

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, August 14, 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
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Terry Lewis	District Counsel
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Gary Runge	Resident
Karen Runge	Resident
Mike Saltzman	CSID Resident
Joe Croce	CSID Resident

**FIRST ORDER OF BUSINESS**

**Call to Order**

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

**SECOND ORDER OF BUSINESS**

**Roll Call**

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

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

**THIRD ORDER OF BUSINESS**

**Pledge of Allegiance**

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

All present recited the Pledge of Allegiance.

**FOURTH ORDER OF BUSINESS****Update: Canal Z**

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

Mr. Paton presented the ROW Clearing Summary. He indicated that a few more residents responded, along with returning their agreements. He noted that, in Cypress Run, the eight (8) residents, that chose Option 2, returned their agreements and 21 of 28, that chose Option 3, returned their agreements. On the Eagle Trace side, nine (9) of 13, that chose Option 2, returned their agreements and nine (9) of 17, that chose Option 3, returned their agreements. Mr. Paton advised that the recently received responses are from those residents that previously did not respond.

Mr. Paton indicated that work will commence next week and he anticipates that those owners who did not previously respond will do so, once work begins. Overall, to date, 50 property owners returned their agreements, while 26, who responded and with whom Staff met with, did not return their agreements. He noted that work will commence and, for those that failed to sign an agreement, the right-of-way (ROW) will be cleared and the property owner will lose their buffer space. He indicated that the fence option, within the 10' buffer, is lost, as well, if the property owner fails to return a signed Option 3 agreement.

- **Contract Update: Superior Landscaping and Lawn Service, Inc.**

Mr. Donahue advised that the contract with Superior Landscaping and Lawn Service, Inc., was signed. The contract and all documentation were reviewed by District Counsel. The contractor is currently coordinating with the City Forester, Mr. Mark Westfall, and issuance of a tree permit is anticipated within the next day or two (2). Mr. Donahue is working with the building department on issuance of a master fence removal permit; 23 fences are slated for relocation or removal. The contractor is coordinating with Broward County regarding traffic maintenance on Coral Ridge Drive. Mr. Donahue noted that, as next week is the first week of school, the contractor will be asked to limit activity during the morning and afternoon, to reduce the impact.

Mr. Donahue stated that the preconstruction meeting will be tomorrow morning, at 9:00 a.m., in the field. He advised that he will be on site, all day, along with Mr. Selchan, Mr. Paton, the landscape architect, the contractor's representative and Mr. Westfall. All vegetation will be color coded and marked for removal, relocation or to remain. Mr. Donahue expects tree clearing to begin next week, at the earliest; however, the contractor will likely begin mobilizing and

preparing for work commencement. Mr. Paton is coordinating door hangers to notify property owners that work will begin. Separate letters will be mailed to fence owners to ensure that they understand what is happening. Mr. Paton is also coordinating with the City's staff regarding commencement of the project, as well as including information on the District's website.

- **Aerial Photos**

Mr. Donahue felt that it is important to obtain before and after aerial photographs. He presented a proposal from Smith Aerial Photos, in the amount of \$221.20 each, for the before and after photographs. The before photograph will be taken August 25, 2013; the after photograph will be taken in November, once the project is completed. Mr. Donahue clarified that he requested four (4) views.

Mr. Morera asked where the contractor's staging area will be located. Mr. Donahue advised that most equipment will likely be left in the ROW. In response to Mr. Morera's question, Mr. Donahue confirmed that the City's park will probably not be necessary; he spoke to the City once and they were not thrilled with the idea of the contractor accessing it. Mr. Donahue stated that the contractor's intent is to work from Coral Ridge Drive towards Coral Springs Drive, first, which contains the heaviest and densest vegetation. The contractor advised that most debris will be chipped into a truck at the time it is cut and the truck will haul it away. Mr. Donahue indicated that large trees might be cut and placed on a barge, in the canal, to be hauled to a truck and taken away. He explained to the contractor that no work is to be done on private property.

Mr. Morera stressed the importance of a smooth process.

Mr. Wrathell questioned if equipment will be left in the ROWs overnight. Mr. Donahue believed that some equipment might remain overnight. Mr. Wrathell voiced his concern that someone might be upset. Mr. Donahue confirmed that he will advise the contractor not to leave equipment directly behind a home. Mr. Paton suggested that the equipment be left behind the park.

**FIFTH 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. Gary Runge, a resident, asked to hold his comments to later in the meeting, once the Board has discussed other agenda items.

Mr. Lewis discussed legislative changes that now require hearing comment from anyone that wants to speak on any agenda item, other than nondiscretionary matters, such as approving the minutes, resolutions and proclamations. The law encourages local governments to adopt a clear policy on time limits and similar details. Mr. Lewis indicated that he will provide the District with guidance in developing its policy. The law becomes effective in October.

Mr. Runge asked if he can have six (6) minutes to speak, if his wife yields her time to him. Mr. Morera indicated that the Board will take it under consideration. Mr. Runge read the following:

***“God:** Saint Francis, you know all about gardens and nature. What in the world is going on down there on that planet? What happened to the dandelions, violets, milkweeds and stuff I started eons ago. I had a perfect no maintenance garden planted, those plants grow in any type of soil, withstand drought and multiply with abandon. The nectar from the long lasting blossoms attracts butterflies, honeybees and flocks of songbirds. I expected to see a vast garden of color by now but all I see are these green rectangles.*

***Saint Francis:** It’s the tribes that settled there, oh Lord; the suburbanites. They started calling your flowers weeds and went to great length to kill them and replace them with grass.*

***God:** Grass? But it’s so boring. It’s not colorful it doesn’t attract butterflies, birds and bees; only grubs and sod worms. It is sensitive to temperatures. Do these suburbanites really want all that grass growing there.*

***Saint Francis:** Apparently so, Lord. They go to the great pains to grow it and keep it green and begin each spring by fertilizing grass and poisoning other grass and crops up in the lawn.*

***God:** The spring rains and warm weather probably make grass grow really fast. That must make the suburbanites happy.*

***Saint Francis:** Apparently not, Lord. As soon as it grows a little, they cut it; sometimes twice a week.*

***God:** They cut it? Do they then bale it like hay?*

*Saint Francis: Not exactly, Lord. Most of them rake it up and put it into bags.*

*God: They bag it? Why? It's a cash crop. Do they sell it?*

*Saint Francis: No sir, just the opposite; they pay to throw it away.*

*God: Now let me get this straight, they fertilize grass so it will grow and then, when it grows they cut it off and pay to throw it away.*

*Saint Francis: Yes, sir.*

*God: These suburbanites must be relieved in the summer when we cut back on the rain and turn up the heat. That surely slows the grass growth and saves them a lot of work.*

*Saint Francis: You aren't going to believe this, Lord. When the grass stops growing so fast, they drag out hoses and pay more money to water it so they can continue to mow it and pay to get rid of it.*

*God: What nonsense. At least they keep some of the trees. That was sheer stroke of genius, if I don't say so myself. The trees grow leaves in the spring to provide beauty and shade in the summer. In the autumn, they fall to the ground and form a natural blanket to keep moisture in the soil and protect the trees and bushes. It's a natural cycle of life.*

*Saint Francis: You better sit down, Lord. They cut the trees down and grind them up to make mulch.*

*God: Enough. I don't want to think about this anymore. Saint Catherine, you are in charge of the arts; what movie have you scheduled for us tonight?*

*Saint Catherine: Dumb and Dumber, Lord. It's a story about...*

*God: Never mind, I think I just heard the whole story from Saint Francis."*

Mr. Runge stated that his reading says it all; he is totally against hacking the environment. He stated that Coral Springs is designated as a community wildlife habitat; however, they are short on homes. They satisfied the schools and the municipalities but they are 50 to 58 short on homes. Mr. Runge advised that the District will be taking out some. He met with Mr. Westfall to find out how many. Mr. Runge indicated that fewer than 50 wildlife habitats fall within the District; a considerable amount, if not half, is found on the other side of

the street from the water. They are speaking of only about 25 or 30 habitats that the District could exempt. By the same token, if the District does not exempt them, they will no longer be habitats. Mr. Runge pointed out that the City will be going backwards.

Mr. Runge stated that everything is about "the City and you guys". He indicated that he sees all of the politics and kiss, kiss, nudge, nudge. Mr. Runge noted that the City wants \$200,000 from the District and suggested that this is a chance for the District to tell the City no, regarding the \$200,000 for the Corporate Park.

Mr. Runge stated that he took the liberty of writing an "Option 4" and asked that, going forward, the District give consideration to allowing these things to stand, rather than take them out. He stated that the fence matter, with the City, was a great thing for people with 40' easements but for people like himself, with a smaller easement, his habitat must go; he will not have a fence option because he does not have a large piece of property.

Mr. Runge provided Mr. Wrathell with a copy of his "Option 4".

Mr. Mike Saltzman, a CSID resident, voiced his understanding that the District sought bids for the Canal Z clearing project and awarded the contract. He noted that the low bidder for the Canal AA-BB project was the low bidder, again, at a cost of \$115,000. The second lowest bidder was a Miami contractor, at \$277,000. Mr. Saltzman noted that the District elected to award the contract to the second lowest bidder on the premise that the District Engineer did not believe that the low bid contractor was capable of completing the job. He stated that low bidder was deemed responsive, provided the necessary documentation and, in his opinion, appears responsible, considering they recently completed a similar project for the District. Mr. Saltzman believes that the low bidder has the bonding and insurance capacity to do the work. He stated that he does not understand why the District did not select the lowest bid for the contract.

Mr. Saltzman recalled discussion about \$200,000 of work being considered for the Corporate Park and pointed out that the difference between the two (2) Canal Z contractors is approximately \$160,000, which is most of the estimated Corporate Park price. He stated that the District currently appears ready to disregard any work in the Corporate Park, on the premise that it cannot afford to perform the work. Mr. Saltzman stressed that, if the Canal Z work had been awarded to the lowest bidder, the District would have nearly sufficient funds to complete both projects.

Mr. Saltzman voiced his understanding that the Canal Z work is to begin in mid August and noted that this is mid-August. He advised that he submitted a 'piece of paper' indicating that he wants to select Option 3; however, he has no agreement in place and has heard nothing, recently regarding the agreement. Mr. Saltzman asked the status of the agreements and stated that the District is preparing to clear the trees and landscaping but has not finalized any agreements with property owners. He stated that he seriously hopes that clearing will not occur before he can come to terms on final agreements. Regarding fencing, Mr. Saltzman voiced his understanding that the City changed its ordinances but the District has final say. Mr. Saltzman reiterated that he has no agreement with the District and would like to have one, as soon as possible.

Mr. Wrathell stated that everyone knows that an agreement was previously presented to Mr. Saltzman and Mr. Saltzman has tried to negotiate the terms of the agreement. Staff is operating under the mindset that the agreement, as presented, is what the Board crafted and is not open to alterations. Mr. Wrathell reiterated that an agreement was presented to Mr. Saltzman; however, Mr. Saltzman has not executed the agreement that was provided to him nor returned it to the District.

Mr. Saltzman disagreed with Mr. Wrathell's statement. He stated that the document provided to him said "Draft Agreement"; it did not say "Final Agreement" and referenced exhibits that were not included in the agreement, such as exhibits showing the landscaping, ROW and property location. Mr. Saltzman feels that it was an incomplete document, at best; to date, he has not been offered any final agreement. He acknowledged that he marked up the draft agreement and submitted it.

Mr. Wrathell indicated that Mr. Paton will provide Mr. Saltzman with the agreement tomorrow and reiterated that, unless the Board changes its position, the agreement is "as is".

Mr. Saltzman asked if the agreement references fencing. Mr. Paton replied no. Mr. Wrathell indicated that the Board will consider adopting a fencing policy, later in the meeting. Mr. Saltzman asked if the fencing policy will be included in the agreement. Mr. Wrathell advised that the fencing component will be on a case-by-case basis, as presented to the Board. Mr. Saltzman stated that he would like to present his case for fencing to the Board, now. Mr. Wrathell indicated that it requires a written application to the District. Mr. Saltzman asked if he must sign an agreement prior to getting a permit to do anything. Mr. Wrathell explained that the

agreement is related to the ROW clearing issue; the fence issue is something that the District petitioned the City on for the potential to allow them in the ROW, under certain circumstances. Regarding the ROW program, Mr. Wrathell summarized that the District is proceeding and, fences are a timing issue, because of the dynamic of the City's code amendment. Mr. Wrathell stressed that the issue of installing a fence is different than the ROW clearing project being discussed.

Mr. Saltzman argued that the fence issue was brought up in regard to the landscape buffer, which is part of the agreement process. Mr. Wrathell pointed out that Mr. Saltzman has not signed an agreement.

Mr. Morera indicated that the District will provide Mr. Saltzman with another agreement and, once it is signed, the Board will entertain the option sought, which involves a fence. Mr. Saltzman questioned what he would be agreeing to. Mr. Morera explained that he would be agreeing that the District will clear the ROW and he would be given the option of a 10' buffer. Mr. Morera stated that, once Mr. Saltzman agrees to Option 3, if he wants to add a fence, within the 10' buffer, the other option will be presented, given the criteria, which was already approved by the City and depending on the Board's decision today; if Mr. Saltzman accepts it, he has the option to install a fence, as discussed in multiple meetings.

Mr. Saltzman voiced his understanding that, as long as he presents an application for a fence, within the landscape buffer, he agrees with the District to accept, and the fence complies with the City's fencing ordinance, it would be acceptable to the District. Mr. Wrathell added that the request must also comply with the District's policy, being discussed tonight. Mr. Saltzman asked if the fence policy will be in the agreement before he signs it.

Mr. Wrathell stated that the fence policy, as presented and to be considered tonight, is a policy that prescribes that there would be an application to the District for the ability to install a fence within the specified area. He explained that, at this particular point, the Board has not yet determined whether it is an addendum to the agreement or a separate agreement, because it is on the agenda for discussion, tonight. Mr. Wrathell reminded Mr. Saltzman that the City only recently approved Ordinance 2013-108 to amend Section 250128 of the Land Development Code. He summarized that the District has gone to extraordinary lengths to draft the agreements, work with residents and be clear, from the beginning.



In response to a comment by Mr. Saltzman regarding a Board Member’s opinion, at the last meeting, that fences should not be allowed in the ROW, Mr. Wrathell stated that the Board could decide to not allow fences, if they wish; however, the agenda contains a proposed policy, for discussion, later in the meeting.

Mr. Saltzman asked when he will see an agreement. Mr. Paton stated that it will be mailed to his home tomorrow.

**SIXTH ORDER OF BUSINESS**

**Approval of July 17, 2013 Regular Meeting Minutes**

Mr. Morera presented the July 17, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the July 17, 2013 Regular Meeting Minutes, as presented, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Continued Discussion: Proposed Budget for Fiscal Year 2013/2014**

Mr. Wrathell recalled the Board’s decision, at the last meeting, to remove the \$200,000 previously proposed for the Corporate Park project. He indicated that a \$17,500 “Field services management” line item was included, on Page 2 of the proposed budget, due to Management’s extraordinary resource commitments during the last year, related to the various canal/ROW projects, issues with the City, etc. He explained that things have calmed now; therefore, he recommends eliminating this line item from the final budget. The Board concurred.

Mr. Wrathell indicated that, if revenues and expenditures hold true, the District will have \$2 million set aside for “Disaster recovery” and \$165,000 in “Unassigned fund balance”, at the end of Fiscal Year 2014.

Mr. Wrathell referred to Page 11, containing the projected assessments. He recalled that, at the last meeting, the proposed assessment increase was approximately 12%; however, with the removal of the \$200,000 and \$17,500 amounts, the proposed increase is below 5.75%.

Ms. Heafy had no comments regarding the proposed budget.

Mr. Prudhomme referred to the “Disaster recovery” and stated that it decreased, over the last three (3) years, compared to four (4) years ago, and asked what bumped it up. Mr. Wrathell explained that “Disaster recovery” was only established for the current fiscal year or the prior fiscal year; it is something new. The fund balances were previously never shown broken out in this particular fashion. Mr. Wrathell stated that the amount could be adjusted. Mr. Wrathell explained that the “Unassigned fund balance” is what is typically used to fund operations. He stated that the figures will be adjusted to make the “Disaster recovery” figure \$2 million. Mr. Wrathell clarified that the District does not have separate bank accounts for its reserves; this is just how the reserves are shown on the books.

Mr. Morera was pleased with the adjustments to bring the assessment increase to a minimum, while continuing to complete its projects.

Mr. Wrathell noted that, once the Canal Z project is completed, the District’s bond funds will be nearly exhausted. Going forward, the District will probably need to balance the District’s needs with increasing assessments, a bit, to absorb and address very important capital projects.

Mr. Runge inquired about what happened to the \$200,000 previously proposed for the Corporate Park project and why it was removed from the budget. Mr. Morera recalled the discussion at the last meeting and the Board’s decision to remove it from the Fiscal Year 2014 budget, in order to bring the assessment increase more in line. Leaving the \$200,000 expense in the budget would have resulted in a 12% assessment increase, while eliminating it brought the assessment increase down to the current amount. Mr. Runge asked if the District advised the City. Mr. Morera replied no, the Board is simply saying that, with the projects the District currently has taking place, it does not have the funds to address this project; it is still a possibility, in the future, if resources become available.

**EIGHTH ORDER OF BUSINESS****Discussion: Proposed Fence Policy**

Mr. Morera presented the proposed fence policy for the Board’s consideration.

Ms. Heafy reiterated that she is not in favor of fences on the ROWs, given that the District has been trying to clear the ROWs. She noted that the Board is again considering fences on a case-by-case basis.

Mr. Lewis asked if the proposed policy means that the District is looking to issue a separate permit for fences.

Mr. Donahue reviewed the proposed process. He explained that it recommends that the property owner first contact the District to obtain an opinion regarding whether their ROW is wide enough and consistent with the policy to even consider a fence because, if it is not, the District does not want anyone to go through the expense and process. If the ROW is sufficient, the property owner must obtain a fence permit from the City and a ROW permit from the District. Mr. Donahue reiterated that the policy is written with the recommendation that the property owner contact the District first and submit a permit application form with the permit fee. Once the District acts on the ROW permit, the property owner could provide said permit to the City for consideration of a fence permit.

Mr. Morera asked who performs the follow-up inspection to ensure that the fence was installed correctly, as specified in the required guidelines. Mr. Paton replied that both the District and the City should inspect it, prior to closing the permit. Mr. Selchan confirmed that the City requested an inspection by both.

Mr. Donahue noted that the policy contains a provision advising the property owner to contact the District at least 48 hours in advance of construction so that the proposed fence layout can be confirmed, in the field. He indicated that this is included to be proactive, rather than finding a problem after the fence is already installed.

Mr. Morera asked if these guidelines would be provided to property owners seeking to install a fence. Mr. Donahue indicated that the policy can be included in the permit criteria manual and it can be listed on the District's website; it will be easily available to anyone, as soon as they inquire. Mr. Morera pointed out that there are specific guidelines that must be followed, regarding how the fence is installed, etc. Mr. Donahue concurred and reiterated that the information can be included in the actual permit. Mr. Morera felt that property owners should have this information so they know what is expected, prior to moving forward with seeking a fence permit from the City. Mr. Donahue stated that the District could add a signature line to the policy and require it to be executed, in conjunction with submittal of the permit application to the District.

Mr. Paton indicated that the policy is being presented for the Board's review. He stated that a separate fence agreement was envisioned, which would be executed by the property owner, with the fence plans attached to it. He explained that the fence agreement would be separate from the ROW permit. Mr. Paton noted the difference between most areas and the Canal Z 10'

buffer allowance and pointed out that this is a District-wide policy. He reiterated that the fence policy will be posted on the District’s website.

Discussion ensued regarding the details of the policy, as written.

Mr. Wrathell noted a reference to the District Manager and recommended inserting District Engineer and/or Field Superintendent, instead, as they are more experienced in evaluating the applications.

In response to a question about whether a separate fence permit is necessary, Mr. Lewis felt that the fence could be included as a condition, on the ROW permit. It would follow the normal ROW permitting process, with the fence provisions being included in the conditions section.

Mr. Donahue explained that if a property owner seeks a permit from the City and the City sees that it is anywhere near a District ROW or drainage easement, the City will direct the person to seek approval from the District first.

Mr. Wrathell noted that the District is still working out the procedural details with the City; the District’s policy will be a “working policy” until the final details with the City are resolved. He felt that it does not matter whether the property owner approaches the City or the District, as the City will refer them to the District, if necessary. The benefit of approaching the District first is to obtain the District’s approval and have it in hand for the City.

Mr. Morera thanked Mr. Donahue, Mr. Paton and Mr. Selchan for their work in developing this policy.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the Proposed ROW Fence Policy, as amended to change District Manager to District Engineer, was approved.**

**NINTH ORDER OF BUSINESS**

**Supervisors’ Communications**

Ms. Heafy wants the District to approach the City again regarding the tree mitigation costs, as the costs are harmful to the District’s residents. She noted that the costs are related to removal of trees that were illegally placed on the District’s property; she feels that the District and its residents should not be required to pay mitigation.

Mr. Prudhomme stated that he looks forward to more discussion of wildlife habitats. He visited Mr. Runge's home and voiced his belief that, if habitats are encouraged throughout the community the benefits are tremendous. Mr. Runge referred to the information he provided to Mr. Prudhomme and asked him to provide it to the other Board Members. Mr. Morera stressed that he supports habitats, which exist within a homeowner's property, as long as it does not become an impediment to the operation of the District.

Mr. Morera indicated that a resident requested information on the Board Members, from the District Manager's office, for the purpose of sending communications to them. He stated that, currently, Management could provide the person with the Board Members' cell phone or other telephone numbers or email addresses. Mr. Morera noted that the Board can have emails attached to the District website and stated that he directed Management's office to have District email addresses created, so that the public could be provided those email addresses, rather than the Board Members' private email addresses.

Supervisor Heafy questioned why the District has a Manager, then. Mr. Morera explained that, under a public records request, anyone can ask for the information and, as it is part of the public record, it could be provided.

Mr. Lewis pointed out that the District does not provide cell phones to the Board; therefore, Management should not disclose the Board Members' private cell phone numbers in a public records request. He further stated that the same is true of the Board's private email addresses; they do not qualify as public records. Mr. Lewis confirmed that the District could choose to provide each Board Member with a separate cell phone and email address to be used specifically for business purposes. He indicated that personal information, such as home address, does not fall within public domain.

Mr. Morera directed Mr. Wrathell to note Mr. Lewis' comments and share the information with his staff.

Mr. Lewis stated that there are some exceptions, which revolve around computers and electronic communication. He indicated that those relate to public officials conducting public business on their private computers. He discussed the importance of keeping the public records separate from personal computer files. Mr. Lewis noted that many Districts provide their Boards with iPads or iPhones dedicated exclusively to public use so that there is no question of whether the information on them is public.

Presuming Mr. Lewis is advising that personal phone numbers and email addresses are not public record, Mr. Wrathell asked Mr. Lewis to provide him with a written legal opinion, so it can be provided to anyone that asks for that information. Mr. Wrathell questioned if it creates any issues, if the Board Members do not have District provided email addresses, cell phones, etc., as there is presumably no means for contacting a Board Member.

Mr. Lewis advised that the information needs to be communicated to the Board Member(s) and the Board Member(s) can choose to respond, return calls, etc.

Mr. Wrathell indicated that a "District" email address is listed on the District's website. If people want to contact a Board Member, they can send an email to the District's email address and it will be disseminated. He discussed information flow.

Mr. Lewis favored the proactive approach of establishing District email addresses for the Board Members. He explained that, once anything, that is considered District business is sent to a Board Member, the Board Member does, in effect, have a public record in their computer or on their cell phone.

Mr. Wrathell felt that the decision of whether to have a District email address should be left to the individual Board Members. In the interim, he asked Mr. Lewis to provide the previously discussed legal opinion regarding not being required to disclose personal phone numbers or email addresses, as part of a public records request.

Ms. Heafy asked the status of the pending operational audit. Mr. Wrathell advised that no one from the Auditor General's office has contacted the District to begin the audit. Ms. Heafy asked if audits have commenced on other entities. Mr. Wrathell indicated that other districts have been through operational audits. Mr. Wrathell noted an issue regarding Senator Abruzzo, of Palm Beach County, ordering an operational audit of an entity of which an associate of his was not offered a job; it appears that other audits are being conducted and it is not unique to this District.

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

Mr. Lewis reiterated that, beginning October 1, 2013, any citizen that wishes to speak on a substantive item, on the agenda, which requires a discretionary decision of the Board, can speak on that item. Mr. Lewis stated, for example, if there are 20 items and the person wants to

speaking on all of them, they can do so; the person cannot be prohibited from that type of public participation. The law encourages local governments to adopt clear policies on the rules but the policy cannot prohibit that type of speaking. Mr. Lewis advised that the policy does not have to allow the public to speak on simple items, such as approving meeting minutes, proclamations, resolutions, issues related to pending lawsuits, executive or closed sessions and matters of public health, safety and welfare, when the meeting is an "emergency" meeting; in these cases, the Board can suspend the right to speak. Mr. Lewis indicated that he will provide the District with guidance in developing its policy.

Ms. Heafy asked if "Citizen Comment/Requests" should be moved to later in the meeting. Mr. Lewis indicated that a general comments section can be included at the end of the meeting; however, if someone signs up to speak, they must be allowed to speak on the agenda item, at the time.

Mr. Morera stressed the need for the public comments to be orderly. Mr. Lewis confirmed that, for example, if the person wished to speak on Item 10, they must wait for that item to be up for discussion. Mr. Lewis advised that, for each item, Staff would introduce and explain the item and public testimony would be taken prior to the Board making a decision. Mr. Morera asked if the new law eliminates the need for a specific "Citizen Comments/Requests" item on the agenda. Mr. Lewis stated that this is a separate item; if the Board wishes to include an item, near the end of the meeting, they can. Mr. Lewis indicated that, most commonly, "general comments" relates to citizens asking the Board to add topics to the agenda, which comes under "General Public Comments", which falls within the District's "Citizen Comments/Requests" section. Mr. Lewis explained that the citizen is not generally asking to speak on anything on the current agenda; rather, they are asking the Board to consider placing a topic on the next agenda or sometime in the future.

Mr. Morera noted that the "Citizen Comments/Requests" item was previously later in the agenda but was moved up because residents sat for hours waiting for their turn to speak.

Mr. Wrathell asked if it would be sufficient for the Board to introduce and discuss a topic and take public comment prior to making a decision. Mr. Lewis stated that it can be done this way; however, it is most common for Staff to introduce and explain an agenda item, then take public testimony, prior to the Board discussing the item and making its decision.

**B. Engineer: IBI Group**

**i. Permit Application Log**

The permit application log was included for informational purposes.

**ii. Monthly Engineer's Report: 07/09/13 to 08/06/13**

Mr. Donahue reported that there are no active permit applications requiring a Board decision tonight. A few applications are ongoing, with the applicants' engineers working on the projects, which will come before the Board at a later date.

Regarding the Cumber Professional Plaza permit application, Mr. Donahue recalled that, at its July meeting, the Board approved the application for a modification to Permit 2003-5 to address stormwater deficiencies on the site. The applicant received its corresponding permit from South Florida Water Management District (SFWMD), which was reviewed and is acceptable to the District. Mr. Donahue stated that the applicant provided the required \$80,000 fee to the District Manager and the modified 2003-5 permit was prepared and is being reviewed for final release, which will close this matter.

Mr. Morera asked how this money is handled in the District's budget. Mr. Wrathell indicated that the money will be reflected on the "Balance Sheet", in escrow, the same as the Incredible Ice money was. Mr. Morera noted that the Incredible Ice money was tied to a certain project; however, the new funds can be used for any purpose, as long as they meet the criteria for resolving the stormwater deficiency. Mr. Donahue replied affirmatively, adding that it must be in the West Basin, as that is where the project is located.

Regarding the Broken Woods permit application review, Mr. Donahue indicated that it is still going through the land use planning amendment process with the County and City, which should be completed shortly. Mr. Donahue advised his office and Mr. Selchan met with representatives of the proposed Broken Woods residential project. The platting process is beginning. During the meeting, they addressed the issues of ownership of various components of the District's canal system and maintenance, with most of the maintenance moving to the applicant. Mr. Donahue stated that the plat review will be submitted to the City, County and the District, for their review. Ultimately, the applicant must submit a permit application to the District for approval of the project and issuance of a permit.

Mr. Donahue indicated that he and Mr. Selchan met with the City Engineer concerning the Downtown Coral Springs project. The City proposes to culvert most of the canals adjacent to City Hall North, City Hall South, south from City Hall South and the old canal in front of the old



post office. They City asked for the District's input regarding the permitting process, maintenance, ownership and drainage flow. Mr. Donahue advised that the City will submit a permit application, in the future, to culvert those canals. He explained that culverting the canals and sodding them is the first phase; the Downtown Coral Springs/City Hall project will be designed and submitted to the District later.

Mr. Donahue noted that three (3) fence and one (1) paver inquiries were reviewed and, based on the review, a Letter of No Objection was issued for each property.

Regarding Pump Stations 1 and 2, Mr. Donahue indicated that Pump Station 2 has done a lot of pumping. He stated that Pump Station 2 is running satisfactorily. FPL finally visited Pump Station 1, yesterday, to coordinate installation of the new replacement transformer; the transformer installed at the beginning of the project was not sufficient and the previously installed 500 KVA transformer will be replaced with a 1,000 KVA unit. He indicated that the transformer is larger; therefore, the conduit leading to it must be modified. Mr. Donahue stated that the electrical contractor provided an estimate of \$4,000 to rewire and connect it. He recalled that FPL installed the original transformer, at their cost, and confirmed that FPL is installing the new transformer, at their cost but, as the original transformer was not the correct size, he asked FPL why the District must pay for a portion of the work. FPL advised that, based on the pump station designs and the motors, they felt that their original calculations were correct; the operational activity indicated otherwise. FPL does not feel an error was made.

Ms. Heafy questioned if the upgrade is enough. Mr. Donahue stated that the upgrade to 1,000 was sufficient at Pump Station 2, which has larger motors; therefore, he feels that it should be more than adequate for Pump Station 1.

Mr. Donahue recalled discussion, at the last meeting, regarding minor settling of the emergency generator pad, at Pump Station 1. He stated that the contractor proposed installation of 'pin piers' to fully stabilize the generator; the District Engineer, Structural Engineer and Geotechnical Engineer reviewed the option and it appears that the design is acceptable. The repair will be at the contractor's expense. The contractor received all of the materials and the District is awaiting their schedule for installation. A condition of the repair is that the contractor will inspect the generator pad in a year, to ensure it is within the variances allowed by the manufacturer and make any corrections noted, at the time. The contractor will also pump

flowable fill, or pressure grout, underneath, to further solidify it, if necessary. Mr. Donahue advised that the contractor has been very proactive.

Mr. Donahue recalled issues related to a turbulence issue in the discharge basin, at Pump Station 1. He provided a package of photographs of the headwall of the culvert running under Royal Palm Boulevard, at the discharge basin. He stated that the sidewalls were originally constructed and capped at elevation 15', which was consistent with the pump station structure. The headwall is at elevation 13.5', about a 1.5' lower. He noted that it is sufficient; however, when all of the motors are running, it creates an extreme amount of turbulence. Mr. Donahue and Mr. Selchan believe that raising the headwall to elevation 15' and capping it will create better containment of the turbulence in the basin. Mr. Donahue presented a \$28,131 quote from Murray Logan to complete the project; this is a direct quote so there would be no markup or management fee from The Weitz Group, related to the work. In response to Mr. Morera's question, Mr. Donahue confirmed that this work is part of the pump station project and is eligible for the bond funds.

Ms. Heafy questioned the inclusion of costs for "Coral Springs permits and fees, by others". Mr. Donahue noted that the City will require a building permit.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the Murray Logan proposal for installation of a concrete cap on the headwall, at Pump Station 1, for \$28,131, not including permit and other fees, was approved.**

Mr. Donahue presented and discussed a 1985 photograph of a culvert on Royal Palm Boulevard. In response to Ms. Heafy's question, Mr. Donahue advised that it is a County culvert and Mr. Selchan inspected it to ensure there are no obstructions or problems with the culvert. Mr. Selchan indicated that it is a "plate" culvert, which is bolted together.

Regarding Canal LL at the Saveology IcePlex, Mr. Donahue stated that sod must still be installed; he will mark the area tomorrow. Mr. Morera asked if the project is being coordinated with Mr. Thomas Messenheimer, with the City of Coral Springs, to ensure that it meets his needs and specifications. Mr. Donahue replied affirmatively.

Mr. Donahue advised that, now that tree clearing is about to commence, it is time to move to dredging Canal Z. He will meet with Mr. Selchan and Mr. McKune, next week, to

review the plans. It will be packaged for bid, with the intent to advertise, collect bids and present a recommendation at the October meeting, with dredging to begin in early December. In response to Mr. Morera's question, Mr. Donahue confirmed that he will work with the County regarding the bridge and attempt to coordinate completion of the work. Regarding the dredging project, Mr. Donahue noted that the Broward County Environmental Resource Permit was received, leaving only the Pollution Control Permit, from the City, pending.

**C. Engineering Consultant: *John McKune***

Mr. McKune congratulated the Board and Staff for their efforts in moving the District forward.

**D. Field Supervisor: *Cory Selchan***

Mr. Selchan stated that a lightning strike to the antenna, at Pump Station 1, took out the telemetry. Mr. Morera asked if the District is insured for this. Mr. Wrathell replied affirmatively. Mr. Prudhomme asked if would be cheaper for the District to fix it themselves. Mr. Wrathell asked Mr. Selchan to notify him of the cost. Mr. Selchan felt the cost would be minimal. Mr. Wrathell noted that the deductible is likely \$5,000.

Ms. Heafy asked if the District can ensure that it is well grounded so this does not happen again. Mr. Selchan stated that he will try installing other devices; however, lightning goes where it wants. Mr. Donahue advised that the antenna is grounded; however, nothing will completely stop a lightning bolt. Mr. Selchan noted that it did not burn everything; it was not as bad as it could have been. Mr. Morera asked if a "trip" could be installed, between the antenna and the equipment, to prevent future damage. Mr. Selchan felt that the only way would be to disconnect it from the antenna, which would prevent it from reporting the data, which is the goal of the telemetry.

Mr. Selchan reported that the District had 14.3" of rain for July, which is excessive, for this time of year. He noted that South Florida has an excessive amount of "standing" water, right now.

Mr. Morera asked if the fish were replenished. Mr. Selchan replied affirmatively; 3,000 triple-A grass carp were stocked, split between the Corporate Park and Running Brook Hills. The fish were installed in the north end of the District and will work their way south.

Mr. Selchan reported that all of the districts, in Coral Springs, have struggled with aquatic weeds this year. Mr. Morera thanked Mr. Selchan and his staff for their hard work.

**E. Manager: Wrathell, Hunt & Associates, LLC****i. Approval of Unaudited Financial Statements as of June 30, 2013**

Mr. Wrathell presented the Unaudited Financial Statements as of June 30, 2013 and the unreconciled cash balances. Regarding funds in the State Board of Administration (SBA), Mr. Wrathell indicated that some of the "A" funds can be swept into the regular operating accounts. Mr. Wrathell briefly explained the SBA fund, which was a location that governmental entities could invest in, which had higher yields than money markets; however, it was discovered that some were sub-prime investments. He explained that the District pulled out most of the money prior to it being seized. For a time, the state shut down the ability to pull money from those accounts. The funds were subsequently split, with one (1) being restricted and the other unrestricted; once an investment matures, it is moved into the account that can be swept into the District's regular accounts. Mr. Wrathell stated that the goal is to have no money in the SBA.

Mr. Wrathell discussed the money in the debt service fund and the capital projects, or construction, account.

Mr. Wrathell referred to Page 2 and pointed out that assessment collections were at 97%. He speculated that the remaining assessment funds will be the result of tax certificate sales, which take place in June and should appear in August financial statements. He noted that the unbudgeted repayment to FEMA is reflected in the District's expenditures. Assessment collections related to the debt service fund, on Page 4, were at 97%. Pages 6 and 7 contain the bond amortization schedule for the outstanding bonds.

Ms. Heafy pointed out that the Board was new when the SBA matter came up and thanked Mr. Wrathell for his foresight in pulling the funds from the SBA, which "saved" the District from having a lot more of its funds held by the SBA.

<p><b>On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of June 30, 2013, were approved.</b></p>
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**ii. NEXT MEETING DATE: September 11, 2013 at 6:30 P.M.**

Mr. Wrathell indicated that the next meeting is scheduled for September 11, 2013 at 6:30 p.m., at which the budget public hearing will also take place.

**iii. Fiscal Year 2014 Proposed Meeting Schedule/Location**

Mr. Wrathell presented the Fiscal Year 2014 Proposed Meeting Schedule for the Board’s consideration. He noted that Friday is proposed for the September, 2014 meeting; however, he does not recommend holding the meeting on Friday and suggested Wednesday, September 10, 2014, for the meeting.

Mr. Morera indicated that the District currently pays \$175 per month for rental of the current meeting location. Mr. Lewis advised that meetings should be held in a public building, if available; if no public building is available, the meeting can be held in another location, within the boundaries of the District.

Recalling the difficulty in finding a new meeting location, when the City no longer allowed the District to meet at City Hall, Mr. Wrathell asked the Board to notify him of any suggestions, as the options were extremely limited, the last time he looked.

Mr. Prudhomme suggested meeting at City Hall. Mr. Morera commented that the District was “kicked out” of City Hall. Mr. Prudhomme suggested going back. Mr. Morera stated that he has no problem meeting at City Hall; however, he was unsure that the City Commission or City staff would even consider the idea. Ms. Heafy felt that it is probably better to separate the District from the City because people feel that the District is part of the City’s government, which it is not. Mr. Prudhomme voiced his opinion that meeting at the LaQuinta does not curb the public’s perception; furthermore, he does not feel that the District is receiving the change in perception for the \$2,100 per year spent to rent the LaQuinta. Mr. Morera reiterated that he does not have an issue but questions if the City or City Commission will entertain the idea. Ms. Heafy pointed out that the City will want the City seal covered during meetings. In response to a question, Mr. Wrathell confirmed that he previously communicated extensively regarding the meeting location and prefers that someone else make contact. Mr. Prudhomme stated that he will contact the City tomorrow.

This item was deferred to the next meeting.

**ELEVENTH 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 8:45 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair