

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, November 9, 2016 at 6:30 p.m.**, at **Sartory Hall, located in Mullins Park, 10150 NW 29 St. (Ben Geiger Drive), Coral Springs, Florida 33065.**

Present at the meeting were:

Joe Morera	President
Jim Maguire	Vice President
Daniel Prudhomme	Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC
Alfred J. Malefatto	District Counsel
Gene Schriener	District Engineer
Steve Zielnicki	Craig A. Smith & Associates, Inc.
Orlando Rubio	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	McKune & Associates

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Roll Call

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

THIRD ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

FOURTH ORDER OF BUSINESS

Public Comments [3-Minute Time Limit]
(Comments should be made from the microphone to ensure recording. Please state your name prior to speaking.)

There being no public comments, the next item followed.

FIFTH ORDER OF BUSINESS

Consideration of City of Coral Springs' Request for Permit Application Fee Waiver

Mr. Selchan stated that the City was performing roadwork and installing a sidewalk along NW 110th Avenue and asked the District to waive the permit application fee. According to the City's plans, a permit is not required because the City is not crossing District right-of-ways (ROWs) or outfalls or placing new infrastructure onto District property. Mr. Selchan would coordinate with Mr. Zielnicki to send a Letter of No Objection (LONO) to the City, stating that the District did not object to the improvements.

Mr. Morera stated that the City installed a water pipe along the edge of the road. Mr. Selchan stated that the City was making improvements in that area. In response to Mr. Maguire's question, Mr. Selchan stated that NW 110th Avenue ran from Sample Road to Wiles Road.

Regarding the LONO, Mr. Selchan stated that there would be no fee, unless the District Engineer charged the City for it.

SIXTH ORDER OF BUSINESS

Consideration of Estimates for Tree Removal

- A. **NTTI Estimate #16-10-009 [\$380]**
- B. **NTTI Estimate #16-10-084 [\$1,200]**
- C. **JLS Estimate #4412 [\$2,800]**
- D. **JLS Estimate #4413 [\$700]**

Mr. Selchan indicated that two estimates were from Need Trees Trimmed Inds. (NTTI) and two were from JLS Tree Services (JLS). The first estimate was for removal of trees at 7505 NW 44th Court, in The Dells, under the District's ROW tree removal program, which was

requested by a homeowner. Mr. Selchan recommended the proposal from NTTI, in the amount of \$1,200. The JLS proposal was for \$2,800.

Mr. Morera asked where the completed tree removal form was retained for the purpose of new owners. Mr. Selchan replied that it was recorded by District Counsel and retained with the title.

On MOTION by Mr. Maguire and seconded by Mr. Prudhomme, with all in favor, the NTTI Estimate #16-10-084, for the removal of trees along the canal bank at 7505 NW 44th Court, in a not-to-exceed amount of \$1,200, was approved.

Mr. Selchan started that the second estimate was for removal of a tree in back of 7505 3680 NW 116th Terrace, which was slightly blown over during a storm; half of the tree was dead and was on District property. Mr. Selchan received this request from a homeowner and recommended the proposal from NTTI, in the amount of \$380.

On MOTION by Mr. Maguire and seconded by Mr. Prudhomme, with all in favor, the NTTI Estimate #16-10-009, for removal of a tree at 3680 NW 116th Terrace, in a not-to-exceed amount of \$380, was approved.

SEVENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of September 30, 2016

****This item was incorrectly listed on the agenda as the Sixth Order of Business.****

Ms. Cerbone presented the Unaudited Financial Statements as of September 30, 2016. The Audited Financial Statements that would be presented at the end of Fiscal Year 2017, would include transactions that occurred during Fiscal Year 2016, which were not recorded by the close of Fiscal Year 2016. Mr. Wrathell stated that the District operated under the modified accrual basis of accounting and it was common to receive invoices after the close of the fiscal year. The District was currently under budget but additional expenses may be incurred.

On MOTION by Mr. Prudhomme and seconded by Mr. Maguire, with all in favor, the Unaudited Financial Statements as of September 30, 2016, were approved.

EIGHTH ORDER OF BUSINESS

Approval of October 12, 2016 Regular Meeting Minutes

****This item was incorrectly listed on the agenda as the Seventh Order of Business.****

Mr. Morera presented the October 12, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Ms. Cerbone received corrections from District Counsel, which were incorporated.

The following change was made:

Lines 177 and 178: Change “Family and Social Services Administration (FSSA)” to “Florida Association of Special Districts (FASD)”

On MOTION by Mr. Prudhomme and seconded by Mr. Maguire, with all in favor, the October 12, 2016 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Supervisors’ Communications

****This item was incorrectly listed on the agenda as the Eighth Order of Business.****

Mr. Morera wished everyone a happy Thanksgiving.

TENTH ORDER OF BUSINESS

Staff Reports

****This item was incorrectly listed on the agenda as the Ninth Order of Business.****

A. District Counsel: Lewis, Longman & Walker, P.A.

In response to Mr. Morera’s question, at the last meeting, about better insurance rates for small groups, through the FASD, Mr. Malefatto stated that Mr. Lewis was not aware of any.

Regarding Mr. Morera’s inquiry about grant opportunities or legislative funding, for projects, such as for the West Outfall Canal project, Mr. Lewis spoke to the administrator for the Spring Lake Improvement District (SLID) about obtaining grants. Mr. Corbett Alday helped the

SLID obtain grants. As a registered lobbyist, Mr. Lewis was looking for legislative funding. As Mr. Alday was not involved with legislative lobbying, the SLID used Mr. David Ramba, a registered lobbyist, who helped obtain legislative appropriations, ranging from \$200,000 to \$1 million, for stormwater improvements, conveyance, pump stations and water quality projects. Mr. Alday's focus was on the State Revolving Fund (SRF), a loan program through the Florida Department of Environmental Protection (FDEP), which is 0% for 30 years, and 319 FDEP grants that are sole purpose grants for water quality projects.

Mr. Morera asked Mr. Schriener to provide information to Mr. Alday. Mr. Schriener would talk to Mr. Alday. Mr. Malefatto suggested a conference call with Mr. Alday, which Mr. Lewis could participate in. Mr. Morera stated that the Board's goal was to obtain funding for the West Outfall project. Mr. Schriener would submit to the South Florida Water Management District (SFWMD) Cooperative Funding Program, in March. Mr. Rubio would ask the head of the program if any funds remained for this year.

Mr. Schriener stated that, in terms of the process, a Board Member must meet with the legislative delegation for Broward County and make a submittal for projects. The State Senator must sponsor it and a lobbyist follows it through in Tallahassee. Mr. Wrathell suggested Mr. Jeremy Ring, the State Senator for Broward County. Mr. Malefatto would ask Mr. Lewis who the local senator was.

Regarding the IBI litigation, Mr. Malefatto stated that discovery was continuing. Mr. Schriener was meeting with Mr. Michael Wilson on December 8. Mr. Malefatto recommended scheduling an Executive Session for the next meeting, December 14. Ms. Cerbone stated that the December meeting was moved to December 7, due to the Coral Springs holiday parade. Mr. Wilson would discuss possibly moving to early mediation. Mr. Malefatto spoke to Mr. Wilson and Mr. Matt Taylor, representing Lanzo Construction (Lanzo), about whether settlement funds from Lanzo and IBI Group Inc., (IBI) could be recouped.

Mr. Morera and Mr. Maguire were not available on December 7. Ms. Cerbone suggested rescheduling the Executive Session to January. Mr. Wrathell recommended waiting until January, as litigation tended to be a long process, and asked if the Judge ordered mediation. Mr. Malefatto stated that mediation was not ordered by the Court but, as part of the process, Mr. Wilson advised that early mediation, before discovery was complete could avoid legal fees being

incurred for depositions, which would be expensive. Mediation was typically held at the end of discovery, before trial.

Mr. McKune asked if mediation would occur after document discovery but prior to deposition. Mr. Malefatto replied that a decision had not been made. In response to Mr. McKune's question, Mr. Malefatto stated that documents were being exchanged between IBI and the District. Mr. Wilson sent a request to Craig A. Smith & Associates (CAS) because most of the documents were in CAS' possession. Mr. McKune asked if Mr. Wilson was asking for CAS' work on the pump stations. Mr. Schriener stated that Mr. Wilson requested numerous items. Mr. Malefatto suggested discussing this matter at a later time.

Discussion ensued regarding scheduling an Executive Session on January 11, which was the date of the January meeting. Mr. Malefatto stated that the Executive Session would be held at the start of the Board Meeting and would be attended by the Board, attorneys and Mr. Wrathell. The Regular Meeting would commence and recess, to hold the Executive Session, and then reconvene. Mr. Malefatto requested a copy of the advertisement, prior to publication.

The Executive Session would be scheduled for January 11, 2017 at 6:30 p.m., at this location.

B. District Engineer: *Craig A. Smith & Associates*

- **Monthly Engineer's Report**

Mr. Schriener presented the Monthly Engineer's Report and provided a map and cost breakdowns for the West Outfall Canal improvements, based on four tasks. Task 1 was \$1.1 million, Task 2 was \$1.5 million, Task 3 was \$1.3 million and Task 4 was \$628,000.

Mr. Rubio stated that all geotechnical borings were completed, samples were sent to the lab and two reports should be received from each sub-consultant, before Thanksgiving. Mr. Morera asked if this would determine the quality of the soil and possible locations. Mr. Rubio replied affirmatively; information about the quality of the material would be provided to Waste Management. If the material was good, a better price could be negotiated.

Mr. McKune reviewed the cost breakdowns and felt that they were appropriate. Mr. Selchan agreed; noting that the remaining issues were the impediments, such as the pedestrian bridge and some Coral Springs Improvement District (CSID) pipes. After further examination and discussion, methods to obtain the profile, without incurring costs to move items, were

determined. Additional work to make a final determination would be necessary but the District Engineer should have it by the next meeting.

Mr. Morera asked if the 9,000' was from Canal Z, traveling south on the West Outfall Canal, to the pump station. Mr. Rubio replied affirmatively; the first column was the total 9,284' length of canal bank, which was broken out into four tasks. Task 1 was 2,525' from Canal Z, south of Coral Springs Drive.

Mr. Maguire noted a bridge modification on every task. Mr. Schriener stated that the bridge work was the County's responsibility. Mr. Selchan stated one bridge was the District's responsibility. There was big boulder riprap type material under the bridge and discussion about using flowable fill, which is concrete that flows like water, to hold the boulders in place and would be a big cost savings.

Mr. Morera stated that the work approved, at the last meeting, commenced and asked about the next phase. Mr. Rubio replied that surveying for Task 1 would be completed and then the plans for the channel design and bridge improvements would be prepared. In response to Mr. Morera's question, Mr. Rubio replied a bid package, similar to the process for the Canal Z project, would be prepared, once all of the information was compiled. The plans must be completed and a permit must be obtained from the SFWMD, as well as a license from Broward County, for the canal dredging. Upon receipt of the permits, the bid documents could be prepared. Mr. Morera asked when information would be provided to residents and the City. Mr. Selchan stated that the early work could start at any time but had not discussed it with the City; he was waiting for the time frame of the start of the project. It would not commence in 2016. They must go through the next hurricane season and be prepared to start the work at the end of hurricane season in 2017. Mr. Morera requested that Mr. Rubio coordinate with Mr. Selchan.

Mr. Maguire asked how many bridges were affected. Mr. Selchan replied four traffic bridges and one pedestrian bridge. Mr. Rubio counted six bridges, one of which crossed a water main. Mr. Schriener stated that one was a City bridge. In response to Mr. Maguire's question, Mr. Schriener stated that the County only agreed to take responsibility for the bridge on Coral Springs Drive. Mr. Maguire asked about the condition of the bridge on Atlantic Boulevard. Mr. Selchan replied that it was not as bad and had less room underneath. The amount of space from the bridge to the water needed less bank stabilization; therefore, the cost to the County or the District would be minimal, as it would involve some digging but was not the same situation as

with the other bridges. The Riverside Drive bridge, by Taravella High School, would require a substantial amount of widening and deepening.

Mr. Wrathell felt that the bigger issue was the condition of the canal banks; he suggested evaluating them to have a better idea of what work was necessary, before meeting with the City, and considering a program similar to Canal Z, to relocate vegetation, to minimize impacts on the canal banks. Mr. Schriener stated that the surveys would show the canal, canal banks, trees, lots and property lines and that the work should be completed when dry. Mr. Selchan stated that a large amount of cubic yards of material must be removed and it must be placed on the canal bank and dried. On the Canal Z project, there was no room for the removed material. Mr. Wrathell suggested that the District Engineer provide a recommendation on how much ROW was necessary to store the material and allow vehicles to drive along the lake bank.

Mr. Selchan agreed that the impacts should be discussed up front and that the District not back down from its position of clearing the ROW and performing the necessary work. If there was room to include plants, it would be discussed after the fact. A strategy should be discussed with the City, to make sure they understand what the District wants to do and to obtain the City's input or suggestions of how to inform residents. If residents attend a Commission meeting, the City would be informed of what the District was doing and why. Mr. Morera requested approval from all parties before communicating with residents. Mr. Selchan concurred, as it delayed the Canal Z project for one year. Mr. McKune believed that vegetation would be a large problem, as there were many large fixed structures well inside of the District's ROW. Mr. Wrathell felt that the more flexible the District appeared to be, the less problems there would be dealing with the City and residents.

Mr. Morera recalled that the District was very flexible, during the Canal Z project, which did not help. Mr. Maguire hoped that the District now had a better relationship with the City. Mr. Morera stated that there were new commissioners. Prior to project completion, the District would utilize all of the space necessary to complete the project, in the most effective way, without causing any potential disruptions.

Mr. Selchan felt that each task would present separate challenges. In Task 1, one side of the canal had large homes with large lots but the other side was Cypress Run with homes that had no backyard. The challenge would be residents complaining about the District cutting their plants and trees. The challenge in Task 2 would be residents who lived across from the ballpark.

There was nothing in the District's ROW at the ballpark, behind the apartments or Wal-Mart; however, any vegetation cut on the other side would expose residents across from the ballpark to the lights and noise. In Task 3, there would be obstructions, such as gazebos and fences.

Mr. Morera asked if residents that had obstructions encroaching into the ROW received notification that their structure was in the ROW and there was no permit on file. Mr. Selchan replied that one property was notified about their fence but they did not remove it. The District notified the City but the resident claimed a hardship and the City allowed the fence to stay. Since then, there were more fences. Mr. Morera questioned why the City would allow an unpermitted fence, on the District's ROW, to remain when they had no control over the District's ROW. Mr. Selchan stated that the District stopped pursuing it but had the right to remove the fence. Mr. Morera stated that the District should have a plan to deal with these situations. Mr. Maguire agreed that there were obstacles but the District would not get away with presenting plans for Tasks 1 and 2 without discussing Tasks 3 and 4.

Mr. Morera requested an overall presentation of the challenges, the plans to address the challenges and how Task 1 would commence, followed by Tasks 2, 3 and 4 because, once Task 1 started, residents along the canal would warn other residents. Mr. Selchan suggested treating everyone the same; Task 1 would be performed the same way as Task 2. Mr. Maguire asked if both sides would be affected. Mr. Selchan replied affirmatively. Mr. Maguire would take pictures and anticipated six to eight months to communicate with residents. Mr. Selchan stated that the City should be appraised and educated. Mr. Zielnicki asked if CSID allowed trees and vegetation in their ROWs along the canal. Mr. Selchan replied that it was on a case-by-case basis but CSID allowed some impediments in their ROW. Mr. Wrathell recalled an issue with docks. Mr. Selchan stated that CSID was still discussing docks. Mr. Maguire asked if pools were impediments in Task 3. Mr. Selchan stated there were pool decks and gazebos. One homeowner obtained a permit from the District for a small dock, in the District's ROW, which expanded to hedges and a gazebo. The District has a right to withdraw the permit; however, since the homeowner passed away, the permit was considered null and void.

Mr. Morera asked if Code Enforcement was aware of the encroachments. Mr. Selchan replied nothing was ever pointed out to Code Enforcement; he could speak to them but it was a long process to get Code Enforcement to enforce. Mr. Morera stated that, until issues were resolved, in conjunction with the City, it did not make sense to solicit bids. Mr. Selchan stated

that fence issues were “cut and dry”; the resident is notified that a bulldozer is coming and the resident could either move the fence or lose it. The contractor knows to move the fence if the resident does not. The primary issue was trees.

Mr. Maguire asked who would prepare the communication and execution plans. Mr. Schriener was responsible and would work with Mr. Selchan and Mr. Wrathell. Mr. Wrathell suggested waiting for the surveys and developing a strategy. Mr. Selchan would look towards Staff for recommendations. Mr. Maguire requested a plan, in January, with steps and timeframes. Mr. Schriener stated survey crews should be on site in a week or two weeks. Mr. Morera asked if the City should be appraised about the surveying. Mr. Selchan did not notify the City, in the past.

- **Review of 5-Year Capital Plan**
- **Coral Springs Drive Bridge Improvements**
 - **Commitment Letter from County**

This item was discussed during the Monthly Engineer’s Report.

- **Update: West Outfall Canal Improvements**

Mr. Schriener stated that Staff was working on Task 1. The soil borings should be completed before Thanksgiving. The survey crews would be on site in two weeks. The surveys should be available by the January meeting.

Mr. Maguire asked if the County was involved. Mr. Schriener would show the plan to the County. Mr. Selchan stated that the County must be prepared because, once the District work was completed, the County must begin their work.

Regarding Advanced Hood Systems (AHS), Mr. Zielnicki stated that the de-mucking was completed and they were working on the sod. AHS should receive their survey and engineer’s certification when the work was deemed complete. They received the SFWMD permit. Everything looked good.

- **Review of 5-Year Capital Plan**
*****This Item was discussed out of order.*****

Mr. Zielnicki stated that CAS was updating the Water Control Plan and meeting with Mr. McKune and Mr. Selchan to discuss the Capital Improvement Plan (CIP) and what items were completed. The prior CIP must be used to complete the current CIP.

Regarding the IBI matter, Mr. Schriener received a request to provide documents and CAS was compiling the documents. A meeting was scheduled on December 8, with Mr. Wilson, to review and confirm that all items requested were received.

C. District Engineering Consultant: *John McKune*

There being no report, the next item followed.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan stated that the District did not receive any rain and water levels in the canals were falling. Since it was the dry season, power bills should not increase.

Mr. Selchan received the new trucks and showed pictures to the Board. He wanted to apply the District logo on the door and paint DOT florescent stripes on the trucks that could be viewed at night. In response to Mr. Morera's questions, Mr. Selchan stated that, in the past, the trucks were delivered white and painted blue. Mr. Morera asked if the trucks were numbered. Mr. Selchan replied that they would be. In response to Mr. Prudhomme's question, Mr. Selchan stated that the price to apply the logo and paint the stripes was \$350 per truck. Mr. Prudhomme questioned the importance of painting the trucks, since they were not marketing the District. Mr. Selchan stated that the trucks should have a logo, so residents would know they were District employees and who to call. All other Districts had white trucks with their logo. CSID had one work truck with their logo and blue DOT striping. North Springs Improvement District (NSID) only has their logo on the door. Pine Tree Water Control District (PTWCD) had trucks similar to the District's, with their logo and green and white stripes. If the Board approves, Mr. Selchan would have the logos applied next week and the trucks would be put into service. There was Board consensus.

- **Pump Stations #1 & #2**

Mr. Selchan reported no issues with the pump stations.

Mr. Maguire asked about the Carriage Point Pump Station. Mr. Selchan did not hear from the Carriage Point HOA and assumed that they did not want to pay for half of the work.

Mr. Selchan stated that Field Staff enjoyed the new trucks and appreciated their employee benefits. Field Staff appreciated the Board's sentiments about their job and providing them with the equipment to get the job done. Having good health insurance for their families motivates the employees to do a good job.

Mr. Morera asked if a holiday luncheon would be held for the employees. Mr. Selchan would discuss it with Mr. Wrathell or Ms. Cerbone.

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

Mr. Wrathell stated that the Auditor General requested an exit meeting with him and Mr. Morera to discuss the operational audit. Mr. Morera suggested scheduling it for the third week of November.

Ms. Cerbone stated that the December 7, 2016 meeting would be cancelled and the next meeting will be on January 11, 2017 at 6:30 p.m., at this location.

ELEVENTH ORDER OF BUSINESS


Adjournment


******This item was incorrectly listed on the agenda as the Tenth Order of Business.******

There being no further business to discuss, the meeting adjourned.

<p>On MOTION by Mr. Maguire and seconded by Mr. Prudhomme, with all in favor, the meeting adjourned at 8:02 p.m.</p>

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair