drainage conditions set forth in the letter.

On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, authorizing the District Manager to prepare and provide the requested letter to the Broward County Planning Council, was approved.

NINTH ORDER OF BUSINESS

**Discussion: Pump Station Dedication
[CW]**

This item will be continued on the next agenda.

TENTH ORDER OF BUSINESS

**Notice: Drought Conditions Lower
Sunshine Water Control District’s Canal
Water Levels (*for informational purposes*)
[CW]**

Mr. Wrathell presented the notice related to drought conditions causing low water levels in the canals. He confirmed that this information will be posted on the District’s website. Mr. Wrathell will confirm that the information is forwarded to the City, for their information.

ELEVENTH ORDER OF BUSINESS

Update: FEMA Overpayment [DP]

Mr. Paton indicated that, since the last meeting, he followed up with the State Department of Emergency Management. He 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 pointed out that FEMA is pursuing many grant recipients, such as school boards and other cities, including the City of Coral Springs, who was subjected to reimbursement of \$5 million. Mr. Paton noted that the state Division of Emergency Management supported the District but FEMA still rejected the first and second appeals.

Mr. Paton contacted the state Department of Emergency Management representative this week who confirmed that \$288,105 is the correct amount owed by the District, as reimbursement. Currently, no penalties have been assessed; however, there are no guarantees that penalties will not accrue in the future.

Mr. Paton confirmed that the District has exhausted all of its appeals.

Ms. Heafy noted that FEMA's letter threatens to provide no future support if repayment is not made and asked if the District could request an extension. Mr. Paton indicated that he was advised that payment is due now.

Mr. Wrathell pointed out that the District could encounter a storm event such that the District's current reserve is not sufficient and FEMA assistance is necessary.

Mr. Capko discussed that this is not the only district affected. He noted that FEMA has provided funding for large portions of preventative projects, such as in the Ranger Drainage District.

Mr. Wrathell explained that the Board could view the situation as having received a 0% interest loan that it is now in a position to repay, as compared to having paid interest on the SunTrust loan for the remainder of the work that was completed.

Regarding Mr. Runge's questions about what the District is doing to ensure that this situation does not happen again, Mr. Selchan explained that the District now contracts with the same providers that the City is using for disaster recovery.

Discussion ensued regarding whether the City was successful in their appeal to FEMA. It was believed that FEMA reduced only \$30,000 from the \$5 million that the City owes back.

Mr. Morera voiced his opinion that FEMA's request for full reimbursement of the funds because documentation cannot be provided for a small amount of the work due to the companies being out of business is extremely unfair.

Mr. Selchan recalled that the denial is due to the inability to provide dump tickets for the final disposal of the materials by the contractor. FEMA requires complete cradle to grave documentation.

Mr. Prudhomme stated that residents have a blurred view between the District and the City and voiced his opinion that to risk blemishing the City, over repayment of the small amount of \$288,105, is not worth the risk of not receiving funds in the event of a major event. He suggested that the District absorb it and move on.

Ms. Heafy stressed that the most recent Board, District Manager, District Counsel and the District Engineer had nothing to do with this matter. Mr. Prudhomme acknowledged Ms. Heafy’s point but voiced his opinion that the situation cannot be explained away. Mr. Prudhomme was concerned that if the District does not repay the money to FEMA, it could negatively impact the decision of future businesses to relocate to Coral Springs. Mr. Paton pointed out that the new Board and Staff successfully obtained grants, subsequent to Hurricane Wilma, to make significant improvements. Mr. Prudhomme stated that he does not underestimate the District’s accomplishment.

Mr. Prudhomme feels that the District can pay FEMA knowing that it did all it could to fight the repayment.

Mr. Wrathell stated that the Board is at the point where it must make a decision regarding whether to repay FEMA.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, authorizing payment of the FEMA invoice amount for reimbursement of funds received, with the payment being remitted to the Department of Emergency Management, in Tallahassee, Florida, was approved.

TWELFTH ORDER OF BUSINESS

Update: Corporate Park [CW]

Mr. Wrathell recalled discussion of Mayor Bocard’s vision for the Corporate Park, at the January meeting. He noted drainage issues related to private property within the Corporate Park. Mr. Wrathell indicated that the Mayor asked the District to address certain canals with high visibility.

Mr. Morera stated that he toured the Corporate Park with Mr. Selchan to familiarize himself with the canal conditions. He indicated that he and Mr. Wrathell met this week with Mayor Boccard regarding the Corporate Park. Mr. Morera reported that Mayor Boccard believes that the visual aesthetics of the canals would not be conducive to a future CEO who is considering locating a business in the City. Mr. Morera explained that, regarding drainage, the requested work carries no impactful benefit but it would benefit the City to attract business. He feels that Mayor Boccard understands that his request is for purely aesthetic purposes.

Mr. Morera advised that the District would only address the canal.

Mr. Wrathell indicated that the purpose of the meeting was not only for this specific purpose; it was also to begin working with the City to move away from the City and District's combative relationship. The concept of moving beyond the battles was discussed with Mr. Morera and Mayor Boccard; however, as a result of receiving the notice of an operational audit, Mr. Wrathell asked Mayor Boccard if there is an end to the City's game or if the City will continue on and on. Mr. Wrathell stressed to Mayor Boccard that the District would like to work with the City and believes that there is an opportunity to do so; if the City intends to work together with the District, the District wants Mayor Boccard's support to make it happen. Mr. Wrathell advised Mayor Boccard that the political battling is not productive and is delaying important projects.

Mr. Wrathell indicated that Mayor Boccard's main projects include cleaning up the Corporate Park and redeveloping the Sample Road/University Drive area. He explained to Mayor Boccard that the District has budget constraints and cannot simply address the aesthetics of the Corporate Park, when the District has other functional needs. With that in mind, Mayor Boccard asked if the District could begin with the northern canal. Mr. Wrathell informed Mayor Boccard of the canal cleaning projects approved at the last meeting. He noted that the Board discussed obtaining a definitive written plan from the City. Mr. Wrathell suggested to Mayor Boccard that the District and City put out a joint press release detailing their joint efforts in the Corporate Park, as part of the City's larger plan. Mayor Boccard assured Mr. Wrathell that he would do what he can to rein in the battling between the City, the City Commissioners and the District, so that all parties can work together in a cooperative relationship.

Mr. Wrathell felt that the Corporate Park work is an opportunity to build goodwill with the City.

Discussion ensued regarding exactly what the District is being asked to do. Mr. Wrathell recommended selecting a segment. He stressed that completing this work could possibly lead to dissipation of some of the resistance related to Canal Z, if residents see that the City is working with the District.

Ms. Heafy noted Senator Ring's actions and pointed out that the Board should be prepared, as the City wants to take over the Sunshine Water Control District's entire Board. She noted that the District's drainage issues will not end simply because the City puts its own people in place and runs the District's Board.

Mr. Morera felt that the objective is to find a project that the District can work with the City on, which will have a beneficial impact to the District's long-term relationship with the City. He believes that the time and resources expended for the initial process and the long-term benefit that might be gained could make future projects far more manageable, going forward. Mr. Morera summarized that there may be no drainage benefit to the project but it will create a more workable environment with the City.

Ms. Heafy pointed out that the District has limited funds. She asked which canals will be addressed and how much it will cost.

Mr. Morera suggested tasking Staff with identifying canals and estimating the cost.

Mr. Ernest-Jones felt that, as this project is intended to be a show of good will, the Board should set a monetary value to which the District Engineer can determine where the greatest amount of impact can be achieved for the specified amount of money.

Mr. Wrathell recalled that the Board approved silt and plant removal, along certain canals, at the last meeting and explained that this project would be the same scope of work. Mr. Selchan noted that the subject canal is covered with trees, meaning that there will be a high cost to remove trees and mitigate the conditions. It was suggested that, as part of the cooperative relationship, the City should waive tree mitigation for that work, since it is at the City's request and for the City's benefit.

Mr. Morera discussed obtaining bids for the specific canal, once it is determined.

Mr. Selchan stated that estimates can be obtained. He stressed that, if the District is going forward with the work requested by Mayor Bocard, the City should assist the District to enforce the maintenance requirements of the individual business owners to maintain their own

property. If the District beautifies the area, the businesses should keep the area maintained, as required.

Mr. Wrathell suggested selecting a canal and approaching the City with the parameters of the District completing the work, including waiver of tree mitigation, since this is a City-requested project. He also suggested that the City enforce maintenance by the adjacent property owners.

Mr. Capko felt that the City will be afraid to not require tree mitigation. Mr. Ernest-Jones believes that the City will tell the District that it cannot waive tree mitigation. Mr. Capko suggested that the District point out that it only has a set amount of money for the project; therefore, if the City agrees to contribute the cost of tree mitigation, the District can complete the project. Mr. Prudhomme voiced his opinion that the City would be a willing participant to that arrangement, as the City will do everything they can to acquire the prospective Corporate Park tenant.

Staff will evaluate the subject canal and present a cost opinion at the next meeting. Mr. Wrathell believes there will be less resistance from property owners, as they are all businesses.

Mr. Ernest-Jones suggested that, if this project is to truly be a partnership with the City, the District could offer to clear the canals and leave the tree removal work to the City.

Mr. Wrathell reiterated that the District has a finite amount of money so, if the City participates and helps the District with tree removal in the ROW, the District could complete more or the entire canal. He speculated that the District can only spend about \$200,000 on this project, which would cover only about one-third of the canal; however, if the City absorbs some of the cost, there is a greater chance of completing the entire canal.

Mr. Morera directed Staff to coordinate with the City on the details of the deal and project. Mr. Wrathell will speak with Mayor Boccard to determine if there is any support for this approach. The District Engineer will develop an estimate of the excavation costs. Mr. Wrathell stressed the importance of the City truly participating in the project and the City and District issuing a press release of the partnership, rather than the District simply completing the work to make the City happy; both parties benefit positively.

Ms. Heafy voiced her disappointment that Canal J work was not completed during the dry season. Mr. Morera and Mr. Selchan stated that the work will be completed soon.

Ms. Heafy mentioned that South Florida Water Management District (SFWMD) is considering infrastructure work such as widening, deepening and other work on their canals.

Mr. Morera reported that the Multi-Cultural Festival last weekend was a great success. He indicated that the City's 50th Anniversary Committee is having a Birthday Bash, on July 10, 2013, and suggested that the District consider sponsoring a booth at the event; sponsorship fees range from \$750 to \$2,000. Ms. Heafy voiced her opinion that the District should not use taxpayer money for these types of things. Mr. Capko stated that the District would not be prohibited from this type of donation or participation. Mr. Prudhomme felt that there is no value in contributing to the event; it would not further the District.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

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

B. Engineer: *IBI Group*

i. Permit Application Review

- **10188 NW 31st St., South Florida Dentistry for Children, P.A.**

Mr. Donahue presented the permit application for the Board's consideration and recommended approval of a right-of-way permit, subject to the ten (10) special conditions set forth in the recommendation letter dated April 3, 2013.

Mr. Howard Jablon, of A. J. Hydro Engineering, Inc., confirmed that he agrees to all of the conditions suggested by the District Engineer and has no questions.

Mr. Morera commented that he finds it difficult to read the drawings and plans included in the permit applications due to size and clarity. Mr. Donahue indicated that 11" by 17" drawings could be included.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the South Florida Dentistry for Children, IBI Job #22761, right-of-way permit application, subject to the special conditions set forth in the recommendation letter dated April 3, 2013, was approved.

ii. Permit Application Log

The permit application log was included for informational purposes.

iii. Monthly Engineer's Report: 03/06/13 to 04/03/13**Regarding Pump Stations 1 & 2**

Mr. Ernest-Jones indicated that work is being completed on the final items. Vibration issues continue and are becoming extremely difficult to solve. Testing was performed yesterday and low frequency vibration remains. The issues will continue to be addressed. MWI has performed all requested work; however, the problem persists.

Mr. Ernest-Jones had nothing additional to report regarding the Canal AA-BB, East Outfall or Canal Z ROW vegetation removal projects. Miscellaneous vegetation removal is ongoing.

Mr. Donahue reviewed the canal dry excavation work that was approved at the last meeting and completed by Shenandoah Construction and USA Equipment Service, Inc. He presented "before" and "after" photographs of the canal conditions. Mr. Donahue reported that a total of 2,254 cubic yards was excavated from Canal D, at a cost of \$99,176.

Ms. Heafy questioned if this was a main drain canal. Mr. Donahue clarified that it is not a main canal; however, the canal had easy access during the dry conditions and no trees needed to be removed. This canal has always had maintenance issues and collects a lot of debris.

In response to Mr. Prudhomme's question, Mr. Donahue indicated that, as part of the contractors' contracts, the excavated debris must be legally disposed of off site. Mr. Prudhomme questioned if the dirt could be offered to neighborhoods in Coral Springs to use for creating berms, etc. Mr. Ernest-Jones advised that the material is not good; it contains a lot of debris and is not the best soil for planting.

With the continued dry conditions, Mr. Donahue indicated that a portion of Canal J was identified as the next candidate for dry excavation, at an estimated cost of \$40,000 to \$44,000. He noted that work cannot commence now due to the heavy rain last week; however, if dry conditions return work could begin.

Mr. Morera inquired about lowering water levels in the canal. Mr. Selchan stated that the District cannot; however, the District could hire a contractor who could dewater an area, so work could be performed.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the expenditure of not-to-exceed \$40,000 for dry canal excavation of Canal J, subject to dry conditions and the previously agreed upon unit price, was approved.

Mr. Donahue recalled that the Board approved dry canal excavation of Canal LL, at the last meeting. USA Equipment Service, Inc., excavated 685 cubic yards at the agreed upon price of \$44 per cubic yard. Minor cleanup remains. Turbidity in the water continues and “after” photographs will be provided once the water clears.

Mr. Ernest-Jones commented on the good working relationship between the District and Saveology Iceplex to complete the work. In response to Mr. Wrathell’s question, Mr. Ernest-Jones confirmed that the \$30,000 contribution for excavation of the canal, which has been held in escrow, can be used towards this project. Mr. Wrathell asked the District Engineer to note this on the invoice.

Mr. Ernest-Jones recalled that, when the District proposed extra retention for Fire Station #71, the City was to contribute \$30,000. He stated that the perfect use of that money would be for canal excavation in the Corporate Park. Mr. Ernest-Jones explained that the City would have spent \$140,000 to meet requirements, if the District had not offered the necessary retention, in exchange for \$30,000, which resulted in a huge savings for the City. Discussion ensued regarding whether the District received this \$30,000 from the City.

Mr. Ernest-Jones indicated that he prepared a presentation detailing the importance of Canal Z. Mr. Morera asked that the presentation be held to the next meeting. Mr. Ernest-Jones asked that the Canal Z presentation be included as an agenda item for the next meeting.

C. Engineering Consultant: *John McKune*

Mr. McKune noted that every item discussed tonight came down to money and voiced his opinion that the Board needs to change its approach, as lack of money is always the case. He stated that the District is a utility and the reality of the conditions should dictate what must be done, with how to pay for it coming later. He pointed out that the District’s “rates” are low compared to the service that the District provides to the community.

Regarding box culverts, Mr. McKune recalled discussions with others regarding why box culverts could not be used instead of canals. He noted that box culverts are expensive but

effective and improve drainage, while requiring less maintenance. He had proposed that the City partially fund such a project. A project such as this would create areas for parks, etc.

Mr. Wrathell stated that box culverts were mentioned during discussions with the Mayor regarding the City's Sample Road redevelopment project.

Mr. Wrathell questioned what box culverts would do to the District's retention capabilities and the implications associated. Mr. Selchan felt that box culverts would improve the District's retention capabilities because a box culvert has the same capacity to hold water; however, it is not open to the same rate of evaporation. Mr. Selchan stated that box culverts allow water to be stored underground. Mr. Selchan agreed that eliminating unsightly canals with box culverts would create usable green space within the community.

Mr. Selchan explained how box culverts would function in certain areas.

Mr. Ernest-Jones stated that the key to selling the box culvert approach is to consider it from a lifecycle cost analysis standpoint, rather than looking at the initial cost to implement.

Mr. Prudhomme asked if structures could be built on top of box culverts. Mr. Ernest-Jones indicated that parking can be on top but structures are not advised. Mr. Prudhomme asked if the newly created green space, which was previously a canal, would still be the District's property. Mr. Ernest-Jones replied affirmatively. Mr. Selchan indicated that access for maintenance would still be necessary.

Mr. Wrathell discussed trying to incorporate this approach into the City's plans for certain areas.

Discussion ensued regarding the way canals and/or drainage ditches were built. It was noted that they are built quite differently in newer developments, due to recent regulations and requirements. The District has small narrow ditches that are not very deep and cannot be deepened because there is no sufficient bank area to accommodate a deeper ditch. The western areas were dug much deeper because the developers wanted the fill material.

Mr. Morera thanked Mr. McKune for his input and observations.

D. Field Supervisor: *Cory Selchan*

Mr. Selchan stated that he attended the Broward Leaders Water Academy; the final meeting is this Friday. He encouraged everyone to attend the program if it is offered in the future, as there is much to be learned.

Mr. Selchan indicated that the District received 3.5" of rain last week; prior to that, 2.5" was received over three (3) months. The rainfall increased water levels in each basin by nearly one (1) foot.

Mr. Selchan reported that repair and testing of the vibration issues continues.

Mr. Hulett reiterated that the Broward Water Leaders Academy is a finely run program providing very valuable information.

Mr. Morera indicated that a letter was received from Ms. Mary Macomber, a resident, acknowledging Mr. Selchan's efforts. Mr. Selchan stated that he will pass the comments and recognition to his staff.

E. Manager: Wrathell, Hunt & Associates, LLC

i. Approval of Unaudited Financial Statements as of February 28, 2013

Mr. Wrathell presented the Unaudited Financial Statements as of February 28, 2013 and the unreconciled cash balances. He indicated that the FineMark Bank Insured Cash Sweep (ICS) account currently has approximately \$3.5 million.

Mr. Wrathell pointed out that assessment collections, through February 28, were at 84%, which is slightly better than at this time last year. Interest income increased significantly and will likely come in over budget this year.

In response to Ms. Heafy's question, Mr. Wrathell confirmed that money will likely be taken from the disaster recovery funds to repay FEMA.

Mr. Morera noted that the legal budget is already at 62% at five (5) months into the fiscal year. He questioned how the budget will be impacted if legal exceeds budget.

Mr. Wrathell noted that these financials do not include the March invoice. He advised that the District has a tendency to ask District Counsel to research many things and recommended that the Board be more cognizant of the issues it asks District Counsel to comment on.

On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of February 28, 2013, were approved.

Mr. Morera referred to The Strange Zone invoice and asked for a breakdown of the work performed for the 12 hours billed, as he does not see drastic changes to the website.

ii. **NEXT MEETING DATE: May 8, 2013 at 6:30 P.M.**

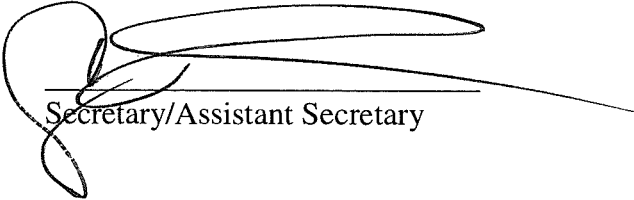
Mr. Morera indicated that the next meeting is scheduled for May 8, 2013 at 6:30 p.m.

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

Joe E. Moran

Chair/Vice Chair