

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on August 14, 2019, at 6:00 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
Steve Smith	Craig A. Smith & Associates, Inc.
Jim Maguire	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	Engineering Consultant
Court Reporter	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Morera called the meeting to order at 6:03 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.

▪ **Acceptance of Unaudited Financial Statements as of June 30, 2019**

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

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2019. The District continued to operate when funds from the "Debt Service Fund", Reserve Accounts and

the unused Disaster Recovery reserves were transferred to offset the deficiency in the Year to Date budget. She would ensure the Debt Service Schedule is correct in the next agenda package. The Federal Emergency Management Agency (FEMA) documents were executed and submitted; however, the amounts were minimal and the largest amount was not yet obligated.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of June 30, 2019, were accepted.

- **Discussion: Obstruction Removal Options for Residential and Commercial Properties and Property Owners**

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

Ms. Cerbone stated she was in the process of revising the Policy and Obstruction and Removal Agreement and recalled the District would pay a one-time expense for obstruction removal in the District’s right-of-way (ROW), for residents but not for commercial property owners and requested clarification that it did not apply for properties zoned commercial. Each Board Member gave their opinion as to the District’s intent, which was to aid individual residents and non-profits but not commercially owned properties or whether the decision should be on a case-by-case basis. Ms. Cerbone and Mr. Malefatto would refine the Policy and the Obstruction and Removal Agreement and present a draft for consideration at the next meeting.

FOURTH ORDER OF BUSINESS

Recess Regular Meeting/Commencement of Executive Session

The Regular Meeting recessed at 6:28 p.m. and the Executive Session commenced.

FIFTH ORDER OF BUSINESS

Termination of Executive Session/Reconvene Regular Meeting

The Executive Session adjourned at 6:45 p.m.

The Regular Meeting reconvened at 6:51 p.m.

Mr. Tornincasa left the meeting at 6:45 p.m.

All stood for a moment of silence for the El Paso, Texas and Dayton, Ohio victims.

SIXTH 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.

SEVENTH ORDER OF BUSINESS

**Discussion: District Employee
Vacation/Sick Time**

Ms. Cerbone presented a comparison spreadsheet of the District’s Employee Vacation/Sick Time policy and the Coral Springs Improvement District (CSID) policy that was revised January 31, 2019, and the impact if similar changes are made to the District’s policy.

Mr. Selchan stated at the time of being hired, he received benefits similar to CSID’s revised policy and was grandfathered in; however, his staff does not have the same benefits. CSID continues to look for incentives to retain good employees, which was the reason for the policy change. He believed the District would benefit by staying in line with similar Districts.

Ms. Cerbone stated that Mr. Tornincasa felt it was important that the District treats its employees fairly and equitably and that it should maintain policies similar to other water districts. Mr. Morera stated that after reviewing the information and the financial impact on the District’s budget, if the current accruals were paid out, he believed the Board should consider approving the changes. Mr. Prudhomme stated he liked the idea of providing these benefits to prevent other Districts from soliciting their trained employees. Mr. Selchan felt it would give employees an incentive to accrue time rather than calling in sick for minor illnesses.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, authorizing Staff to update the District’s Employee Vacation and Sick Time Policy, as presented, and incorporate it into the District’s Employee Handbook, effective August 19, 2019, was approved.

EIGHTH ORDER OF BUSINESS

**Discussion: Obstruction Removal Options
for Residential and Commercial Properties
and Property Owners**

This item was presented following the Third Order of Business.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2019

This item was presented following the Third Order of Business.

TENTH ORDER OF BUSINESS

Approval of July 10, 2019 Regular Meeting Minutes

Ms. Cerbone presented the July 10, 2019 Regular Meeting Minutes. All edits submitted to Management were incorporated into the final version; none of those changes were significant.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the July 10, 2019 Regular Meeting Minutes, as amended to incorporate all edits previously submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Prudhomme relayed Ms. Sears' heartfelt "Thank You" to the District and those involved for having the obstructions on her property removed.

With the Board's consent, Mr. Morera would provide an overview of the work completed at the West Outfall Canal at the next Broward County Commission meeting; however, responses on certain open situations were pending. He encouraged everyone to attend the Coral Springs Community Chest (CSCC) fundraiser at Wing's Plus on August 28, 2019. CSCC is a non-profit organization raising funds to award to non-profit groups within the city. He thanked everyone for their continued support of the District.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto stated Mr. Lewis would attend the next meeting in his absence.

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

Mr. Smith stated proposals for structural and geo-technical services on capital projects would be presented next month.

i. WOFC Update

Mr. Rubio reported the following:

- Projects 1B and 1C were completed.

Mr. Rubio stated that, after reviewing the as-built plans with Rio-Bak Corporation (Rio-Bak), they were returned and the final payment was held until the Surveyor makes the modifications necessary before he can certify and submit to the South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (Corps) so the permits could be closed.

Mr. Rubio distributed a revised Cost Table that is part of the Engineer's Report, which differs from the one in the agenda package.

Mr. Rubio gave an overview of the WOFC Cost Recap awarded to Rio-Bak.

Ms. Cerbone presented Mr. Tornincasa's comments, which were that, typically, it is the duty of the District Engineer to manage project and costs, which should stay within a 10% variance, as opposed to the unfavorable variance cost overrun of the WOFC project. Ms. Cerbone suggested Mr. Rubio email a copy of the revised table to Mr. Tornincasa directly and clarify his statement about the project's variance, which she believed was not the appropriate verbiage to use. She would work with the District Engineer to revise the table so that it explains that the Board agreed to deviate from the original scope of the project, the project did not overrun as much as he believed, that it was a successful project and, by completing certain projects, it saved the District further costs in the future.

ii. Proposed Capital Projects

Mr. Rubio distributed the revised Five-Year Capital Improvement Plan (CIP) 2017, which differed from the one presented at the last meeting, and provided an overview of ten upcoming projects ranked in order of priority.

Mr. Rubio stated that the Project 1B amounts were revised to reflect the cost incurred based on what was submitted on the bid and the West Outfall Canal segments. Priorities one through three contained updated construction costs based on the submitted bid prices; however, he was waiting for the professional services proposals to present at the next meeting.

He and Mr. Selchan toured the property with them to go over the scope of the projects. The District could chose to reprioritize the remaining West Outfall Canal segments, whether to separate the projects during the bridge work or complete as part of the canal segment projects, depending on funds being available.

Mr. Rubio stated the CIP included a District-wide Encroachment Removal Project, similar to Lake Worth Drainage District's three-year plan recently implemented by Director Mr. Strowd, formerly with SFWMD. He would contact the City's Engineer to discuss the recent grant and inquire about the potential to collaborate resources, ensuring this District's stormwater projects do not overlap with other projects, specifically Corporate Park.

Mr. Morera stated several meetings were held with the previous engineering firm and they were unable to agree on an Interlocal Agreement with the City, SWCD and Corporate Park so that the District did not bear the entire load of performing and expending funds on all work related to canal or drainage. He would like Mr. Rubio to pursue those entities and initiate a collaborative program.

Mr. Selchan stated, from what he knew of the plan, the City realized its responsibilities and passed a new stormwater tax to offset costs to clean up the swells and overgrown easements that belong to the property owners and are used to convey stormwater from the street to the District's canals. No work was being done in the District's ROWs, other than when they tie in those easements to the canals, through the District's ROWs. It would benefit the District to obtain proposals and have the area around Westchester demucked. Mr. Morera was concerned about the permits and the improvements being built at a higher elevation level than other nearby businesses, which could cause them to flood and result in requests for the District to correct an issue that previously did not occur.

Mr. Maguire stated, after a recent conversation with a City Commissioner and City Staff member, the City intends to commence work on various projects at Corporate Park this fall and implement a new Master Stormwater Plan for the City, in 2020. He would begin preliminary discussions with the City regarding the District's plans and provide an update at the next meeting regarding whether the parties could agree to a collaborative effort on stormwater related projects.

Ms. Cerbone stated this information from the City would help the District Engineer rank projects, before the Board designates funds budgeted in the new fiscal year.

The directive was for CAS to focus on the WOFC and, since there were not sufficient funds to complete that project in its entirety, review the City's projects and timelines to see if the City could coordinate with any of the District's upcoming projects, so that the Board could consider reprioritizing projects at the next meeting.

Ms. Cerbone confirmed that Staff would prepare contracts to present at the next meeting of projects that could be coordinated with City projects, such as the Canal 20-1A Maintenance Restoration capital project, referenced as Item 6 on the CIP, with the intent that projects would not commence until November, during the next fiscal year.

Mr. Rubio noted that SFWMD suspended funding opportunities for water supply, wetland resource and stormwater projects after the last hurricane. CAS has experience submitting grants on behalf of their other clients. Governor DeSantis reinstated a program with \$40 million available but it all ties into water supply projects and water conservation. Although minimal funds are dispersed, it helps with operational costs, since it funds up to 50% of the construction cost within their budget. He suggested that, next year, the Board consider having CAS submit an application for a State appropriation grant, which disperse significantly more than SFWMD; however, it would require the District to engage a lobbyist, as the request must be submitted to a State Representative.

Mr. Smith stated the sooner the process is started the better, as it is a long-term process that takes a lot of planning and, with continued lobbying each year, the funds increase. He believed the District is in a good position since historical data shows the District spends its own money on improvements and is not just looking for a handout.

A "Discussion: State Appropriation Grant Process" item would be added to the next agenda, under "Staff Reports – District Counsel".

iii. Permit Applications

Mr. Rubio presented the County's request to waive the Trash Bond fee for the Wiles Road project, from University Drive to Riverside Drive; however, they omitted a justification for this request, which they were directed to include.

Mr. Selchen recalled the District waiving this fee in the past for other governmental entities, such as the City and County.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, waiving the Trash Bond fee for the Broward County 16073 Wiles Road Riverside - University Project, was approved.

Mr. Rubio provided a timeline of misinterpreted communications between various parties related to a preliminary ROW permit request from Chen Moore and Associates, to install a driveway on a 16 acre parcel that crosses Canal RR. Since the only concern was that they install a proper sized pipe, Mr. Rubio was reviewing the technical information he requested from Mr. Moore, before possibly rescheduling the meeting so Mr. Selchan could attend.

iv. Monthly Report

This item was provided for informational purposes.

C. District Engineering Consultant: *John McKune*

Mr. McKune commended Mr. Selchan on maintaining the WOFC.

Mr. Rubio stated that, after reviewing the contractor's Surveyor's as built drawings of the WOFC project, he suggested revising the bid schedules on future earthwork projects and considering engaging CAS to stake out the project and do the record drawings, so that it is done correctly and quickly. Ms. Cerbone asked District Counsel whether there was any type of liability claim the District could lose against a Contractor if there was an issue, if the Board decided to have the District Engineer perform those services, versus the contractor providing it. Mr. Smith stated CAS is engaged to protect the District and engaging them to perform this task would prevent the District from paying twice, first to the Contractor and then to CAS to verify the work; it would be more efficient since CAS continually updates its software, etc. Mr. McKune agreed that the contractor should never provide the as-built drawings. Mr. Malefatto confirmed that the District would not waive any claims by using that process.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan reported the following:

➤ 16.30" of rain reported in one month. The canals are kept 1' below mean water level and the pumps are run non-stop to absorb these storms. Yesterday a rain gauge failed and, before it could be inspected, the gauge was struck by lightning causing further damages to the wires going into the pump station and telemetry cabinet; he was waiting for the Field

Technician to inspect damages. Ms. Cerbone stated, once the cost of repairs is determined, compared to the insurance deductible, she would submit an insurance claim.

Since pump stations are subject to litigation, Mr. Malefatto recommended using judgment and repairing it as soon as possible, regardless of whether a claim is submitted. Mr. Selchen would notify the IT person that the rain gauge was being relocated from the top of the tower to beside it.

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

- NEXT MEETING DATE: September 11, 2019 at 6:30 P.M.

The next meeting will be held on September 11, 2019 at 6:30 p.m.

FOURTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the meeting adjourned at 8:30 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Cindy Lebone

Secretary/Assistant Secretary

Joe E Moran

President/Vice President