

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, February 8, 2017 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
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 6:31 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Ms. Cerbone 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

Approval of Unaudited Financial Statements as of December 31, 2016

This item was presented following the Seventh Order of Business.

SIXTH ORDER OF BUSINESS

Approval of January 11, 2017 Regular Meeting Minutes

Mr. Morera presented the January 11, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections.

District Counsel and the District Engineer emailed changes to Management, which would be incorporated.

On MOTION by Mr. Prudhomme and seconded by Mr. Maguire, with all in favor, the January 11, 2017 Regular Meeting Minutes, as amended, were approved.

SEVENTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Prudhomme was celebrating the ninth anniversary of his business.

Mr. Morera stated that the Taste of Coral Springs would be held on February 28 to raise funds for the YMCA of South Florida, Coral Springs Cadet Squadron of the Civil Air Patrol and Junior Achievement of South Florida. Approximately \$500,000 was raised since inception. Pre-sale tickets are \$50, \$60 at the door or \$75 for a VIP ticket, allowing guests early admission. The theme is Mardi Gras. The Slice of The Springs would be held on February 9 and The State of the City on February 16, at the City Center, which is sold out.

- **Approval of Unaudited Financial Statements as of December 31, 2016**

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

Ms. Cerbone presented the Unaudited Financial Statements as of December 31, 2016. Assessment collections were at 80% and anticipated to be 90%, in January. Ms. Cerbone received a \$59 legal litigation invoice today, from Broad and Cassel.

On MOTION by Mr. Maguire and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of December 31, 2016, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto stated that Mr. Michael Wilson, the attorney for the District in the IBI Group Inc., (IBI) litigation, prepared the amendment to the complaint, which would be filed tomorrow, at the latest. It included the additional claim for recovery of the settlement from the Lanzo Construction (Lanzo) litigation. A motion to amend would be filed and, if the other party objected, the judge would decide; however, Mr. Malefatto suspected that the other party would object but that the judge would likely allow the amendment.

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

- **Monthly Engineer’s Report**

Mr. Schriener presented the Monthly Engineer’s Report.

- **Coral Springs Drive Bridge Improvements**
- **West Outfall Canal Improvements**

Mr. Rubio reported the following related to the West Outfall Canal improvements:

1. All geotechnical, survey field work, tree survey and preliminary plans for the West Outfall Canal improvements were completed for Phase I.
2. Craig A. Smith & Associates (CAS) would analyze the new survey data and compare the results with the previously discussed design sections.
3. CAS would conduct a meeting with District Staff, next week, to determine the desired Coral Springs Drive bridge and canal cross sections. The proposed design section would depict the limits of the proposed work on the canal right-of-way (ROW) and bridge. Extent of construction would be shown on the plan and cross section views would be on

the engineering drawings, which should provide a guide for construction accessibility issues.

Mr. Rubio stated that, whether a 30' or 40' bottom wide canal was chosen, when tying to the existing grade, there would be 30' to work with, on either side, within the existing ROW.

4. District Staff would initiate preliminary conversations with the City of Coral Springs Arborist regarding canal encroachment and tree mitigation issues. This was to be followed up with a meeting between CAS, District Staff and the City to determine the best possible project approach. Over the next few months, public outreach methods would be explored.
5. Once the design section was agreed upon, CAS would prepare and submit permit applications to the South Florida Water Management District (SFWMD) and Broward County. Plans pertaining to the bridge would be submitted to Broward County Engineering for review.
6. Preparation of contract bid documents and specifications would follow the permit process once notice was received indicating the project would be approved.
7. CAS would continue coordination with Waste Management (WM) for material disposal pricing, based on the current geotechnical report. Cost estimates would be revised and were expected to be complete by the March meeting.

Mr. Morera requested a breakdown of each section. Mr. Rubio would provide what would be removed and what would remain, once the limits of the canal section were known. Mr. Morera stated that, in Section 1, the top of bank and ROW line seemed to be outside of the ROW and some vegetation encroached the ROW. Mr. Rubio stated that the surveyors identified material outside of the ROW.

Mr. Morera referred to Sheet G-02 and asked if the work started at V-07 and ended at V-01. Mr. Rubio replied affirmatively; typically, plans were in a south to north direction. In response to Mr. Morera's question, Mr. Rubio stated that the arborist listed the type of tree and diameter. The City Forester would use the survey to determine the full name of the tree and advise of the mitigation costs, if the tree must be removed. Mr. Morera asked if it would be possible to move certain trees into the property owner's ROW and negotiate mitigation costs between the City and the CDD. Mr. Rubio recalled that palm trees, in the County ROW, were replanted on private property, under an agreement between the contractor and the resident. Mr.

Morera asked Mr. Selchan and Mr. McKune to provide details from the Canal Z project, when trees were replanted, which might be an option for homeowners along the West Outfall Canal. Mr. Rubio stated that Staff would consider what worked, the Canal Z project, and what could be done to make everyone happy.

Mr. Rubio referred to Sheets V-0 through V-07, which showed existing conditions. Sheets C-01 through C-06 were the encroachment plan. There would be a legend, on the drawing, delineating what would be removed. If a tree could be relocated on private property, it would be noted. Sheets C-08 to C-14 were engineering drawings. In response to Mr. Maguire's question, Mr. Rubio stated that Sheet C-04 identified palm trees, pavers on the west ROW, which were surrounded by palm trees, and a protruding landscape hedge. Mr. Morera asked about the 30' of workable space on each side. Mr. Selchan stated that working space was flat ground and asked if there was flat ground on both sides. Mr. Rubio replied that there was a slope. Trucks must drive back and forth and whatever was in the way would be an issue. Mr. Morera stated that this was a key factor to consider. Mr. Rubio suggested that the contract consider a temporary haul road.

Mr. Selchan stated that, with the Canal Z project, the CDD permitted homeowners to have a specified number of feet to place usable material but, until the amount of flat ground on top of the 4:1 slope was determined, it was unknown whether there would be enough usable space. On one part of Canal Z, homeowners were permitted to use 10' of District property but, further west, homeowners were only allowed to use 5'. The bottom section would determine what was left at the top. The District must decide if homeowners would be allowed to use any of the District's base material and what material could be moved. Mr. Wrathell recalled that the Board wanted to present the plan to the City, once the ability to excavate was determined, and suggested determining whether homeowners would be allowed to use 5', 10' or none of the lake bank. Mr. Maguire requested project and communication plans to present to the City and residents.

Discussion ensued regarding the Canal Z project.

Mr. Morera asked if residents, on the west side of the West Outfall Canal, were Coral Springs Improvement District (CSID) residents. Mr. Selchan replied that all residents affected were CSID residents. Canal Z was the boundary and the work was south of it. Residents in back of the basketball courts and ballfields in the park, would be affected during Phase 2, when

material was removed. Mr. Selchan stated that the project was still in the preliminary stages and it was difficult to discuss the project until there was a conceptual plan. Mr. Morera stated that, once there was consensus, the best course of action was for District Staff to speak to City Staff about the project. Once the two sides understood the logistics, the conversation could escalate to elected officials. Mr. Selchan felt that discussion should occur sooner, versus later, due to City staff changes. Mr. McKune stated that the District Engineer was making good progress on the plans and there was good survey data. He suggested a 40' width and 2:1 to 4:1 slopes. Mr. Rubio stated that the design section, on the plans, indicated that the 4:1 slope would not take up the entire ROW and there would be 25' on each side.

Mr. Maguire asked when the plans would be completed; he wanted a Gantt chart or Excel spreadsheet showing project and communication plans for February and March, with costs, to present to the City, CSID and residents. Mr. Rubio stated that there must be agreement on the design section and a meeting with the new Broward County Bridge Superintendent. Mr. Selchan would meet with engineering staff. Mr. Wrathell suggested having a clearly defined chart, showing the width of the ROWs, the location of obstructions and identifying potential areas where there could be a vegetative buffer. Mr. McKune would provide the Rhon Ernest-Jones Consulting Engineers, Inc., (Rhon Ernest-Jones) drawing to the District Engineer, showing a picture of the excavator, truck on the bank, house, etc.

Mr. Maguire asked how the 30' to 40' discussion ensued. Mr. Selchan recalled that early estimates were provided by the District Engineer on the current profile of the canal. Once the CAD drawings were prepared, there could be 30' and 40' wide layouts and a model showing the improvements between what was there before and after the 30' and 40' wide bottoms. It would reflect the amount of improvement and whether it was worth going 40' for a nominal amount of gain and head loss. Mr. Selchan received the 30' cross sections today. Discussion should ensue about the best value, as a 40' cross section costs significantly more than a 30' cross section. Mr. Maguire asked about the current depth. Mr. Selchan estimated closer to 20'.

Mr. Selchan had many questions, such as if the intake bay at the pump station was a certain depth and why the canal could not be a certain depth. The bridge would be expensive but did not foresee a problem if the engineer only required a signed, sealed plan with the signature of a Structural Engineer. Mr. McKune stated that, when comparing 30' to 40', every foot costs \$100,000. Mr. Morera expected staff to have these conversations, answer all questions and have

the necessary information to proceed, by the next meeting. Mr. Morera requested an electronic version of the communication and project plans.

C. District Engineering Consultant: *John McKune*

There being no report, the next item followed.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan reported that the District did not receive much rain, since the last meeting. Water levels were extremely low, in the East Basin, and many residents living along waterways called about the low water level. Mr. Morera asked if water could be pumped into the waterways. Mr. Selchan replied that the District was allowed to pump water but the water did not reach everyone. Shallow lakes would not receive any water. The water level in the East Basin was down 3'; normally it was 7.5' but it was currently 4.5'.

Mr. Maguire believed that, if the conditions continued into the warmer season, the East Basin canals would turn into puddles and there would be mosquitoes. Mr. Selchan stated that the problem mosquitoes come from areas of water where there were no predators. Even though it may not be raining, water from sprinklers fills up material that holds water, which mosquitoes thrive in. Mosquitoes would always be a problem, in Coral Springs, since the City was one mile from a swamp.

Mr. Selchan and Mr. Zielnicki met with the City to discuss guardrails. The City was looking for a way to eliminate their guardrail issues and the solution was to remove the hazard by having the canal 50' away from the roadway. The City wanted the District to agree, in concept to remove the guardrail, install the new pipe and fill in the canal. Mr. Morera asked how that would impact the District. Mr. Selchan could not think of any negative impact, as the District would regain access. Before the guardrails, Staff had access at any culvert in the City; however, when the guardrail was installed, access to waterways was lost.

Mr. Maguire asked if the District was liable if someone drove into a District canal without a guardrail. Mr. Selchan did not know because there was no standard for a guardrail. The City understood that there would be no liability, believing that, if the hazard was removed, the 50' distance provided time to stop a vehicle, removing the requirement for guardrails. Mr. Wrathell asked if the City was removing the guardrails. Mr. Selchan replied that the District would pay for the work it wanted to do and the City would pay for its work. Mr. Wrathell voiced concern about the District accepting further liability once the guardrails were removed. Mr.

Malefatto could envision someone suing the District; however, factors would determine who would be responsible, such as someone driving carelessly.

Mr. McKune stated that the City could rely on County or State standards but the District could not rely on anyone. Mr. Selchan stated that guardrails did not stop cars from entering canals, recalling that, in 2009, teenagers drove through a guardrail, at the corner of University Drive and Broken Woods Drive, into the canal and drowned. The teenagers were killed when the guardrail flipped the car upside down into the canal. The parents tried to sue the District but it was not the District's canal. Each owner owns to the center of the canal and the District owned the easement. Regardless of whether there was a guardrail, someone would sue the District. Mr. Schriener stated that the Department of Transportation (DOT) had a clear recovery issue.

Mr. Selchan stated that the City wanted the District to agree, in concept, that it had no objection to removal of the guardrails. If the District did not agree to removal, the City must be informed prior to April. Mr. Selchan suggested contacting Mr. John Hearn, the City Attorney, to address any concerns. Mr. Morera was comfortable with the conceptual agreement but the Board's concern was to address potential liability, once the guardrails were removed. The Board would be comfortable if this issue was addressed between District Counsel and Mr. Hearn. Mr. Selchan stated that many places did not have guardrails. Mr. Wrathell wanted to ensure that it was understood why the District was doing this and that it was intended to be a positive step forward to prevent people from dying. Mr. Selchan believed that the District was not agreeing to the City removing the guardrail, just allowing them to fill in the canal to a safe distance. Mr. Malefatto stated that the District was not objecting to the work.

Mr. McKune asked if the City must then maintain the road drainage pipes. Mr. Selchan spoke with Mr. Peter Moore, the City Engineer, about an Interlocal Agreement to complete the work and economies of scale if the work could be completed, in unison. The culvert pipe must be addressed.

On MOTION by Mr. Maguire and seconded by Mr. Prudhomme, with all in favor, the District having no objection to City of Coral Springs exploring removal of guardrails, was approved.

Mr. Malefatto asked Mr. Selchan to provide updates on the City’s progress and, at the appropriate time, Mr. Malefatto would meet with the City. Mr. Morera asked if there were fee waivers that the District provided to the City. Mr. Selchan did not have any documentation. Mr. Morera requested that Staff retrieve the documentation for future discussions. Mr. Wrathell would search through minutes.

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

- **NEXT MEETING DATE: March 8, 2017 at 6:30 P.M.**
 - *Landowners’ Meeting immediately followed by Regular Meeting*

Mr. Wrathell indicated that the next meeting will be held on Wednesday, March 8, 2017 at 6:30 p.m., at this location, with the Landowners’ Meeting, immediately following the Regular Meeting. Mr. Maguire’s term was up for election.

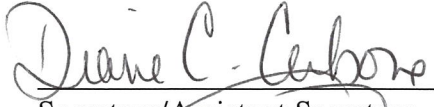
NINTH ORDER OF BUSINESS

Adjournment

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 7:40 p.m.</p>

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


President/Vice President