

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Regular Meeting of the Board of Supervisors of the Sunshine Water Control District was held on **Wednesday, August 13, 2008, at 6:30 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

Mary Macomber	President
Dave Hulett	Vice President
Emily Heafy	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Bruce Cranmer	District Counsel
Cory Selchan	Field Superintendent
Doug Paton	Client Services Manager
Rhon Ernest-Jones	Engineer
Tom Donahue	Engineer
Cedo DaSilva	CH2M Hill
Rich Michaud	City of Coral Springs Public Works
Jim	Chief Planner, City of Coral Springs

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

The meeting was called to order at 6:30 p.m. All Supervisors were present at Roll Call.

Mr. Selchan was invited to come forward to accept a Sunshine Water Control District (SWCD) Customer Service Award. Mr. Selchan thanked the Board for the award.

SECOND ORDER OF BUSINESS

**Retroactive Approval of \$5,000 Proposal
for Canal Survey Work**

Mr. Wrathell advised that there was an opportunity to expand the NRCS work on the east outfall. He said that a survey was required in order to get reimbursed by NRCS funding. He requested the Board's approval for the \$5,000 expansion to the survey contract.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of approving the proposal for additional canal survey work.

THIRD ORDER OF BUSINESS

Discussion of Sunshine Employee Health Insurance Status Under CSID Aetna Policy

Mr. Wrathell advised that CSID offers a large group health program. He said the insurance underwriter had provided a letter stating this is a large group health program. Another letter was also received outlining employee coverages. Mr. Wrathell said the package includes a resolution stating the SWCD agreed to participate in the employee pension program. He referred to a copy of the retirement plan which outlined terms of the vesting program and contribution plans. Mr. Wrathell advised that CSID anticipated an increase in the premium but would work on negotiating better terms.

FOURTH ORDER OF BUSINESS

Consideration of Permit Requests

a. A. J. Hydro Engineering, Inc. - Royal Springs Retail

Mr. Hulett requested an inventory of outstanding permits that are still being worked on. He asked who was responsible for ensuring special permit conditions and recommendations were met. Mr. DaSilva explained that usually, when there are comments pertaining to a project, staff addresses these with the applicant's engineer prior to bringing them before the Board. He added that Mr. Selchan also checks that permit requirements are met. Mr. DaSilva stated that each applicant has to certify its own surface water permit.

Discussion ensued regarding how advisories and special permit conditions are addressed.

Mr. DaSilva explained that a final walk-through is done after projects are completed. Mr. Wrathell said there are \$70,000 worth of trash bonds sitting on the books. Mr. Hulett asked about the process of returning this bond money to applicants. Mr. Wrathell explained that when bonds are requested, his firm cuts a check to reimburse the applicant. Mr. Hulett said someone is needed to check that special conditions and requirements are met.

Mr. Selchan explained that there are two (2) ways the trash bonds are returned. First, the applicant can inform the District they have finished a project and request an inspection and if they pass the inspection, the trash bond is returned. Second, at the end of the year, the CSID

office reviews open trash bonds and directs staff to see whether these projects are completed. If there was any type of violation, the money would not be returned.

Mr. Hulett asked for a list of permits that have not been signed off. Mr. Wrathell said that to his understanding, any party that has not come back to claim their trash bond funds, probably has not come back for final approval. He stated that he would bring the list of open permits to the next Board meeting.

Mr. Ernest-Jones, the District Engineer, commented that the loop in the permit procedure needs to be closed prior to the issuance of CO's. Ms. Macomber pointed out that the City handles the COs and not the District. She asked for further clarification on how this process can be improved. Mr. Ernest-Jones said the way to do this is by closing the communication gap between the District and the City. He suggested that the District should have a serious role in the checklist for COs. Mr. Hulett read aloud a portion of the permit's special conditions and asked how the District could ensure this is addressed. Mr. DaSilva explained that ultimately the authority lies with SFWMD to make final judgments on off-site permits. Ms. Macomber voiced concern that the responsibilities of the District, the City, the County and SFWMD are not clear. She said the District should ensure it is not including the costs for its citizens for another party's responsibility. Mr. Hulett again asked for clarity on the entire procedure involving final judgments on whether projects are properly completed.

Mr. Wrathell said that in his experience with other Districts, the District Engineer is responsible for ensuring the infrastructure program is being constructed appropriately and inspecting any permits that affect the functionality of the system. Mr. Wrathell said it would be appropriate to speak with Mr. Ernest-Jones, Mr. Selchan and Mr. McKune to figure out a way the District could better ensure applicants actually do what is recommended.

Discussion ensued on this topic.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of approving the Royal Springs Retail permit.

- b. **Paul E. Brewer & Associates, Inc. - Sawgrass Place - Greater Coral Springs Research and Development Park Addition**

Ms. Macomber said in the past, the District required a continuous 40-foot cap (phonetic) going into the canal. Mr. Ernest-Jones said this can be included. Ms. Macomber asked why there was so much detail required on elevations and drainage calculations when these are SFWMD's responsibility. She commented that the District does not usually require all these on permit applications. Mr. Ernest-Jones said he included these additional details because all these conditions will ultimately affect the District. He said he would welcome clarification from legal counsel and the District Manager as to the specific criteria outlined for this plat.

Mr. Hulett commented that Mr. Ernest-Jones is requesting information to be adequately informed about the project. Mr. Ernest-Jones said "there are some serious deficiencies in the District's criteria" and that he was "committed to getting to a level of review with what he felt was in the District's best interest." He explained that the conditions included would not change the plan. Mr. Ernest-Jones recommended re-submittal of this permit request subject to the conditions outlined.

Ms. Macomber recalled Mr. Ernest-Jones' previous concerns about flooding at the Industrial Park and said she wanted to be sure he understood the District's ultimate responsibilities.

Mr. Hulett felt the level of detail Mr. Ernest-Jones required was appropriate in order to avoid situations where projects are built without proper oversight. He said this is exactly the type of professionalism he was looking for from the engineer. He commented that Mr. Ernest-Jones had previously raised the issue of flooding at the Corporate Park to advise that customers of the District had concerns. Mr. Hulett said in his view, it is proper to take a look at concerns that customers in the District may have regardless of whether or not it may ultimately be the District's responsibility to address. He felt that in the spirit of being customer friendly, there was nothing wrong with sitting with these customers to educate them about their responsibilities.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of following the Engineer's recommendations and requesting that this permit be re-submitted.

- c. **Miller Legg - Utility Easement on Final Plat - City of Coral Springs, City Hall Final Plat**

Mr. Ernest-Jones said there were comments and conditions concerning the dedication of this plat which were deemed important.

It was commented that there was an error in the City Attorney's original analysis regarding this deed. A question was raised as to whether WCI had submitted a deed correcting the location of this plat. Mr. Ernest-Jones said he was not aware of this but could look this up.

Jim, Chief Planner with the City of Coral Springs, explained that the City Attorney and Miller Legg representatives had investigated this matter and identified that a quit claim deed was filed to transfer the property from WCI. He stated that a surveyor had reviewed this plat and determined that all boundaries were actually correct.

On MOTION by Ms. Heafy and seconded by Mr. Hulett, all voted in favor of approving the Miller Leg permit subject to conditions being met as requested.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2008-9, Approving a Proposed Budget for Fiscal Year 2009 and Setting a Public Hearing Thereon Pursuant to Florida Law and Providing for an Effective Date.

Mr. Wrathell said this resolution should be revised to state the Budget Public Hearing originally set for September 10, 2008 at 6:30 p.m., is being re-scheduled to Friday, September 12, 2008 at 3:00 p.m. He advised that this date and time was confirmed with City Hall and the Board members. Mr. Wrathell explained that under Chapter 197.3632, there is a subsection requiring that written notification be mailed out to property owners about assessment increases. He said he did not typically send out these assessments if the increase is just over a CPI adjustment. Mr. Wrathell explained that the timing of when the Property Appraiser sends out the TRIM notice, guarantees the TRIM notice will be out before the Public Hearing. He added that any modifications to the budget can be made up to September 12.

Mr. Hulett said he was unaware of the line item insuring a pump/lift station at 4171 N.W. 81st Terrace. He stated he called Mr. Selchan and that the pump/lift station was inoperable and had not been turned on in ten (10) years. He requested staff look into this and determine whether the District needs to be insuring this station. Mr. Selchan said this station was still being maintained often; however, no one was sure why it was placed at this site. He stated that he has

asked several questions about what to do with this station, but has not received any good answers.

Mr. Wrathell suggested that Mr. Selchan and Mr. Ernest-Jones discuss this further; however, he wished to ensure the District is still protected in the event there is still propane in the tank. Mr. Selchan advised that there is \$25,000 in the books for removal of this pump station and if there is no need to have this station, he wished to remove it.

Ms. Macomber asked if there was fencing around the site. Mr. Selchan said there was fencing around the site and along the community side of the canal. He said the District could either use the \$25,000 to upgrade the station or remove it. It was stated that further research will be done.

On MOTION by Ms. Heafy and seconded by Mr. Hulett, all voted in favor of approving Resolution 2008-9, re-scheduling the Budget Public Hearing to September 12, 2008 at 3:00 p.m., at this location.

SIXTH ORDER OF BUSINESS

Approval of July 9, 2008 Regular Meeting Minutes

Corrections to the minutes were provided as follows:

Page 1: Strike Craig Wrathell from attendance.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of approving the July 9, 2008 minutes as corrected.

SEVENTH ORDER OF BUSINESS

Other Business

No Other Business was discussed.

EIGHTH ORDER OF BUSINESS

Staff Reports

- a. **Attorney**

Mr. Cranmer said he and Mr. Wrathell had ongoing talks about the collaboration with Phillips and Jordan, Inc.. Mr. Wrathell explained the District can piggyback a contract with the City of Coral Springs. He recalled that the Board's idea was to get this firm under contract quickly in the event of hurricane cleanup requirements. The City's contract with Phillips and Jordan, Inc. had a provision dealing with clean up which gave the District some level of coverage; City staff had discussed the possibility of amending their contract to give the District to include the canal cleanup component even though the District would do this work. He said that Phillips Jordan was asked to provide a modified scope indicating that they know how to clean canals and how to obtain NRCS reimbursement.

Mr. Wrathell said the only concern at this point is whether NRCS would have an issue with the piggyback agreement. He advised that Mr. Paton would write a letter to Jessie Wilson with NRCS regarding the piggybacking agreement. Mr. Wrathell felt the scope provided by Phillips Jordan should still be approved with the opportunity for the Chair, District Manager and General Counsel to make additional amendments. He added that he wished to modify pricing and clearly spell out terms of the NRCS reimbursement. Mr. Wrathell advised that the firm of Malcolm Pirnie had provided a scope of services and provided oversight for Phillips and Jordan, Inc.

Ms. Macomber asked about potential disadvantages. Mr. Wrathell said the downside is having a hurricane hit without a firm under contract. He felt there was still some opportunity to discuss and work this out with NRCS. He suggested that if hurricane season proves to be uneventful, the District can later put out an RFP for this work in January.

Mr. Wrathell requested that the Board approve the scope of agreement presented by Phillips Jordan and Malcolm Pirnie, subject to additional modifications by staff, legal counsel and the President.

On MOTION by Ms. Heafy and seconded by Mr. Hulett, all voted in favor of approving the scope of agreement presented by Phillips Jordan and Malcolm Pirnie, subject to additional modifications by staff, legal counsel and the President.

b. Engineer

Mr. DaSilva stated that canal restoration is about 85-90% finished including the new areas of the east outfall canal. He added that staff planned to restore Canal H, some additional culverts and an additional pump station. Mr. Hulett asked whether these additional areas were covered under the original \$1.3 million contract. Mr. DaSilva said a price would be provided by Friday or Monday; however, staff anticipated that this work would come in under this contract price.

Mr. Ernest-Jones requested clarification about the Engineer's role in matters concerning the Corporate Park. He referred to photos showing recent flooding and blocked swales at the Corporate Park. He said even though the District has no ultimate responsibility to fix this problem, it could be part of the solution by notifying the responsible parties.

Mr. Wrathell said that in his view, the District had to be careful in matters concerning private property drainage system. He commented that as a facilitator, the District could bring parties together to explain how this could be addressed appropriately.

It was stated that after a visit to the site, it was agreed that the overgrown swales could present a problem. It was explained that in this particular area, the water had two (2) ways out; it could follow the swale down to the canal or go through the street drain to another canal; however, the water could not flow through the canals the way it is designed to flow because of the issues Mr. Ernest-Jones is pointing out.

Mr. Hulett agreed with Mr. Wrathell's suggestion to act as a facilitator in advising the affected property owners about addressing the flooded areas appropriately; he commented that in his view, there was no problem with the Board acting in this role. Mr. Wrathell spoke of other instances where a private property owner had to correct a problem affecting District property. Ms. Macomber voiced concern that the District "not end up holding the bag" or being exposed to any liability in this matter.

Mr. Wrathell agreed with Mr. Ernest-Jones and felt a simple phone call, letter or a short meeting with private property owners would suffice. Ms. Macomber said Mr. Ernest-Jones could work on informing the relevant parties on his own time. Mr. Ernest-Jones said he would do so but added that he wished to see this problem solved. He requested that the Board contact the City and ask them to notify the property owners causing these problems.

Ms. Heafy suggested using the website and other literature to educate landowners about operation of the District's drainage system. Mr. Hulett said he resented Ms. Macomber's "putting

Mr. Ernest-Jones through the grill.” He felt these objections would not be raised if the same proposal had been presented by CH2M Hill. Ms. Macomber said it is the President’s purpose to ask questions that need to be asked in the interest of the citizens being represented.

c. Field Supervisor

Items discussed under Item d, below.

d. Manager

This item was discussed out of sequence.

i. SWCD June 30, 2008 Budget Variances

Mr. Paton referred to explanations provided on budget variances. He advised that staff had looked closely at the budget and tightened it considerably. He stated that some charges for legal aid services were off in some instances, however these were corrected. He explained that the purchase of a sprayer should have been reflected as a capital outlay expense; this was also corrected. Mr. Paton said there will be a better budget going forward. Mr. Wrathell said that staff would continue refining the coding process for budget purposes.

ii. Update on Contracts with Phillips & Jordan, Inc., and Malcolm Pirnie for Hurricane Restoration

This item was already discussed during this order of business.

iii. Update on Code Enforcement Right-of-Way Meeting with City of Coral Springs

This item was already discussed during this order of business.

iv. Update on Meeting Regarding Flooding in Corporate Park

This item was already discussed during this order of business.

v. Discussion of Right-of-Way Maintenance by Residents

Mr. Paton said he had attended a meeting on July 16, 2008 in Mr. Michaud’s office with code enforcement staff, Mr. Selchan and Mr. McKune. Mr. Paton advised that good discussion was held on right-of-way maintenance by residents. He said he drafted a letter which Mr. Michaud would circulate within the City and among District staff to educate residents on addressing problem areas.

vi. Unaudited Financial Statements as of July 31, 2008

Mr. Paton presented the July 31, 2008 Unaudited Financial Statements.

vii. Authorization for District Engineer to Prepare Canal Bank & Canal Easement Exhibit

Mr. Wrathell said he found it helpful to create a document that shows the story of what the District is doing regarding capital improvements. He said Mr. McKune had taken some cost estimates and projected future capital improvements. He felt it was important to have a tool that tracked work completed to date, work currently underway, and an inventory of assets owned by the District. Mr. Wrathell suggested creating another layer to the District's map outlining easements, culverts and canals owned by the District. He said this tool would serve as the base for the District's drainage plan. He requested the Board's permission for the District Engineer to prepare this exhibit.

Ms. Macomber spoke of various existing maps and said until there was an inventory of all these, she was unwilling to authorize expenditure on this item. Mr. Wrathell said his staff could research maps that are already on file; however this would require extensive time. Mr. Wrathell commented that in this instance, there is difficulty getting copies of the maps being discussed.

Mr. DaSilva said the only map his firm used was the one provided by the City. Mr. Wrathell clarified that he did have one map; however, it was worthless in terms of reflecting the District's updated drainage plan. He said according to this map, he had no idea what canal banks or easements the District had. He commented that some existing surveys were outdated and that he was unsure how accurate the City map was.

Ms. Macomber voiced concern about using what was already available rather than spending more money. Mr. Wrathell felt it was important to have an updated inventory of what the District owned in light of ongoing and future construction efforts and because the updated drainage plan needed to be submitted to SFWMD. Mr. Wrathell explained he was suggesting a adding a layer to the existing map that shows the District's assets. Mr. Ernest-Jones agreed there is need for an updated tool and said this is a matter of putting all information together to be readily available.

Mr. Wrathell said in his view, it was not cost effective to spend time searching for old surveys and maps. He added that this tool is not a requirement but he is uncomfortable with where the District stands on this item. Mr. Hulett said he would rather put money toward actually

preparing an updated map. He requested that staff present a proposal outlining costs to prepare this exhibit.

Discussion ensued on this topic.

viii. Consideration of Proposal for Professional Services from Rhon Ernest-Jones/IBI Group for Water Use Permit Renewal

This item was addressed with Item ix, below.

ix. Discussion of Expiration of Water Use Permit from SFWMD on September 11, 2008, Permit No. RE-ISSUE 06-01174-W

This was discussed out of sequence, prior to Item viii.

Mr. Wrathell advised the District has a surface water management permit and a SFWMD recharge permit. He explained that the recharge permit is expiring this September and requested the Board's authorization for the Engineer to extend this permit.

Discussion ensued on this topic.

Portions of dialog are inaudible.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of authorizing the District Engineer to provide a proposal to do the work as described.

x. Status of District Engineering Transition Issues

Mr. Wrathell said the email provided to the Board members was for information purposes.

xi. Interlocal Agreement between Sunshine and CSID

Mr. Wrathell advised that staff had submitted a draft Interlocal Agreement to CSID, who then provided the summary of comments outlined on the email.

xii. Discussion of Updated Drainage Plan of District

- **District Financing Timeline of Events**

Mr. Wrathell said he had prepared a timeline of District events for informational purposes.

- **Commencement of Development of Updated Drainage Plan**

Mr. Wrathell advised that the District is required to adopt its updated drainage plan under Chapter 298. The Engineer can incorporate comments from the water management district. A public hearing process will be held to adopt the drainage plan. Mr. Wrathell said the drainage plan includes capital improvement needs, the operation component, maintenance component and financial impacts to property owners. After this plan is adopted, it will still be another six (6) months before bonds are issued. Work on the drainage plan needed to begin in the near future. He advised that underwriting firms could be invited to present before the Board. He stated that 2% is the top end for an underwriter's fees; therefore, 1.25% or 1.5% is a good fee. He added that a law firm acting as bond counsel would also be needed. Additionally, the public would need to be notified about any assessment increases. Mr. Wrathell said staff would start estimating costs for this work.

xiii. Approval of Fiscal Year 2009 Meeting Schedule

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of approving the Fiscal Year 2009 meeting schedule.

NINTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

Mr. Hulett thanked staff for the good work being done on the canal restoration project and said all parties were being well served. He requested that staff move forward with invoicing so all work is done on time. Mr. Paton spoke of his efforts to process payments and submit all relevant paperwork to NRCS for reimbursement.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting was adjourned at 9:46 p.m.


Secretary/Assistant Secretary


President/Vice President