

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, May 8, 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
Doug Paton	Wrathell, Hunt and Associates, LLC
Bill Capko	District Counsel
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Jim Endres	MWI
Derek Bixby	The Weitz Company
David Hulett	Resident
Joe Croce	CSID Resident
Rod Hailey	CSID Resident
Larry Vignola	City of Coral Springs Commissioner
Michael Goldberg	CSID Resident
Ruben Vazquez	CSID Resident
Anna Singh	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

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

- **Presentation of Recognition of Service Award to Mr. David Hulett, Sunshine Water Control District Past President**

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

Mr. Morera, on behalf of the District, presented Mr. David Hulett with a service award in recognition of his service to the Sunshine Water Control District.

Mr. Hulett voiced his appreciation for the District's recognition.

SECOND ORDER OF BUSINESS

Update: Canal Z

- **Project Update Presentation [RE-J/TD]**

This item was addressed after the ROW Clearing Summary.

- **ROW Clearing Summary [DP, TD]**

Mr. Paton presented the ROW Clearing Summary. He stated that he, Mr. Donahue and Mr. Selchan met with a majority of the Canal Z residents and resolved most issues. He reported that there are 15 residents, seven (7) in Eagle Trace and eight (8) in Cypress Run, who have failed to respond to any correspondence. The Saxon Woods condominiums were removed because there are no encroachments. They met with condo association representatives for all of the condominiums on the north side. Mr. Paton noted that the May 1 deadline date has passed.

In response to a question, Mr. Paton confirmed that issues were resolved with all but a few of those residents that he met with.

Mr. Morera felt that the 85% response rate is very good.

Mr. Prudhomme indicated that Commissioner Larry Vignola reported receiving calls from people that the District's representatives visited over the weekend. Mr. Paton advised that no meetings were held over the weekend.

Mr. Prudhomme stated that he was told those meetings took place over the weekend. He reported that some residents want to build fences but the District told them no. Mr. Prudhomme acknowledged that the District is not the end decision maker on the fence issues; rather, the City of Coral Springs has an ordinance against fences.

Mr. Paton clarified that the City's ordinance prohibits placement of a fence on someone else's property; a resident can place a fence on their own property but not on property they do not own.

Mr. Prudhomme indicated that Commissioner Vignola raised awareness that, last October or November, an issue was brought to the City of Coral Springs Planning and Zoning Board. The residents who attended were not there to discuss District business, only the fences. The Planning and Zoning Board gave a negative response, at that time, resulting in an unfavorable recommendation to the City Commission. Mr. Prudhomme felt that the City Commission is open to talking to those residents regarding fences; however, there must be a dialogue along with the District. Mr. Prudhomme voiced his opinion that the District is not currently willing to have that dialogue under the auspice of "it is not allowed by the City of Coral Springs so it will not even be a discussion".

Mr. Wrathell recalled discussion, at the last meeting, regarding potentially allowing fences. He noted that the City's codes do not currently allow fences in the District's right-of-way (ROW), which was confirmed by Mr. John Hearn, City Attorney. Mr. Wrathell indicated that he contacted Mr. Hearn to discuss possibly allowing fences in the 10' vegetative buffer but Mr. Hearn advised him that, even if the District were to allow fences, City code does not permit it. In the past, Mr. Hearn circulated a draft ordinance that would amend the City's code to allow fences, under certain conditions.

Mr. Wrathell noted that Coral Springs Improvement District (CSID) previously requested flexibility in the City's code, with fences being allowed in ROWs, as long as they were not within 25' of the water's edge. In conversations at the last meeting and with Mr. Morera and Mr. Hearn, Mr. Wrathell pointed out that the District already invested a lot of work on the Canal Z Project and, if they were to allow fences in ROWs, the District would want them to be at least 35' from water's edge, which is what was offered with the vegetative buffer option. Mr. Wrathell recalled that the Board rejected the fence concept at the last meeting but can reconsider it. He stressed that the City's code is what currently disallows fences in ROWs, along with the District's policy to not allow fences in its ROWs. He reiterated that the Board briefly discussed allowing removable fences in the 10' vegetative buffer but it is really not an option, as the City's code does not permit ROW fences. Mr. Wrathell indicated that he also communicated with Mr. Joe Croce, a resident, regarding this. Even if the District allowed ROW fences, it would require the City to amend its code that currently disallows them.

Mr. Prudhomme advised that, based on today's telephone call, there is potential for the City to discuss it, if the District approaches them; he feels that a resolution could be reached, which could make residents happier. Mr. Prudhomme indicated that he voted against allowing fences, at the last meeting, because he asked how many people are against it or fighting it and was told that 90% were agreeable to the Canal Z clearing. Mr. Paton confirmed that the percentage of residents who are agreeable is high; however, of the 85% that the District met with, a few indicated that they will not sign anything. In response to Mr. Prudhomme's question, Mr. Paton confirmed that the percentage figures relate only to those residents along Canal Z. Mr. Paton reiterated that, for a majority of the people he met with, all issues were resolved; some do not want to lose their privacy but are understanding of the importance of the canal work.

Mr. Wrathell recalled concern expressed by Staff and the Board, at the last meeting, that, once fences are allowed in the ROW, the District would be faced with having to allow fences

District wide. He felt that the only way this will work is for the District to work with the City and establish a finite, definitive measurement, beyond which a fence cannot be placed. If fences were to be allowed all the way to the water's edge, all ROW access would be blocked.

Mr. Morera indicated that operational impediments were of concern, in the event of a catastrophic event. He wondered if the District would be responsible for repairing a fence, if it was damaged while gaining access in an emergency.

Mr. Prudhomme acknowledged Mr. Morera's question but stated that, if the City discusses the concept of allowing fences in ROWs, it could take some of the vitriol out of this situation. He stated that, since the last meeting, he spoke with the City Manager, Commissioner Vignola, and a few others. With the idea that the canals need to be cleaned and instead of destroying backyards with the 10' buffer so that trucks can access the canals or strangers can access, Mr. Prudhomme recommended performing maintenance on a schedule, meaning every three (3) to five (5) years. He felt that, with this approach, residents will know that workers will be in their backyards and, if a backyard is damaged, in the process, the District will make it right. Mr. Prudhomme suggested that, in the event of a hurricane, the District could use a bulldozer, as there will already be damage.

Mr. Wrathell pointed out that, from Hurricane Wilma, the District learned that many adjacent trees to the canals fell into the canals and impeded water flow. Of consideration is the need for access, from a routine operation and maintenance perspective, along with the cost to clean up and repair damage after Hurricane Wilma. Regarding the trees, etc., which fell into the canal during Hurricane Wilma, Mr. Wrathell stressed that those items present a real problem in a main drain canal, as they obstruct water flow and create the potential for flooding.

Mr. Wrathell noted that the District owns the ROW, the Board has developed a very flexible policy including relocating items and allowing the 10' vegetative buffer and an alternate approach to excavation was developed. These factors and options led to more agreement from residents. Mr. Wrathell stated that Mr. Croce's last question was whether fences could be extended into the 10' vegetative buffer, which Mr. Croce felt would satisfy any remaining resident concerns.

Ms. Heafy felt that the District should move on; the fence issue must be worked out but, even if the City changes its code, fences cannot obstruct access.

Mr. Wrathell recalled discussing with Mr. Morera that, if the Board allowed fences in the vegetative buffer, it would be the property owner's financial responsibility, not the District's, should the fences become damaged or need to be moved.

Mr. Paton pointed out that the majority of fences along Canal Z are on the homeowner's property and there is no problem; however, six (6) or seven (7) homeowners have fences that are outside their property line and encroach into the District's ROW. The problem homeowners are those that were told they must move their illegal fence onto their own property. Mr. Paton noted the dilemma of allowing those with illegal fences to keep them, while other property owners followed the rules.

Mr. Wrathell stated that, if the District wants to offer removable fences within the vegetative buffer, as part of Option 3, other property owners should also be afforded the same option. If the City code is amended to allow fences in ROWs, those existing fences would no longer be illegal.

Mr. Prudhomme reiterated his opinion that the City will have the discussion about the code. Mr. Paton recalled that the City discussed it last October; Ms. Susan Hess requested comments about proposed changes to the City's fence ordinance and all of the water districts opposed it.

Commissioner Vignola stated that he was told that the City Attorney drafted an ordinance and planned to present it to the City Commission; Sunshine Water Control District, along with another district, advised that they were not willing to consider the option, at that time. He voiced his opinion that, although the Planning and Zoning Board did not give a favorable recommendation, the City Commission would probably allow fences within the 10' buffer. Regarding the details and the District's concerns about fences being too close to the canals, Commissioner Vignola indicated that the city ordinance lists "no closer than 25' from the canal", permission from the District must be given before the City would allow it. For example, if the District stated that the fence must be 35' back, that is what the City would permit. Mr. Vignola felt that, after their joint meeting, they discussed the possibility of allowing fences in that area. He acknowledged that the cleanup is a long process and that a lot of the vegetation must be cleared; however, he believes that no fences or trees placed 10' from the property line would fall into the canals. Mr. Vignola was confident that most residents would understand that, if something happens and the fence must be removed, replacement would be at the property owner's expense. He believed that a lot of conversation could take place between the City and

District, to do what is right for their mutual residents. Mr. Vignola stated that the ordinance could probably be placed on the City Commission's agenda, in the near future. He recognized that the District has bent a lot to accommodate residents and hoped that the issue can be resolved, with the District agreeing to allow fences in the 10' buffer zone. Mr. Vignola stressed the need to keep communicating.

Mr. Wrathell indicated that he discussed this matter with the City Attorney and summarized that this has gone from a business matter to a political issue. From the business perspective, the District is trying to perform the work necessary on Canal Z to improve the District's drainage system and regain access to the canals. Mr. Wrathell suggested that, if the last concession that the District needs to make is to allow fences in the 10' vegetative buffer, the Board should agree to it, in order to proceed with the Canal Z Project.

Mr. Vignola admitted that the District's job, with regard to drainage, is important and the City Commission wants things to run smoothly.

Mr. Selchan stated that, ideally, the operations staff would not want anything in the way of them doing their job. He discussed the need for free and clear access. Mr. Selchan noted his history of dealing with residents and pointed out that whatever is allowed for one (1) will need to be allowed for all. He indicated that the District has very narrow ROWs, compared to other water control districts in Coral Springs. Regarding the term "edge of water", Mr. Selchan felt that the term is not true to the situation, as the bank slope makes parts not usable. The correct term would be "top of bank". Unlike the other districts in the City, which have wider banks, if fences were allowed 25' back from the top of the bank, it would exclude 90% of the Sunshine Water Control District's canals. Mr. Selchan stressed that the other districts would be better able to accommodate their residents due to their wider banks; Sunshine could not treat everyone equally because of its narrower banks.

Mr. Wrathell indicated that he is referring to only those canals that have 45' ROWs; the policy would not apply to those ROWs that are 35' or less. He agreed that the District policy and City code should address the fact that 90% of the District's residents will not be able to install fences because 90% of the District's ROWs do not have enough room; they are too narrow.

Mr. Morera voiced his opinion that, once a policy is established, the policy should not be applied to a portion of the District, it should be applied to the entire District. Through today's discussion, Mr. Morera stated that Mr. Prudhomme changed his mind based on information he

obtained, since the last meeting; new information has caused him to rethink his position from how he previously voted.

Ms. Heafy stated that her position is likely as it was when she voted.

Mr. Morera indicated that he brought this option up because a resident approached him asking him to pose the question. Mr. Morera commented that he did not recall anyone ever asking about including fences in the 10' vegetative buffer, when this topic was previously discussed. He stated that the only thing mentioned was that the residents need something in place to shield them and provide privacy from the residents across the canal. They want a guarantee that the space would not to change, under future Boards. Mr. Morera asked when the fence concept arose because, even after reviewing the meeting and workshop minutes and listening to the audio, he does not recall it being discussed. Mr. Morera questioned how "provide assurance through the licensing agreement" has become a discussion about fences.

Mr. Paton indicated that fences became an issue late in the process.

Mr. Morera asked if, at some point, the fence option became a more acceptable option than the 10' vegetative buffer. Mr. Wrathell indicated that Mr. Croce brought up the fence matter at the end of the joint workshop. Mr. Morera reiterated that he listened to the audio but did not hear it discussed.

Mr. Morera wondered about future "additions" every time the District thinks it has reached a resolution. He asked what criteria would be established, as the District cannot simply tell everyone they can install a fence.

Mr. Wrathell stated that he told Mayor Boccard and Mr. Hearn that the District has been flexible and, if it decides to offer the fence option, nothing more that can be offered. He spoke of his vast experience with districts and noted that no district has ever made these types of concessions. Mr. Wrathell felt that, with the inclusion of the fence option, the conversation with reasonable people will end.

Ms. Heafy discussed the logistics of fences within the 10' buffer, as it relates to the City's requirement for hedges along the outside of fence lines. Mr. Vignola suggested that the fences be installed at 8' or 8.5', leaving room for the hedge on the outside of the fence. Mr. Wrathell confirmed that everything must be within the 10' vegetative buffer.

In response to a question, Mr. Wrathell stated that the access issue is the same whether the resident has a fence or vegetation within the 10' buffer. Discussion ensued regarding

whether City code requires hedges behind a fence. It was confirmed that landscaping is required; it could be hedges, bushes, or something else.

Commissioner Vignola indicated that, if the District allows fences, the City will inspect it, measure and ensure that the property owner's fence, including the required landscaping, is within the 10' buffer area.

Ms. Heafy pointed out that, for some of the existing fences, the property owners did not obtain a permit. She noted that some properties even have pools extending beyond their property lines.

Commissioner Vignola advised that those issues are something that the City will work out with the District.

Mr. Wrathell voiced his understanding that Commissioner Vignola is stating that the District will have the Commission's support to help ensure that property owners remain within the constraints of where they should be and not further encroach into the ROW. Commissioner Vignola clarified that he cannot speak for the other commissioners.

In response to a question, Mr. Morera confirmed that, if approved, the fences could be placed within the 10' buffer and all vegetation must also remain within the buffer.

Mr. Capko recalled this discussion with the City, related to another district, where the process was being made too complicated. He stated that all that was needed was for the City to say that a party could not install a fence on property that they did not own but, if it was a ROW, they could do so with prior written consent of the district, rather than enacting a hard rule that may not work for each District. He indicated that the City was adamant that they want a policy that is the same for everywhere within the City.

Mr. Morera stated that he would favor working in conjunction with the City to develop an ordinance that would satisfy both the District and the City. Once the District and City reach a consensus of the details and criteria, the Board and Commission should vote on it. Mr. Morera felt that he currently does not have enough information to vote on this matter.

In response to Mr. Prudhomme's question, Commissioner Vignola confirmed that he should be able to get this item on the Commission's June agenda. Mr. Prudhomme suggested that, prior to the Board making a decision, they should have the Commission weigh in on the matter and, if the Commission supports it, the District could then vote on it. Mr. Prudhomme stated that the question before the Commission would be "Are you going to support these fences

in the 10' buffer?" If the answer is yes, the District can go forward. Mr. Prudhomme felt that the Board should not waste time on the matter until it knows the Commission's position.

Commissioner Vignola recommended that the Board inform the Commission of their interest so that the matter can be placed on the Commission's agenda. He stated that the City's language in the ordinance would be "not closer than 25' to the canal" or the District could specify 35'. Commissioner Vignola stated that this is meant to accommodate residents along the canal, while keeping the 10' buffer. He felt that this is a happy medium for all parties.

Mr. Wrathell indicated that the Board can ask the Commission to consider this item and volunteered to draft an email for Commissioner Vignola to ask for consideration. Discussion ensued regarding the importance of including all details.

Commissioner Vignola pointed out that, even if the City changes the ordinance, the District must still sign off on any fences before the City issues a permit; if it will not work, the District can indicate that. This approach gives the District control over where fences can be installed.

Mr. Wrathell expressed his concern about the possibility of future issues, if the District is unable to allow the 25' amount along other canals, where upset residents once again approach the City Commission.

Once the District and City come to an agreement, Mr. Morera questioned how the District defends its position, if there is a future challenge.

Mr. Wrathell indicated that exceptions were given in the past, such as a location in Eagle Trace that has a fence in the District's ROW, which was pushed for and agreed to by the City Commission.

Mr. Morera summarized that the Board will ask Staff to engage the City in finding out more information regarding an agreeable process to perhaps consider the addition of fencing, along with plant material, not to exceed the 10' buffer, and all other associated concerns. He stated that, once the City and the District reach a workable agreement, the Commission will discuss it to determine their support; if the Commission passes the plan, the District will then determine if it agrees.

Mr. Paton indicated that this approach does not need to stop the District's clearing of the remainder of the ROW. Mr. Wrathell felt that the District can proceed with obtaining bids.

In response to a question, Mr. Donahue clarified that a 10' foot buffer will not always be allowed; for instance, in Eagle Trace, west of Coral Ridge Drive, the District can only allow a 5'

buffer, due to limited space. A 10' buffer can be allowed between Coral Ridge Drive and Coral Springs Drive. Ms. Heafy felt that these facts must be written, as she keeps hearing the term 10' buffer. Mr. Wrathell stated that the 10' buffer only applies to what the District is granting; he recommended terming it 25' from top of bank or 35' from water's edge. Mr. Paton explained that the 10' buffer concept was dependent on there being a 45' wide ROW; Eagle Trace only has 20' to 25' ROWs. Mr. Paton indicated that the residents in that area understand the limitation. Mr. Wrathell pointed out that the fence option will not be available to those residents, as fences are not allowed by the HOA.

Mr. Selchan advised that "edge of water" will not work; it must be "top of bank."

Mr. Donahue reviewed the measurements. He stated that, for the proposed cross section, there is approximately 15' of lake bank with a 4:1 slope, followed by a 10' flatter surface for maintenance vehicles and a 10' buffer. Mr. Donahue summarized that, from the existing ROW line to edge of proposed water is 35', 10' of which the District is offering as a buffer.

Mr. Morera pointed out that, in Mr. Donahue's scenario, only 10' of space is operational for access for maintenance purposes. Mr. Donahue stated that the absolute minimum needed by the District is 15' of 4:1 slope and 10' flat access.

Mr. McKune noted the difficulty in determining "top of bank". Discussion ensued regarding determining elevation. Mr. Wrathell suggested communicating to the City that the edge of water would be based on an established elevation, with the District proposing 35' up from the water's edge elevation. Mr. Wrathell noted that CSID proposed 25'. Regarding elevation, Mr. Donahue indicated that, for design purposes, the control elevation is 7.5'.

Regarding elevation and required feet, Mr. Wrathell voiced his opinion that the space the District is asking for is what has been determined as necessary; therefore, the District is not making any further compromises, other than allowing fences in the 10' buffer.

Mr. Wrathell discussed the progress the District has made, over the recent years, to clear ROWs, clean canals and build new pump stations.

Mr. Morera indicated that he is not fully convinced, as he feels this will create more problems; however, he is willing to entertain the option to overcome the problem in this particular area. He wants to ensure that, once this single matter is addressed, nothing else, aside from a catastrophic matter, should further impede the District's progress forward. Mr. Morera questioned what else could possibly come up.

Mr. Paton noted that the District was criticized by many people for poor communication; however, when the District met with the City regarding the issue of illegal, unpermitted fences, the City told the District that they are not concerned about illegal fences. The City informed the District that, if the fences are illegal, it is the District's problem to handle. Mr. Paton indicated that, based on that, the District required everyone with an illegal fence, along Canal AA-BB, to relocate their fences. He stated that the District proceeded the same way regarding illegal fences along Canal Z but now the District is contemplating waiting for the City Commission's position on the matter, which could result in further communicating to residents that they can keep their fences, etc. Mr. Paton felt that, either way, the District is trying to be fair but is caught in the middle. He reiterated that these decisions should not delay the rest of the project.

Mr. Wrathell summarized that the only thing that is changed is the prospect of allowing fences within the previously approved 10' vegetative buffer.

On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, authorizing Staff to contact Commissioner Vignola and copy the City Manager and City Attorney, for placement of the fence matter on the City Commission's June 5, 2013, 9:00 a.m., agenda, to determine if the District has the Commission's support, was approved.

Mr. Donahue reminded the Board of the schedule and the need to be released to advertise the vegetation removal project. He felt that it will be difficult to obtain contracts in time for the June meeting but everything should be ready for review and approval at the July meeting. This will allow for completion of the project August through October. He noted that adjustments can be made as an addendum to the bids or as a change order, once the contract is awarded.

▪ **Project Update Presentation [RE-J/TD]**

Mr. Donahue discussed the three (3) water control districts servicing Coral Springs. He presented photographs showing that the other districts have significantly more water surface and green space than Sunshine Water Control District. Mr. Donahue pointed out that this District is much denser, with smaller canals. He found that almost two-thirds of the District's ROWs are 70' or less; the other districts' ROWs are all at least 80'. Canal Z and Canal A are the exceptions. Mr. Donahue indicated that these findings are significant to show the limits to the District's ROWs.

Mr. Donahue reviewed the western end of the West Basin, near the Corporate Park, Westchester and Canal Z. He recalled discussing hydraulic head loss and stated that it is caused mostly by friction of water flowing over a surface or through a pipe. The head loss, through the open canal and various culverts, causes the water levels to remain higher upstream, whether it is at the west outfall, top of Canal Z or passing through Westchester and the Corporate Park. Mr. Donahue explained that, with a heavy rain, it takes a long time for the District’s canal flow to stabilize. He indicated that the goal of the canal excavation and culvert projects is to continuously cut the head loss. Mr. Donahue noted that the 84” culvert installed at Coral Ridge Drive and Royal Palm Boulevard was larger and deeper, which cut friction loss; flow is now quicker. Once Canal Z excavation is completed, friction and head loss will be cut, allowing water to flow smoothly towards the west outfall. Mr. Donahue indicated that the remaining canals will be prioritized, going forward.

THIRD ORDER OF BUSINESS

Authorize Staff to Publish Bids/RFQ/RFP for Canal Work

Mr. Donahue reiterated the need to get this out to bid and stated that everything should be ready for the Board’s review and approval in July. In response to Mr. Morera’s question, Mr. Donahue recapped that any changes or fence related items can be handled as a bid addendum or through change orders, after the contract is awarded.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, authorizing Staff to Publish Bids/RFQ/RFP for canal work, was approved.

FOURTH 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. Joe Croce, a Canal Z resident, voiced his appreciation for the Board’s consideration of allowing the 10’ buffer, including fences.

Mr. Rod Hailey, a Canal Z resident, felt that everyone is trying to be good neighbors; they have maintained the ROWs and invested money in the backyards. He noted that Staff

visited his home. Mr. Hailey referred to the notion that the District is “resolving the issue”. He believes they are resolving to have a successful conclusion; however, in his opinion, there has not yet been a successful conclusion. Mr. Hailey admitted that he did not return his forms because he still has questions. Regarding the District’s plans to approach the City, Mr. Hailey asked what he should do with his forms.

Mr. Paton indicated that the plan will proceed. If Option 3 is selected, the respondents will be given the 10’ buffer, regardless of whether the City agrees to allow fences.

Mr. Dave Hulett, a resident, felt that the discussion is getting bogged down. The discussion is about the second step in the Capital Improvement Plan (CIP), which is the dredging of six (6) miles of main drain canals. He explained that, since the new pump stations are operational, the main drains must be brought down to elevation zero; many are higher, which is why certain areas flood. Mr. Hulett reminded everyone that the big picture is not to satisfy a handful of residents who want fences; the Board is forgetting about the main purpose of the CIP. The key is to gain access to the canals in order to complete the dredging. He questioned having an hour and a half discussion on whether a couple of people can install fences in the 10’ buffer. Mr. Hulett warned that, if the 10’ buffer is not offered in all areas, residents who are not offered it will question why. He voiced his opinion that allowing fences on District property is a bad idea and, if fences are allowed along Canal Z, the District will be forced to allow them along the full length of the main drain canals. Mr. Hulett concluded that the work is related to flood prevention and building a canal system that works in times of crisis; it is not about a fence or tree program.

Mr. Hulett thanked the Board for recognizing his years of service and voiced his hope that the CIP will continue forward.

Mr. Michael Goldberg, a Canal Z resident, voiced his opinion that, in an emergency, it is easier to move a fence than to remove trees. He voiced his frustration, as he believes that the property values will fall immediately, once trees are removed. Mr. Goldberg spoke of the time and money that residents have invested in their backyards. He questioned whether the HOA that does not allow fences would be able to enforce their policy if the District allows it in the buffer, which is on a ROW. Mr. Goldberg felt that allowing fences in the 10’ buffer may give property owners a loophole around the HOA policy against fences.

Given that the buffer already went from 10' to 5', in his area, Mr. Goldberg asked if there is a chance that it could be reduced to zero, once the District starts grading the land. Mr. Donahue indicated that grading was allowed for in the plans.

▪ **Discussion: Canal Bank 4381 NW 75th Ave., and Box Culvert Concept [DCP]**

Mr. Prudhomme indicated that he visited Ms. Anna Singh's property, following her attendance at the last meeting. He stated that trees have grown over the canal. He reported that Ms. Singh's backyard has no grass so soil is washed into the canal when it rains. Mr. Prudhomme advised that some homes have cracks and separations in their foundations, which might be a homeowner's insurance matter, not a District problem.

Mr. Prudhomme stated that Ms. Singh is agreeable to whatever the District determines must be done. Regarding adjacent homes that do not have the soil erosion problem, Mr. Prudhomme speculated that the mature sod, in those yards, is preventing the soil from washing away. He recalled discussion with Ms. Singh and Mr. Wrathell about building up the property and installing a box culvert. Mr. Prudhomme recognized that such an approach would mean Ms. Singh and her neighbors would no longer have waterfront property. The expense would also be great. Mr. Prudhomme conceded that a box culvert is overkill; he feels that burying a silver cylinder in the canal behind Ms. Singh's property would resolve the problem, without affecting the adjacent homeowners.

Mr. Prudhomme suggested that other, less expensive, solutions include building up the land, installing sod and waiting for it to mature. He stated that he asked Ms. Singh to attend tonight's meeting. Mr. Prudhomme felt that the District should try to help Ms. Singh.

Ms. Singh confirmed that she is willing to accept the District's decision.

Mr. Morera indicated that he visited the site and acknowledged that it needs work. He asked Mr. Selchan if his staff can work on the problem.

Mr. Selchan stated that his staff cannot perform the work but the District could hire a landscape company to complete it. Given the hardscape on Ms. Singh's property, along with the straight runoff, Mr. Selchan doubted whether sod could be kept in place. Mr. Selchan noted that the runoff was not the issue when he spoke with Ms. Singh; she was concerned about the holly trees and other overgrowth. He informed Ms. Singh that the current conditions, in that area, do not allow staff to perform even basic maintenance, such as spraying the trees.

Regarding the concept of a culvert pipe, Mr. Selchan stated that it would block him from using a boat, which would require ROW clearing on the other side. Additionally, residents

would likely resist that concept because it essentially provides a bridge for others to freely access the homeowner's property. Mr. Selchan felt that the best solution is to clear the ROWs in order to provide better maintenance.

Mr. Morera asked what can be done in the short term. Mr. Selchan agreed that the sod approach could be attempted. Regarding the possibility of installing a seawall, Mr. Selchan indicated that the canals do not have seawalls.

Mr. Prudhomme asked if riprap is an option. Mr. Selchan indicated that Ms. Singh would probably like it but the residents behind her probably would not; aesthetically, he feels that keeping the area green should be the first option. Mr. Selchan felt that anything hardscape, such as riprap, should be the District's last option.

Discussion ensued regarding the overgrown trees. Mr. Selchan confirmed that the overgrown trees are nuisance trees. Ms. Heafy indicated that code enforcement should cite Ms. Singh's neighbors and force them to cut the trees down. Mr. Selchan offered to revisit the matter with code enforcement but voiced his opinion that they will not force someone to cut down a tree. Ms. Heafy pointed out that the City wants nuisance trees removed.

Mr. Wrathell suggested presenting pictures of the conditions to the City and asking them for assistance.

Ms. Heafy questioned if the District plans to proceed with making repairs on Ms. Singh's neighbors' properties.

From an engineering perspective, Mr. Donahue indicated that this situation highlights why the District has a master plan for clearing the ROWs and maintaining them. He cautioned against a piecemeal approach; if work is performed for one (1) property owner, the District must be prepared for future requests. Mr. Donahue felt that the District should try to adhere to its master plan of addressing canals systematically; eventually, Canal A will be addressed.

Mr. Selchan discussed that Canal A is a box cut canal, which does not look much different from how it looked 30 years ago; it would be filled in by now if all of the banks had caved in. Mr. Selchan reiterated that every time he spoke to Ms. Singh, her concerns were about the trees; therefore, if the District wants to address Ms. Singh's concerns, it should focus on the trees.

Mr. Prudhomme agreed that the District should consider the trees first and possibly report the matter to code enforcement. He pointed out that the only solution seems to be to build up Ms. Singh's property; however, the District's role is not to aesthetically improve individual

properties. Mr. Prudhomme suggested that, if the trees are removed and Ms. Singh's property comes back to life, installing sod could be considered.

Ms. Heafy suggested that Ms. Singh contact the county agency or program that assists those in need of help.

******Mr. Prudhomme and Ms. Singh stepped out of the meeting at 8:37 p.m.******

FIFTH ORDER OF BUSINESS

Approval of April 10, 2013 Regular Meeting Minutes

Mr. Morera presented the April 10, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the April 10, 2013 Regular Meeting Minutes, as presented, were approved. (Motion passed 2-0)

SIXTH ORDER OF BUSINESS

Consideration of Certificates of Substantial Completion Agreements for Pump Stations & Culverts

Mr. Donahue indicated that several construction projects are coming to a close. Certificates of Substantial Completion are typical to the final closeout process. Mr. Donahue presented the forms and noted that each contains an exhibit listing the additional items to be completed.

Mr. Donahue reported that both culverts were satisfactorily completed, including final inspection by the City and County, with only the City and County's final paperwork pending, as listed on Exhibit A.

Mr. Donahue recalled lingering vibration problems at Pump Station #2; MWI is working on the issue and the District's vibration expert monitored and tested and concurs with MWI's findings. MWI has made vast improvements but very minor vibration problems linger. Mr. Donahue indicated that the Exhibit A – Items to be Completed list for each of the pump stations indicates that all vibration and operational issues must be resolved satisfactorily, to the agreed upon limit of 0.3 inches per second. The second condition is that MWI will provide a five (5)-year warranty on the electric motors and pumps. The third condition relates to full electrical testing of all pumps, motors, controls, etc., following FPL's installation of new transformers at

both pump stations. FPL anticipates installation of the new transformers to be completed by the end of next week, at Pump Station #2, and in early June, at Pump Station #1.

Mr. Jim Endres, of MWI, indicated that Pump Station #1 is free of vibration issues and all other issues were resolved. He advised that Pump Station #2 has experienced vibration issues and MWI is working to resolve those problems. Regarding vibration, Mr. Endres stated that Pumps 2 and 4 are just under the limit, Pump 3 is smooth and Pump 1 is still experiencing problems. He believes that a solution has been devised and MWI is in the process of manufacturing a bracket to mount to the back of the motor and provide additional support. Mr. Endres explained that the vibration is due to the motor housing moving around; it is not a bearing issue or anything to do with the water pump or motor.

Mr. Morera questioned why one (1) pump is experiencing problems but the others are not. Mr. Endres indicated that there appears to be a natural frequency of resonance or the natural frequency in the structure is very close to the running speed and is causing resonance. Noting that the warranty was extended, Mr. Morera asked if this could become a problem again, after the warranty expires and, if so, what happens.

Noting that the contractor is bonded to do the work, Mr. Wrathell asked if the Certificate of Substantial Completion enables MWI to release the performance bond. Mr. Donahue replied affirmatively. Mr. Wrathell stated that part of what protects the District is the performance bond on the work; if the District signs the Certificate of Substantial Completion, the bond would be released and the District could no longer call on the performance bond as a remedy, if there is a problem with the work. Mr. Wrathell summarized that, by signing the Certificate of Substantial Completion, the District would be accepting it as complete, with a few exceptions; however, the means of curing any problems would then be limited, as the performance bond would no longer be available. Mr. Wrathell stated that he does not understand the rush to issue the Certificates of Substantial Completion on the pump stations, when the vibration issue is not fully resolved, and wondered if there would be any current benefit to the District.

Mr. Morera also questioned the benefit of signing the Certificates of Substantial Completion, at this time.

Mr. Donahue indicated that the District continues to hold a substantial amount of money owed to MWI, which will not be released until all matters are satisfied, at which time, the five (5)-year warranty will also commence. Mr. Donahue noted the language includes a statement that the project is not fully released until the specified conditions are met.

Ms. Heafy and Mr. Morera stated that they do not want to sign the Certificates of Substantial Completion until the issues are fully resolved.

Mr. Derek Bixby, of The Weitz Company, stated that the performance bond remains active, as long as the District maintains the retainage it is holding. He explained that signing the Certificates of Substantial Completion does not release the performance bond; it only allows them to release their insurance and other items. Mr. Bixby advised that, technically, The Weitz Company still owns the buildings; the certificates allow the District to take ownership of the buildings but The Weitz Company would still be responsible for the uncompleted items listed on the exhibits.

Mr. Wrathell indicated that the District already obtained insurance on the pump stations. If the bond can remain in place, with the District still holding retainage and District Counsel assures that the District is protected, Mr. Wrathell was more comfortable with signing the certificates.

Ms. Heafy reiterated her opinion that the District should not sign the Certificates of Substantial Completion until all work is completed and all problems are resolved. Mr. Wrathell concurred. Mr. Prudhomme agreed with Ms. Heafy and Mr. Wrathell's positions.

Mr. Morera summarized that the Board will reconsider the pump stations at the next meeting; however, they can vote on whether to sign the Certificates of Substantial Completion related to the culverts.

In response to a question, Mr. Donahue confirmed that all work on the culvert project is 100% completed.

Mr. McKune stated that a Certificate of Substantial Completion does not complete a project; it is followed by an Engineer's Certificate of Final Completion. He indicated that substantial completion, by definition, means that the facility can be utilized for its intended purpose. Mr. McKune noted that the pumps are listed as an exception because they are not yet under warranty by the supplier. He recalled agreeing to a Partial Certificate of Substantial Completion, in the past, which is the current goal, with it covering the building and those things accepted. He recommended signing the Partial Certificate of Substantial Completion. Mr. McKune stated that the District realizes no benefit from signing the certificate.

Mr. Bixby noted that the warranties will commence, upon the District's signing of the certificates. He pointed out that other contractors completed their work and, to be fair, the structure is now aging and they should not have to wait for their warranties to start.

Mr. Wrathell suggested reconsidering this at the next meeting, once Mr. Donahue meets with the contractors to gain assurances regarding the District's concerns and District Counsel is in agreement that the District is fully covered.

Mr. Selchan stated that the completed work is fine; however, the decision should be left to the experts. He voiced his faith that everything will be resolved.

On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the Certificates of Substantial Completion, for the Culvert W-55 and Culvert W-56 projects and authorizing execution, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Pump Station Dedication [CW]

This item was deferred to the next meeting.

EIGHTH ORDER OF BUSINESS

Update: Corporate Park [CW]

Mr. Wrathell indicated that he did not hear from Mayor Boccard regarding the District's proposal, discussed at the last meeting. Mr. Wrathell stated that he broached the possibility of the City paying for the vegetation removal along the ROW, which would maximize what the District can do to clean the area. He explained to Mayor Boccard that the District's budget for the work was approximately \$200,000; therefore, if the District had to pay for vegetation removal, its scope of work would be significantly reduced.

Mr. Wrathell indicated that Mr. Donahue prepared a presentation regarding what the District can afford to do, based on the cost components.

Mr. Donahue stated that this relates to the canal south of Wiles Road. He presented photographs reflecting unmaintained areas; the canal is overgrown on both sides, in certain locations and is almost completely hidden in other areas. Mr. Donahue indicated that this is Canal RR. He discussed the businesses in the area.

Mr. Donahue broke the estimates into four (4) areas. He estimated that vegetation removal will cost \$5,000 per 100', in the heavily vegetated areas. Areas of lighter vegetation will be less. Mr. Donahue estimated canal excavation costs to be \$5,000 per 100', as well. He estimated a total cost of \$650,000 to address vegetation removal and canal excavation along the

full canal length, from the Sawgrass Expressway to Coral Ridge Drive. The stretch from Coral Ridge Drive to 120 Avenue would cost approximately \$138,000 for vegetation removal. In response to Mr. Morera's question, Mr. Donahue confirmed that his estimates do not include tree mitigation costs.

Mr. Wrathell pointed out that, if the City partners with the District and pays the vegetation removal costs, the District would have almost enough budgeted to complete the canal dredging portion of the total project.

Ms. Heafy asked if the purpose of this proposed work is to relieve the Corporate Park from potential flooding.

Mr. Wrathell stated that the purpose of the project would be primarily aesthetic, which is why he suggested asking the City to partner with the District and pay a portion of the costs.

Mr. Morera indicated that the mutual benefit to improving the appearance of the Corporate Park is that it might attract new tenants and improve the City's economic base.

Discussion ensued regarding the District's responsibility to provide well maintained, free flowing canals and whether the District can address issues related to residents not maintaining, as they should.

Mr. Wrathell noted that the District does not have a lot of extra money and, if the District decides to complete the Corporate Park work, it must budget for it. He agreed that the District cannot fix individual resident problems with major work. Mr. Wrathell voiced his opinion that, although the Corporate Park project would not improve drainage, the aesthetic improvement has an impact, as well as making a positive impact on the District's partnership with the City. He conceded that the Canal Z Project has more benefit, from a drainage perspective but the Corporate Park project also has value.

Mr. Wrathell confirmed that the presentation will be provided to Mayor Boccard.

Ms. Heafy asked if the District is considering this as a way to stroke the City. Mr. Morera stated that the District is entertaining the possibility. Ms. Heafy clarified that she would not be opposed to the project, if the District had extra money; however, the hurricane fund must be replenished. Ms. Heafy stressed that the District's focus should be on opening the main drains and improving flow to the pump stations.

Mr. Wrathell felt that the presentation will be helpful to illustrate the District's situation; if the City funds a portion, then the District can accomplish more. He spoke of the potential for private partnerships, in the future, when developers, etc., want certain improvements; otherwise,

the District will be forced to drastically increase its assessments to accomplish those types of projects.

Mr. Donahue recalled discussion, at the last meeting, regarding when the District proposed extra retention for Fire Station #71, the City was to contribute \$30,000. He confirmed with the City that the contribution has been budgeted and the necessary paperwork to transfer the money to the District is in progress.

In response to Mr. Morera’s question, Mr. Donahue indicated that the District does not have a time limit in which to use those funds.

NINTH ORDER OF BUSINESS

Discussion: Canal Bank 4381 NW 75th Ave., and Box Culvert Concept [DCP]

This item was discussed during the Fourth Order of Business.

TENTH ORDER OF BUSINESS

Supervisors’ Communications

Regarding the issues on Ms. Singh’s property, Ms. Heafy voiced her opinion that the District cannot make a practice of addressing the personal property issues of individual residents. Mr. Prudhomme indicated that Ms. Singh does not expect that from the District.

For the record and in response to rumors circulating, Ms. Heafy clarified that she is not a resident of Eagle Trace; she has lived in the same house since 1968.

Mr. Morera discussed the success of the Taste of Coral Springs community event that he participates in.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Capko recalled reporting on Senator Ring’s bill, at the last meeting, and confirmed that the bill was “killed” in committee; no action was taken afterwards. The goal of the bill was to convert a large number of districts, throughout the state, into dependant districts to be taken over by cities or counties.

Regarding the request for an operational audit, received from the Auditor General, and discussed at the last meeting, Mr. Capko reported that Mr. Morera was contacted by the lead audit manager, setting forth the process for completing the audit. The audit will commence soon

with an entrance conference, followed by a visit, which will involve interviews of District Staff and Board Members, along with a review of all of the District's records.

Mr. Capko advised the Board Members and Staff to be fully honest during their interviews and not hesitate to make inquiries. He noted that the District was recently subjected to unfortunate publicity and media misunderstandings related to some of the District's projects. Mr. Capko suggested that the District proceed through the audit process and await an opinion, rather than pursuing matters outside of the process, such as speaking to the media, etc. It was noted that the District has experience with the press reporting things incorrectly.

Mr. Wrathell felt that there is no need to speak to the press.

Mr. Capko indicated that the next meeting coincides with the annual FASD Conference and wondered about conflicts with any Supervisors planning to attend. He noted that the conference will be held in Broward County so Supervisors could attend the conference and the June meeting.

In response to Mr. Morera's question, Mr. Capko and Mr. Donahue confirmed that both firms will be represented at the District's June meeting.

B. Engineer: *IBI Group*

i. Permit Application Log

The permit application log was included for informational purposes.

ii. Monthly Engineer's Report: 04/03/13 to 05/01/13

Mr. Ernest-Jones noted that Pump Stations #1 and #2 were previously discussed. He indicated that the Canal AA-BB and East Outfall ROW vegetation removal projects were completed and closed out. Miscellaneous vegetation removal was completed and site restoration issues are being addressed prior to closing the project.

Mr. Donahue recalled that canal dry excavation and restoration work was completed; the project is in the process of being closed out. Excavation work at Canal LL, at the Saveology IcePlex, was also completed. Dry excavation at Canal J was authorized at the April meeting; however, due to the recent heavy rains, the work could not commence and will likely not be completed this season.

Mr. Donahue indicated that the Canal Z vegetation removal will be put out to bid, followed by the bid package for Canal Z excavation.

Regarding Canal Z, Mr. Morera asked for an estimate of the tree mitigation costs. Mr. Donahue indicated that Mr. Westfall is working on the figures. Many trees are nuisance; however, many are not. Mr. Donahue expects a response next week.

Regarding the Coral Springs Drive Bridge, over the West Outfall Canal, Mr. Donahue reported that communication continues between the District and Broward County Highway and Bridge Maintenance Division. The County is working on funding for the project. He confirmed that the County acknowledged that the bridge is their responsibility.

Mr. Donahue indicated that, as a result of flooding issues in Westchester, related to Tropical Storm Isaac, the City is conducting a drainage study. Mr. Donahue and Mr. Ernest-Jones are working with the City Engineer to ensure that the City and District's models coordinate. He believes that the City Engineer will give a presentation and proposals of their recommendations, at the next Commission meeting.

Mr. Donahue reported that the City is planning for the replacement of a pedestrian bridge across Canal J, south of Sample Road, east of University Drive, at the end of NW 87 Avenue. He expects the City to submit a permit application for this project in the near future.

Regarding a shed that was partially in a ROW, Mr. Paton indicated that the homeowner removed the shed; it is no longer an issue. Mr. Paton noted that Canal AA-BB was completed; however, upon inspection of the ROW, it was discovered that a condominium owner planted new trees in the ROW. Mr. Paton informed the owner that the trees must be moved and he agreed to move them. Mr. Donahue pointed out that two (2) fences still remain along Canal AA-BB; however, no contractors are willing to remove them, due to the political and liability issues. For this reason, those fences will be addressed during the Canal Z removal project.

C. Engineering Consultant: *John McKune*

Mr. McKune had nothing additional to report.

D. Field Supervisor: *Cory Selchan*

Mr. Selchan stated that he spoke to the City about developing a plan to remove illegal fences and feels that the process should be fairly streamlined. Mr. Selchan advised that a City employee pointed out that, although the fences were illegally erected on District property, by adjacent property owners, the District is the party that the City will fine for having an unpermitted structure on its property. The irony of the City's position was noted, given the District's continuous struggles with the City during its efforts to clear the District ROWs of obstructions.

Mr. Selchan discussed a process of notifying the City when the District removes an illegal fence so that Commissioners, etc., can be properly notified and prepared to address residents who might contact them or attend Commission meetings. He indicated that the City might require the District to obtain a fence removal or a demolition permit.

Mr. Selchan recalled Mr. Wrathell's earlier comments regarding fences in the 10' vegetative buffer. Mr. Selchan voiced his opinion that, regardless of the District's belief that property owners will be responsible for removal of their fences and/or associated costs, it will not really happen if a catastrophic event occurs; people leave or abandon their properties and the District will be left with the expense. Mr. Selchan pointed out that FEMA will not reimburse the District for this type of removal. He discussed the potential difficulty in accessing the canal banks, through the buffers and obstructions, if water is high and covers most of the bank.

In response to Mr. Morera's question about fences, Mr. Wrathell indicated that, in a major event, the District would pay a contractor to remove the fences and obstruction but it would not pay to replace anything in the ROW. Regarding the presumption that FEMA will not pay for this, Mr. Wrathell was of the opinion that, should removal costs be \$20,000 for vegetation and other obstructions, with \$3,000 being related to a fence, FEMA should pay for \$17,000 of the costs.

Ms. Heafy asked if FEMA has grants for projects such as the canal excavation projects, etc.

Mr. Paton indicated that Option 3 states that the District will replace anything that is removed or damaged, that sits within the 10' vegetative buffer. Mr. Wrathell advised that the District will only replace vegetation; fences are excluded. The District will not pay to replace a damaged or removed fence.

Mr. McKune agreed with Mr. Selchan's point about the difficulty in passing through the buffer and obstructions, along the canal banks, following a major storm event.

Mr. Capko noted that, the further the District proceeds in the direction of paying to replace removed or damaged items in the vegetative buffer, the more likely it will hear from residents who do not live along a canal but want to know why they must pay for canal resident's landscaping and their free, exclusive use of the District's property.

Mr. Wrathell felt that the District should make a decision and move forward.

Mr. Capko pointed out that the District did “put stakes in the ground”, as Mr. Wrathell recommended; however, the location was moved again today. He noted that the District keeps bending.

Mr. Wrathell asked Mr. Selchan how many times, in the past 30 years, the ROWs were cleared. Mr. Selchan replied never, with the exception of the one (1)-time removal of nuisance trees. Mr. Wrathell reiterated his opinion that the District must move forward, even if it can only achieve 80% clearing, which is still better than nothing. Mr. Wrathell stated that he is finished negotiating and discussing this with the City and the Commissioners.

Mr. Morera asked if Option 3 provides that the District will replace damaged vegetation in the 10’ vegetative buffer, resulting from a catastrophic event.

Mr. Capko was unsure, noting that the District has not had Option 3 agreements for buffer areas that are on the District’s property. Mr. Wrathell disagreed with Mr. Capko, stating that the Option 3 agreements were on a previous agenda and approved by the Board, with those terms in the agreement; the ship sailed months ago.

Mr. Morera asked if the fence provision is now being added.

Regarding relocating or replacing vegetation and things, under Option 3, Mr. Morera asked for a portion of the agreement to be read.

Mr. Capko stated that the District has not signed any Option 3 agreements with residents seeking the buffer area. Mr. Wrathell disagreed, stating that it was previously drafted and presented to the Board.

Mr. Paton read the following:

“Any damage occurring to vegetation within license areas, as a result of District activities, will be replaced by the District, at the District’s expense.”

Mr. Capko indicated that he also included language regarding emergency or catastrophic events.

Mr. Paton read:

“District may also enter license area during and after periods of emergency conditions, such as tropical storms, hurricanes or flooding.”

Mr. Wrathell indicated that, once the District enters, it must replace it.

Mr. Paton read:

“Any damage, we will replace.”

Discussion continued regarding the terms of Option 3 and whether it is for the entire District or is exclusive to Canal Z residents. Mr. Wrathell stated that it is exclusive to Canal Z.

Mr. Morera recalled that the Board agreed to allow vegetation and noted that, if a property owner wishes to add a fence, then the contract is changed and the District should have the right to remove the portion agreeing to replace vegetation.

Mr. Selchan stated that he, Mr. Paton and staff will never hear the end of it from other residents, if fences are allowed for the Canal Z residents.

Mr. Wrathell detailed his ongoing efforts negotiating with the City and Commissioners to move this project forward and get them to recognize the District's issues.

Mr. Morera asked what Diver's Corp., did. Mr. Selchan indicated that they inspected the pipe behind Pump Station #1 to determine its condition and the exact dimensions of the pipe; it is an 84" high, 12' wide arch pipe.

Mr. Selchan advised that the District receive 7" of rain in April, bringing the canal system back to normal in the west basin and within 0.5' of normal in the east basin. In May, the District has received 2.5" of rain, to date.

Mr. Selchan indicated that a boat trailer bent and is no longer usable. As a result, the outboard motor was damaged. The cost to repair the motor is about the same as buying a new one. Mr. Selchan stated that he must purchase a new boat trailer and motor. He noted that the trailer utilized by the District is no longer manufactured but it can be special ordered, provided two (2) are ordered. Mr. Selchan indicated that no other boat trailers are adequate; therefore, the District must special order two (2). He advised that the damaged trailer was purchased in 1996 and the backup trailer was bought in 1984; both have served their purpose. Each trailer costs approximately \$1,300.

Mr. Selchan recalled Mr. Dennis Poore, a resident, requesting a "No Trespassing" sign. He noted that no one responded to the request because the District did not remove any trees between the street and his home. Mr. Selchan requested permission to post a sign beside the canal behind Mr. Poore's home. It was noted that if there are complaints or issues with the City, the sign will have to be removed.

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

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

Mr. Wrathell presented the Unaudited Financial Statements as of March 31, 2013 and the unreconciled cash balances. He indicated that the FineMark Bank Insured Cash Sweep (ICS) account currently has approximately \$3.4 million and confirmed that all funds are FDIC insured.

Mr. Wrathell pointed out that assessment collections, through March 31, were 87%,

Mr. Morera asked if a budget amendment will be needed, as legal expenses will surpass the budgeted amount. Mr. Wrathell confirmed that both legal and engineering expenses will be over budget; however, a budget amendment will only be necessary if total expenditures exceed the total budgeted amount. Mr. Wrathell noted that a budget amendment will likely be needed, primarily due to the unbudgeted \$288,000 expense related to the FEMA reimbursement.

Discussion ensued regarding the disaster recovery balance and whether to try returning it to the \$2 million figure. Mr. Wrathell felt that completing the major canal work, so the canals function properly, might help the District as much, or more, than having the full \$2 million in the bank. This would enable the District replenish the disaster recovery fund over several years, rather than doing it all in the next fiscal year.

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

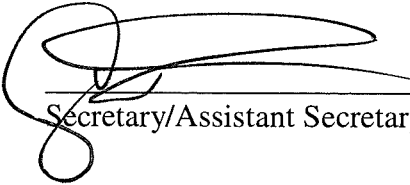
ii. NEXT MEETING DATE: June 12, 2013 at 6:30 P.M.

Mr. Morera indicated that the next meeting is scheduled for June 12, 2013 at 6:30 p.m.

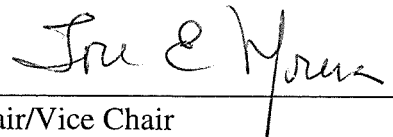
FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 10:05 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair