

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on April 14, 2021, at 6:30 p.m., at La Quinta Inn Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065

**Present were:**

Joe Morera	President
Ivan Ortiz (via telephone)	Vice President
Daniel Prudhomme	Secretary

**Also present were:**

Cindy Cerbone	District Manager
Daniel Rom	Wrathell, Hunt and Associates, LLC (WHA)
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Steve Smith	Craig A. Smith & Associates, Inc. (CAS)
Cory Selchan (via telephone)	Field Superintendent
John McKune (via telephone)	Consultant Engineer
Jeremy Anderson	Professional Engineer
Tom Hyde (via telephone)	MWI
Christina Bilenki	Applicant's Counsel
Susan Seal	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**

Supervisors Morera and Prudhomme were present, in person. Supervisor Ortiz was attending via telephone.

**THIRD ORDER OF BUSINESS**

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**FOURTH ORDER OF BUSINESS**

**Public Comments [3-Minute Time Limit]**

There were no public comments.

▪ **Consideration of Obstructions Removal Agreement - Option 2, 3221 Coral Springs Drive and Associated Obstructions Removal**

**This item, previously Item 10EI, was presented out of order.**

Ms. Cerbone stated Resident Susan Seal, an end-unit condo owner, previously executed an Option 2 Agreement but was very uneasy about it. Ms. Seal felt that the Condo Association (CA) should sign the agreement since it maintains the common area and had insurance concerns about the tree vendor that the District would hire. The common property that runs along the sides and in front of Ms. Seal's condo, where her property line ends to and including the canal, is the District's right-of-way (ROW). District Staff reviewed the plat and the CA documents for any discrepancies and nothing was found. Ms. Cerbone explained that the District would not engage a vendor that did not have appropriate insurance coverage; therefore, it should not be necessary to include that in the Option 2 Agreement. Ms. Seal was advised to ask the Board for an exception to modify the terminology in the Option 2 Agreement or request that the vendor provides a certificate of insurance (COI) naming the District, the property owner and the CA as additional insureds. Discussion ensued regarding tree removal companies, insurance coverage and damage, along with whether to obtain a COI from the tree vendor to absolve Ms. Seal of financial responsibility for any damage during tree removal. Mr. Selchan stated that most of the District's vendors are long-time contractors with good reputations, who carry adequate insurance coverage.

Ms. Seal voiced her concerns about the width of the easement, the tree size and possible damage to her patio and stated that, since she has been assured that the vendor would be insured appropriately, she was no longer worried and the tree removal work could proceed. Ms. Cerbone would follow up with Ms. Seal within a few days.

**On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the Option 2 Agreement with Ms. Seal and proceeding with the lowest proposal listed in the previous agenda, was approved.**

- **Permit Applications - Construction of Gas/Convenience Store (7-11) at 4550 North University Blvd. and Approval of Easement Agreement Presented by District Counsel**  
**This item, previously Item 10BII, was presented out of order.**

Mr. Rubio presented the ROW Permit Application submitted by Common Oak Engineering, on behalf of Boarder Assets, for modification of the 80' drainage easement at the convenience store/gas station (7/11), at 4550 N. University Drive, and recommended approval and execution of the Easement Agreement presented by District Counsel.

- **Consideration of Request for Amendment to District's Drainage Easement - Construction of Gas/Convenience Store at 4550 North University Blvd.**  
**This item, previously Item 10AI, was presented out of order.**

Mr. Malefatto presented the Encroachment Agreement, which allows the applicant/property owner to encroach into the SWCD ROW. Staff made sure that there was adequate space for access for maintenance. Mr. Morera stated he did not want the District to be responsible for repairing the wall, in the event of a storm or natural disaster. It was noted that Clause 5 of the Encroachment Agreement puts the maintenance obligation on the applicant and could be interpreted that they would have to remove the wall in, an emergency, to allow the District access.

Asked if the applicant would be willing to accept the change, Ms. Christina Bilenki, Counsel for the Applicant, stated she must discuss the change with her client, who was currently unavailable. She believed that Clause 5 contained indemnification language to ensure that the District would be held harmless, in the event of a natural disaster.

Discussion ensued regarding amending the language in Clause 5, understanding the scope and requirements of the language, approval in substantial form, accommodating the City with pedestrian zone landscaping and improving the existing condition of the lake. Ms. Cerbone felt that the Clause 4 of the Encroachment Agreement protects the District more than Clause 5 and could alleviate Mr. Morera's concerns. She read Clause 4 into the record, as follows:

“Neither the Improvements nor the Encroachment will be altered or maintained in such a manner so as to interfere in any material respect with the District’s operation or maintenance within the Easement or any public or general improvements located thereon.”

Ms. Bilenki and Mr. Malefatto agreed with Ms. Cerbone’s interpretation that Clause 4 clears up the issue. Mr. Morera withdrew his request to amend the Agreement.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Encroachment Agreement, related to the District’s Drainage Easement at the gas/convenience store at 4550 North University Blvd., was approved.**

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the CAS Project No. 15-1826 ROW Permit Application, submitted by Common Oak Engineering, on behalf of Boarder Assets, for modification of the 80’ drainage easement at the convenience store/gas station (7/11) at 4550 N. University Drive, subject to the Special Conditions set forth in the April 6, 2021 recommendation letter, was approved.**

Ms. Cerbone recommended execution of the documents for speedy issuance of the permit so that the work could commence. The documents were executed by Mr. Morera, witnessed by Mr. Rom and notarized by Ms. Cerbone.

- **Consideration of MWI Pumps Proposal for the Mechanical Retrofit of PS1 and PS2 to accommodate the New Motors (Mr. Tom Hyde – MWI)**

**This item, previously Item 10BIII, was presented out of order.**

Mr. Smith presented the MWI Pumps proposal. The prices were \$211,735 for PS1 and \$270,483 for PS2. Discussion ensued regarding the proposal, the retrofit process and the pumps, new motors and electrical components.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the MWI Pumps Proposal for the mechanical retrofit of PS1, in the amount of \$211,735, and PS2, in the amount of \$270,483, to accommodate the new motors, was approved.**

The proposal was executed by the Board Chair so that the materials could be ordered.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022**

Ms. Cerbone presented Resolution 2021-05. Mr. Morera asked about holding meetings in Sartory Hall. Ms. Cerbone listed the issues with Sartory Hall and stated that La Quinta was a better solution and there is no responsibility on District Management to set up and take down the meeting room. Discussion ensued regarding other meeting venues and cost. Management's office would periodically check on the availability of the Performing Arts Center and the Country Club.

**On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of February 28, 2021.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Unaudited Financial Statements as of February 28, 2021, were accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. March 10, 2021 Landowners' Meeting**

Ms. Cerbone presented the March 10, 2021 Landowners' Meeting Minutes.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the March 10, 2021 Landowners’ Meeting Minutes, as presented, were approved.**

**B. March 10, 2021 Regular Meeting**

Ms. Cerbone presented March 10, 2021 Regular Meeting Minutes.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the March 10, 2021 Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisors’ Communications**

Mr. Ortiz urged everyone to continue being vigilant concerning COVID-19.

Mr. Morera wished everyone a nice Passover, Easter and Mother’s Day and urged everyone to get vaccinated.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

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

**I. Consideration of Request for Amendment to District’s Drainage Easement – Construction of Gas/Convenience Store at 4550 North University Blvd.**

This item was addressed following the Fourth Order of Business.

**II. FASD Legislative Update – Week 5**

Mr. Malefatto discussed a bill that would change how Board Supervisors are elected. If the bill passes, Board Members would be elected by the general electorate and all three Board Members could be replaced as of November 2022.

Mr. Malefatto reviewed the FASD Legislative Update for Week 5.

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

**I. Presentation: Monthly Engineer’s Report**

Mr. Rubio presented a surveying proposal to locate property corners at the West Outfall Canal, Phase 1C area, in the amount of \$1,633.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, CAS Proposal No. 21-0165-P4099 for Surveying Services to stake easterly ROW Phase 1C, in the amount of \$1,633, was approved.**

Mr. Rubio discussed Electrical Engineering Services for PS1 and PS2, the West Outfall Canal Phase 2B improvements and ROW permitting.

Mr. Rubio informed of a recent culvert failure at the Corporate Park, on NW 120<sup>th</sup> Avenue, and of Staff’s efforts to assess the pipes and facilitate the repairs. Discussion ensued regarding different types of pipes, a pipe repair proposal and costs.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Shenandoah proposal for repairs/replacement of collapsed culvert, in the amount of \$74,120, was approved.**

**II. Permit Applications**

- **Construction of Gas/Convenience Store (7-11) at 4550 North University Blvd. and Approval of Easement Agreement Presented by District Counsel**

This item was addressed following the Fourth Order of Business.

**III. Consideration of MWI Pumps Proposal for the Mechanical Retrofit of PS1 and PS2 to accommodate the New Motors (Mr. Tom Hyde – MWI)**

This item was addressed following the Fourth Order of Business.

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

There being no report, the next item followed.

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

Mr. Selchan reported the following:

- Rainfall: With virtually no rainfall except for 1½” from a recent front, the east and west basins were extremely low.
- There were no difficulties with the operations.
- He recently attended a very productive meeting with the City, where he was asked to comment on the feasibility of various prospective projects within the City.
- Failed Culvert: Staff coordinated with the City to obtain a maintenance of traffic (MOT) vendor, a contractor and install steel plates to repair the collapsed road. The road was re-opened within 24 hours.

Mr. Selchan would obtain a proposal to clean the culverts.

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

**I. Consideration of Obstructions Removal Agreement - Option 2, 3221 Coral Springs Drive and Associated Obstructions Removal**

This item was addressed following the Fourth Order of Business.

**II. Consideration of Obstructions Removal Agreement - Option 2, 10408 NW 39 Manor**

Ms. Cerbone presented the Obstructions Removal Agreement - Option 2, along with a \$25,000 estimate for the project. Mr. Selchan stated that no permit fee would be required. Discussion ensued regarding funding the project, possible storm events, the size of the trees to be removed, NTTI and whether to obtain additional proposals. Ms. Cerbone recommended approval, in a not to exceed amount, as it would be in the District’s best interest. The Board consensus was to proceed with the project.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Obstructions Removal Agreement - Option 2, for 10408 NW 39 Manor, with E-Z Landscaping, in a not-to-exceed amount of \$25,000, was approved.**

**III. Consideration of Resolution 2021-04, Sunshine Water Control District COVID-19 Paid Sick Leave Policy**



Ms. Cerbone presented Resolution 2021-04 and reviewed Exhibit 1, the Sunshine Water Control District COVID-19 Paid Sick Leave Policy. The Resolution would be effective June 1, 2021.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, Resolution 2021-04, Sunshine Water Control District COVID-19 Paid Sick Leave Policy, was adopted.**

**IV. NEXT MEETING DATE: May 12, 2021 at 6:30 P.M.**

- **QUORUM CHECK**

The next meeting will be held on May 12, 2021 at 6:30 p.m.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
President/Vice President