

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on Wednesday, February 13, 2019, 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
Daniel Prudhomme	Vice President
John Tornincasa	Secretary

Also present were:

Cindy Cerbone	District Manager
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Jim Maguire	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
Mark Sirchio	Rio-Bak Corporation
Cheri Tishman	Resident
Kyle Stottlemeyer	Resident
Inez Gutierrez	Resident

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Roll Call

Ms. Cerbone called the roll. All Supervisors were present, in person.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

FOURTH ORDER OF BUSINESS

**Update: West Outfall Canal (WOFC) Project
– Resident Communications**

Mr. Maguire stated that The WOFC Project is in accordance with the District’s mission to provide drainage and stormwater protection for 16,000 property owners within the Sunshine Water Control District (SWCD). He reported the following:

- The project is on track to be completed by mid-April or the end of May, as the program was designed; the construction for widening and deepening the canal is proceeding according to the plan that was developed and communicated.
- An Engineer visits the site every day to record the construction contractor’s daily progress.
- The construction contractor is current and confirmed what was already completed.
- The construction contractor is working on completing preliminary as-built drawings of the project to confirm what the District Engineer believes to be completed, which is the widening and deepening that was planned.
- The irrigation systems are being installed and the west side of the WOFC portion of the system is almost completed. Once the east side is completed, irrigation will be re-installed in the last section that abuts Canal Z and then sodding will commence. The west side of the canal should be completed by mid-March.

FIFTH 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.)

Ms. Cerbone stated that each member of the public will have two opportunities to speak during the meeting and public comments are limited to three minutes. Neither the Board nor District Staff are required to respond; questions or concerns raised will be responded to within seven to ten days, after Staff has had a chance to gather the information needed to address the questions that were posed.

Ms. Cheri Tishman, a resident, stated that Mr. Maguire visited her several times regarding the project and informed her that the planned project would take up approximately 10’ of land on each side of her home but in reality, it took over 50’. If she was given the correct information, from the start, she would have sold her home and relocated. She posed the following questions:

- Which company is installing the sprinklers and is there a warranty on the system that is being installed?
- She was previously told that standing water in the street is unrelated to the canal system; however, each time it rains and the water level in the canal reaches the street level, the street floods and the canal must be drained in order to fix the problem. Are the contractors aware of the flood potential, as the water level planned for normal water level is very close to the street level and any little bit of rain floods the streets and residents' front yards?
- Can residents obtain a license for an additional 5' of buffer? Is that past residential property lines and what does that process entail?
- Can the District provide residents with copies of the Best Management Practices Plan?

Mr. Kyle Stottlemeyer, a resident, expressed his concern that property is being taken away from residents on his side of the canal, while residents on the other side are getting more property to their homes. It does not seem right and now it is being called an alignment of the canal. Why was this not correctly presented to him at the beginning of the project so that he could be more aware of what was going to really happen? He complained about debris that has rusted the bottom of his pool.

Ms. Inez Gutierrez, a resident, stated that, at the start of the project, she was told that the project would result in a loss of 10' for both sides, with an easement; however, land is being added to the other side on a piece of property where the residents own a full acre. Due to the ongoing work, she can no longer enjoy her back yard and the grass on her and her neighbors' front yards are dead or dying because they are unable to water their grass due to the project and the City fines property owners for dead yards. There is dust and debris on the houses and her and her neighbors' water bills have tripled or quadrupled from hand-watering their lawns. If residents were told the truth from the beginning, more citizens from her neighborhood would be in attendance at tonight's meeting. She alleged that everything she and her neighbors were told was a lie and changed and the City Commissioners were alerted of the issues. She has resided in the City for 44 years and contended that there was no flooding issue that needed repaired and the City only flooded once, in 1979, when she was a little girl in the SWCD; therefore, the whole situation is ludicrous. She expressed her disappointment with District Staff and with the project and stated that she purchased her property for the land behind the home and now it is being taken away and redirected somewhere else.

▪ Monthly Engineer's Report

Mr. Rubio presented the Engineer's Report and highlighted the following:

- The sixth progress construction meeting with the contractor's staff was held. The project was 50% on contract time, as of today, and about 40% of the project costs were approved, to date.
- The crews were working on the second canal segment, on the north end near Canal Z; that portion should be completed by the end of February.
- In March, construction would commence on the next segment, involving work under the bridge and north and south of the bridge.
- Weekly construction staff reports are provided to the District Manager.
- The contractor is coordinating with CAS and the City in developing a limited staging area in the park, as they commence on the third segment of the project.
- The tree permit application for Phase 1C was submitted. The tree mitigation fee was negotiated down from \$31,000 to \$27,500, and it was submitted today.
- CAS received permits from the County and the South Florida Water Management District (SFWMD) for Phase 1C.
- Outreach documents to the residents in Phase 1C were processed for execution by residents, in accordance with the options in those agreements.
- At the time of this report, CAS requested a price proposal from Rio-Bak Corporation (RBC) to perform the canal construction in Phase 1C, similar to Phase 1B. CAS recommended approval of the Change Order proposal from RBC, if the Board decides to proceed with the improvements.
- CAS would like to complete Phase 1C by the end of May, which is when the City agreement terminates. This will add to the construction time so CAS will request an extension for construction services to cover the additional Phase 1C project, which will take the District to the end of May and, maybe, a portion of June, depending on the weather.

Mr. Maguire stated that the project is split into three phases; Phase 1A tree removal and encroachment removal in Phases 1 and 2. The entire project extends from Canal Z to the Cypress Creek Park but the project was broken down in two parts as it was anticipated that it would coincide with the rainy season. If the project is not on schedule or is ahead of schedule, there may be a delay but he was comfortable that the project is on schedule, since the

remainder of Phase 1C is being proposed, which is from the Coral Springs Bridge to the Cypress Park Bridge. Mr. Morera asked when Broward County would be advised to do their portion of the Coral Springs Bridge, now that the bridge work was commencing. Mr. Rubio stated that Broward County would be notified once the bridge work commences. Mr. Maguire stated that the control level is 7½' and the highest it has been is 8' and the construction company will do the gabion rock at the Bridge up to 8½', so they can do it whenever they feel comfortable. In response to a question regarding the reduction in the tree mitigation fee, Mr. Rubio stated that, when the plans were initially prepared, the arborist assumed that every tree was coming down; however, in Phase 1C, some trees will be salvaged because the City asphalt sidewalk meanders slightly into the ROW and since there is a tree there, a buffer will be added.

Mr. Rubio presented Change Order No. 02 for Phase 1C canal construction. The RBC proposal was \$815,708, which was within 4% of CAS's estimate, and the comp classifications for lump sum items were deemed acceptable and the unit price items were kept the same for Phase 1B. Mr. Morera asked if the plans were provided to the City as well as to what will happen in Phase 1C. Mr. Rubio stated that the City received the encroachment plans that delineate the limits of the canal work.

Ms. Cerbone stated that District Staff has very good, open communication with the City.

Regarding the Change Order, Ms. Cerbone stated, since there was currently an approved budget and the District was considering adding an expenditure of approximately \$900,000 to it, which is significant, it would be necessary to discuss the Fiscal Year 2019 budget, the bond refunding that allocated more funds and pending FEMA funds. She distributed a handout entitled "SWCD - Funds Summary for Potential Inflows and Outflows FY 2019," and discussed the fund balances in the following columns:

- Audited
- Unaudited
- Unaudited/Budgeted/Forecasted (no FEMA)
- Unaudited/Budgeted/Forecasted (No FEMA plus bond refunding)
- Unaudited/Budgeted/Forecasted (No FEMA plus bond refunding and WOFC CO)
- Unaudited/Budgeted/Forecasted (No FEMA plus bond refunding, WOFC CO and Storm Event)

Ms. Cerbone outlined best and worst-case scenarios relating to the budget and, in the worst-case scenario, she recommended imposing a one-time increase in assessments to rebuild recovery funds and, if the funds are not spent, the operation and maintenance (O&M) assessments could be reduced in Fiscal 2021. Discussion ensued regarding storm damage costs, IBI litigation costs, a Shade Session, FEMA funds, an additional assessment, the FEMA reimbursement time frame, budget season and Change Order No 02. In response to Mr. Morera’s question, Ms. Cerbone stated that there \$2.3 million in the capital budget.

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, Change Order No. 02, for Phase 1C improvements, in the amount of \$815,708, was approved.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, Craig A. Smith & Associates construction services, in a not-to-exceed amount of \$67,000, for construction observation related to the Change Order No. 02, Phase 1C improvements, was approved.

Mr. Tornincasa left the meeting.

SIXTH ORDER OF BUSINESS

Update: West Outfall Canal (WOFC) Project – Construction

Mr. Morera requested an update on the construction project. Mr. Sirchio stated that things are moving rather quickly, Monarch is accepting more than 50 loads per day and the crewmen are doing up to 100 loads per day. As to the sprinkler systems and the sodding, Mr. Maguire confirmed that a subcontractor is working on the sprinkler systems and RBC will install St. Augustine sod down to the control level of 7½’. Discussion ensued regarding sod installation, irrigation lines, sprinkler heads, blotters and an excavator.

SEVENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of December 31, 2018

Ms. Cerbone presented the Unaudited Financial Statements as of December 31, 2018. She noted the following:

- The \$210,301 “Undeposited funds” line item was the check forwarded by Wells Fargo that closed out the Capital Projects fund. The check was received in late December but was not deposited until January.
- The “Legal litigation” line item was at 60% because of the bond refunding during this fiscal year.
- Due to where the projection was heading for the legal litigation, Management will present a budget amendment for Fiscal Year 2019, at the March or April meeting.

Mr. Morera requested an accountability of expenses, to date, prior to the Shade Session in April. In response to Mr. Morera’s question regarding a new debt service schedule, Ms. Cerbone called attention to the Debt Service Fund Series 2011, on Page 4, and Series 2018, on Page 5. The amortization schedule would be updated from Series 2011 to Series 2018, when the budget amendment is presented. Discussion ensued regarding the miscellaneous capital projects and costs.

On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of December 31, 2018, were approved.

EIGHTH ORDER OF BUSINESS

Approval of January 9, 2019 Regular Meeting Minutes

Mr. Morera presented the January 9, 2019 Regular Meeting.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the January 9, 2019 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Public Comments

Ms. Tishman stated that the District’s website states that the contractor will remove the debris that has fallen on her and her neighbor’s homes, which she assumed included cleaning the roofs, screens and patios because there is a lot of debris. She gave Ms. Cerbone a copy of the website page with that information. She contacted the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding the abundance of fish, turtles, snakes, eagles and an alligator on the construction site that were removed and relocated to another part of the

canal. Mr. Selchan stated when the first section of the project was being done, the contractor pumped a lot of muddy water in that area and most of the fish and turtles and the alligator left and, when the project is completed and the dams are removed, the wildlife should return. Ms. Tishman stated that the loss of property was very upsetting because she was told it would only be 10'; there is about 25' left in her yard and another 5' of embankment.

Ms. Gutierrez stated that she witnessed two tractors, behind two bulldozers, that went down and parts went flying into her pool, which rusted the marcite on the pool bottom. She has also had to replace the pool pump twice, due to the debris. She asked who would fix the damaged marcite caused by the tractor. She stated that this adds to the expenses that she has incurred from being a resident.

TENTH ORDER OF BUSINESS**Supervisors' Communications**

Mr. Morera stated that, at a January City Commission meeting, Commissioners discussed the new bill that is being brought up in Tallahassee to change the voting method for special districts. He felt that there was a lot of ambiguity in their statements and it would have been better if they were more selective in their descriptions of the Districts. He noticed that Canal RR was being maintained and asked if the work was being facilitated by the landowners. Mr. Selchan stated that the property owner who purchased the former Westinghouse facility is doing the tree removal, which included all the trees up to the District's ROW but not the trees along the canal bank, which merits discussion. He did not know why but those trees were neglected in the first phase but de-mucking and other canal work must be performed so they may be doing it later. The north side of the canal is still a topic within City Hall.

Mr. Morera asked if the Florida Association of Special Districts (FASD) had an opinion of the upcoming legislation and planned to present any front. Mr. Malefatto stated, because it only affects these Districts, he doubted that FASD would get involved but the Coral Springs Improvement District (CSID) hired his firm to oppose the bill and he believed that the North Springs Improvement District (NSID) also hired lobbyists. He thought that it is too soon to give an estimate or a projection of what might happen. The session begins on or around March 1. Discussion ensued regarding the legislation.

Mr. Morera noted the many events taking place in and around the City tomorrow in remembrance of the many lives lost last year at Marjory Stoneman Douglas High School and urged everyone to remember the victims and their families.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto had nothing additional to report. He would look into scheduling a Shade Session in April.

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

• Monthly Engineer’s Report

This item was partially presented following the Fifth Order of Business.

• Permit Application: Hotwire Communication – Fiber Optic Cable Installation, Royal Palm Blvd/SWCD Canal SS

Mr. Rubio presented the ROW Permit Application. The work would be at Canal SS, in the area of Royal Palm Boulevard and NW 123 Avenue. Mr. Morera asked where time spent on processing a Letter of No Objection (LONO) is billed. Mr. Rubio stated that it is billed to the District, as part of general services. Mr. Morera asked if the District should receive cost recovery from the applicant. Ms. Cerbone stated that only permit reviews involve cost recovery, as LONOs are typically a “desk review only” activity with less work; whereas, permits require drawing reviews and site visits.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the Right-of-Way Permit Application, CAS Project No. 15-1826, submitted by Cable Wiring Specialist, Inc., on behalf of Hotwire Communications, for the installation of conduits and fiber optic cable at Canal SS, in the area of Royal Palm Boulevard NW 123 Avenue, subject to the requirements, specifications and special conditions, as set forth in the CAS recommendation letter dated January 30, 2019, was approved.

Mr. Maguire stated that the Revocable Park Access Agreement was executed last week by the City Commission. Commissioner Vignola requested a conference call regarding the WOFC project, due to a comment he heard alleging that CAS misrepresented the City on the project scope. He informed the Commissioner that he would present this to the District Board

and, if the Board wanted to participate in the conference call, they could. He planned to forward his presentation to the Commissioner and inform him that there was no misrepresentation, on his part, and asked for the Board's approval before he has that conversation. Mr. Morera requested a copy of the questions and answers from tonight's meeting. Ms. Cerbone stated that she could email it to the Board Members or provide it at the next meeting. Mr. Morera felt that some of the public comments were troubling and should be addressed right away or they could become a concern for the District. Mr. Selchan asked for time for due diligence and to have a professional fact check it. Discussion ensued regarding flooding, the WOFC project, the public comments, the Commissioner, the conference call and acquiring a legal opinion. Ms. Cerbone stated that Management's recommendation was for a Board Member to participate in the conference call and, if the Board chooses, District Staff members could participate as well. Mr. Maguire could email the presentation to the Commissioner, along with a note stating that CAS has not varied any from the presentation given at the October 25, 2017 Commission meeting and request that the Commissioner provide his questions and concerns, in writing, so that District Staff can review and respond accordingly. Mr. Maguire stated that he would ask the Commissioner for his questions, and seek a few dates that are convenient for the conference call.

C. District Engineering Consultant: *John McKune*

There being no report, the next item followed.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan stated, in response to statements during tonight's meeting regarding dying grass, there was over 6" of rain since January 1st; the District received an extraordinary amount of rain for this time of year. Staff is trying to exercise a high level of tolerance for the construction crews to not incur costs that would be incurred if the mud dykes and bladders are removed and he will try to continue to exercise as much restraint as possible. The City Utility Department recently requested lowering of the canal and he informed them that, due to an ongoing project, it could not be done without incurring significant costs. If the situation worsens or if there is an emergency, he would require a request from a high level within the City. Discussion ensued regarding the deep lines, water levels, lateral pipes, infiltration and lift stations. In response to Mr. Morera's inquiry regarding staffing and equipment, Mr. Selchan

stated that a truck was damaged when an employee accidentally hit a tree stump; the truck was appraised by the insurance carrier and will be sent for repairs next week.

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

Regarding the LONO process, Ms. Cerbone stated that, when individuals apply for a fence permit, it usually circulates to her and Mr. Selchan for review; there have been several interesting requests in the past six months. She asked for the Board direction on what action to take the next time a LONO request is received and there is no easement issue with drainage or utility and a fence is to be installed on a property adjacent to a District ROW with encroachments. Currently, residents are not required to remove the encroachment; however, this could be an opportunity for spot cleanups, such that, in order to receive a LONO, the encroachments must be removed and the homeowners would have the option to remove the encroachments themselves or sign an agreement with the District for a one-time removal. While there is not an abundance of funds in the budget for this type of service, some funds are available. The District has been issuing LONOs but not addressing encroachments with any of the homeowners. Mr. Prudhomme felt that the homeowner should be required to remove if any encroachments and the District should not have to pay for removal by the landowners. Mr. Morera agreed with Mr. Prudhomme and felt that encroachment removal was a part a homeowner’s costs of upgrading their property but agreed that the District should still offer the obstruction removal agreement option. Discussion ensued regarding the original purpose of the removal agreement.

Ms. Cerbone would update the LONO process to include encroachment/obstruction removal.

- **NEXT MEETING DATE: March 13, 2019 at 6:30 P.M. [Landowners’ Meeting and Election followed by Regular Meeting]**

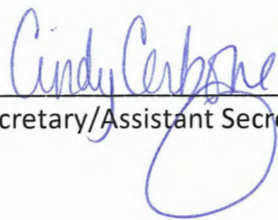
Ms. Cerbone would email a copy of the proxy and the ballot to Mr. Prudhomme.

The next meeting will be held on March 13, 2019 at 6:30 p.m.

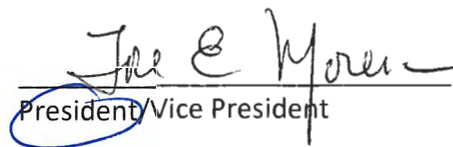
TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 8:32 p.m.



Secretary/Assistant Secretary



President/Vice President