

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, June 8, 2011, 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:

David Hulett	President
Emily Heafy	Secretary
Joe Morera	Vice President

Also present were:

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hunt & Associates, LLC
Matthew Kozak	Wrathell, Hunt & Associates, LLC
Bill Capko	District Counsel
Terry Lewis	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
Rhon Ernest-Jones	District Engineer
John McKune	McKune & Associates
Brian DeGirolmo	DeGirolmo & Associates
Stephen Cohen	Sample Road Investments, LLC
David Fradley	Resident
Mark Scofield	Resident
Dennis Mele	Ruden McClosky

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

Mr. Wrathell called the roll, noting, for the record, that Supervisors Heafy, Morera and Hulett were present, in person.

SECOND ORDER OF BUSINESS

Citizens' Requests

Mr. Hulett asked for any citizens' requests.

Mr. Mark Scofield, 2831 NW 115 Terrace, stated he attended the last meeting and asked if there was any progress as to the large royal palm trees located on his property. Mr. Hulett stated a decision has not been made and the Board has to discuss the policy. He stated the Board is going to hold a workshop and tour the area. Mr. Hulett noted it is the Board's objective to have reasonable access to District right-of-ways for the purpose of canal maintenance and the District will work with the residents.

Mr. Wrathell stated a resident would like to speak regarding an agenda item, later in the meeting.

THIRD ORDER OF BUSINESS

Discussion/Consideration of Request for Letter of No Objection from DeGirolmo & Associates, Inc., Regarding Broken Woods

Mr. Wrathell reviewed a District letter to the City of Coral Springs, dated January 8, 2010. He noted Mr. Dennis Mele requested removing the sentence, "*SWCD neither opposes nor supports Applicant's application.*"

Mr. Dennis Mele, with Ruden McClosky, recalled the previously presented plan included 817 multi-family, dwelling units, 288 units in three (3)-story buildings, 144 in the six (6)-story buildings and 88 townhomes. Mr. Mele stated the original proposal included the rerouting of a canal. He presented a new proposal for the development, to include 188 single family homes on the north side. The south side would include 85 townhomes and multi-family three (3)-story buildings accounting for 151 units, totaling 424 units for the development. Mr. Mele noted the new plan has less of an impact on existing water bodies. He stated the City of Coral Springs requested a new letter from the District. Mr. Mele noted, under the new plan, the canals will be improved and additional water will be held for retention and pretreatment. Mr. Mele believed this plan is better than the previously presented plan and noted it includes a drainage plan. He stated he will apply with the City of Coral Springs later in the month.

Mr. Morera recalled issues with debris in the waterways and asked what steps will be taken to honor the District's right-of-way and to educate future tenants on not dumping garbage in the canals. Mr. Mele stated the design will meet the permit standards and there will be a homeowners association.

Ms. Heafy asked the reason for the need to remove the requested verbiage. Mr. Mele stated the City of Coral Springs asked for a more supportive letter from the District.

Mr. Hulett recommended leaving the verbiage in the letter. Discussion followed on the verbiage of the letter.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, with all in favor, authorization to send an updated letter, with the same language as the original letter, was approved.

Mr. Ernest-Jones noted the letter is necessary because the right-of-ways are interwoven in the land mass. He noted there are many elements to a comprehensive plan application and that the city requested a letter pertaining to the stormwater management of the plan. He reviewed the provided draft and indicated that the District believes the work to be compatible with the SWCD criteria manual and consistent with the five (5)-year capital improvement plan (CIP). Mr. Hulett asked if work was planned for any of the canals in the project. Mr. Ernest-Jones said the work was not included in the priority canals, to be paid with bond money.

Mr. Morera recalled the city was considering using the area to recharge their water fields. Mr. Ernest-Jones stated the area has to be reviewed in detail. From the District's perspective, the objective is to make sure there is no decrease in overall water area. He stated it illustrates the total cleaning and redevelopment of the canal that runs parallel with the single family development.

Mr. Wrathell recalled a phone call from a city representative regarding the water on the project.

Mr. Mele discussed the completion of the plans and stated the amount of required water was added to the plans.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2011-7, Approving the District's Proposed Budget for Fiscal Year 2012 and Setting a Public Hearing Thereon Pursuant to Florida Law

Mr. Wrathell presented Resolution 2011-7 for the Board's consideration and reviewed the proposed budget.

Mr. Wrathell discussed the removal of trees in the District's right-of-ways. Mr. Hulett stated he suggested a meeting with the city manager for discussion of the tree removal. He recommended having a meeting with the city, prior to the District's workshop, so that the District is more aware of what the city is willing to do. Mr. Hulett recommended the Board review a specific area of the right-of-ways. Mr. Wrathell discussed whether the District must follow the city's tree ordinance and, if so, can the District obtain a blanket permit that allows removal of any and all trees in the easement. He discussed the cost of tree replacement.

Mr. Capko recalled that the city attorney's brief response was that a single permit was okay; however, they were going to require the District to mitigate by paying into the fund on a tree-by-tree basis. The attorney claimed this is consistent with the way Coral Springs Improvement District (CSID) was treated. Mr. Capko believed, under the current ordinance, the city has the ability to grant a blanket permit and waive any of the requirements. Mr. Wrathell believed the blanket permit was specifically for invasive material. Mr. Capko stated correspondence has not been received in writing but a phone call from the city attorney was received and he used the phrase 'single permit'.

Mr. Hulett recommended holding a meeting with the city, prior to the District holding a workshop. Ms. Heafy believed, per the commission meeting, the City of Coral Springs is going to send the District a letter requesting dredging be completed while the water is low. She stated Commissioner Powers suggested the dredging.

Discussion followed on the workshop date. Mr. Wrathell recommended advertising the tour of the canals. Mr. Ernest-Jones explained pictures of the area, with the stakes, were taken. Ms. Heafy asked where the royal palm trees are located in the easement. Mr. Ernest-Jones stated they are located about five (5) to eight (8) feet towards the water, from the property line.

Discussion followed on the date for the tour. Mr. Wrathell discussed meeting at city hall and renting a van.

Mr. Wrathell reviewed the Fiscal Year 2012 projected assessments on Page 11 of the budget. He reviewed the budget line items on Pages 1 and 2, noting the fees associated with the debt service fund accounting and capital projects fund accounting. He noted the potential for additional mailed notices. Mr. Wrathell stated the rent for the operations facility anticipates a 5% increase. The salary and wages anticipate the hiring of an additional crew member and ability to give a 5% raise. Mr. Wrathell explained the capital outlay line items. He stated the

expenses are about \$279,000 more than last year and the budget utilized about \$277,000 to balance the budget. The \$481,000 is utilizing the fund balance to pay for the capital outlay programs. He noted the \$36,000, for field equipment, is budgeted for the potential purchase of the truck, boat and motor. Mr. Ernest-Jones noted the highlighted items for the CIP are the cost for Fiscal Year 2012. He reviewed the CIP descriptions on Page 12. Mr. Wrathell noted the SunTrust loan is still being paid this year and the funds are being paid from the unassigned fund balance.

Mr. Hulett asked what reserves are available, if needed, for hurricane cleanup. Mr. Wrathell projected about \$1.2 million in unassigned fund balance. Mr. Wrathell noted the District has large reserves and provides the District the ability to have a low debt assessment. He noted next year's budget, for Fiscal Year 2013, will not have the debt service on the SunTrust loan. Mr. Hulett stated he would like to have funds available for any hurricane damage. Mr. Paton confirmed the original loan was for \$5 million and the District paid nearly \$1 million in interest.

Discussion followed on the use of fund balance and the payment of the CIP with bond proceeds. Mr. Hulett asked what projects are to be completed, during Fiscal Year 2012, under the CIP. Mr. Ernest-Jones stated there are various culvert replacements and canal restoration, Phase 2B. Mr. Donahue explained the GIS management system is a project. Mr. Lewis believed the GIS and telemetry system for the canals can be paid with bond proceeds. Mr. Hulett preferred to use the bond proceeds for the CIP, rather than using the cash reserves. Mr. Capko did not believe the SunTrust loan payment could be made from the bond proceeds. Mr. Wrathell discussed the Board's target for unassigned fund balance. He stated the canal restoration for Phase 2b can be paid from bond proceeds; however, the ROW encroachment clearing will remain in the budget.

Discussion followed on how to pay for the miscellaneous capital projects. Ms. Heafy inquired as to the payment for the pump stations. Mr. Wrathell stated the pump stations cost about \$6.6 million and the construction account originally had about \$11 million. Ms. Heafy asked if any additional costs were anticipated. Mr. Ernest-Jones noted the pump stations are completed through the use of general management practices (GMPs) and any changes will be made by the District.

Mr. Wrathell asked for suggestions as to the estimated cost for miscellaneous capital projects. Mr. Ernest-Jones stated an amount for restoration or mitigation is not known. He stated the estimated amount for the tree clearing is based on the number of existing trees in the easement. Ms. Heafy discussed the reasons for replanting a tree, as the city is requesting the District provide funds for the tree replacement fund. She noted the city is requesting homeowners to plant trees during a drought and the trees are dying.

Discussion followed on the cost associated with tree removal. Ms. Heafy asked if the District can supersede the city. Mr. Capko stated the District may have an argument that the District's requirement to keep the system operating may supersede the city's ability to direct the District within the right-of-way. Mr. Lewis noted there is no case law either way. He stated Chapter 298 provides the ability to clear, maintain and operate the right-of-way. He noted Chapter 189, the Special Districts Accountability Act, states explicitly that the plans and facilities of a special district should comply with the provisions of an adopted comprehensive plan. He noted the city can argue they have local, home rule authority over the Constitution of Florida. They can adopt an ordinance that is valid within the city limits, as long as it does not directly conflict with the constitution or a state statute. Ms. Heafy noted the taxpayers are the ones that are getting hit. Mr. Lewis noted this is, ultimately, a policy issue and noted the need to be pragmatic about some things. He stated it does not make sense for one government to be managing another and noted the importance of holding a meeting with the city manager.

Discussion followed on the use of the remaining bond proceeds.

Mr. Hulett noted the current FEMA issue and asked, if necessary, when the funds will have to be paid. Discussion followed on the ability to appeal and Mr. Wrathell believed the appeals process will be exhausted this year. Mr. Lewis stated the District needs to take the second appeal and stated the second appeal is the last administrative appeal that can be taken. Mr. Lewis asked for an estimated response time. Mr. Paton believed the last response was received about three (3) months after filing the appeal; however, they say the response can take up to six (6) months. Mr. Lewis did not find any reason to delay the response, stated a second appeal may be bypassed and proposed attaching a sworn affidavit to the appeal. He noted the different provisions between FEMA and National Resource Conservation (NRCS) and that the District had no choice but to clear the canals as quickly as possible and then apply for funds. NRCS did not accept a grant because the work was already completed and FEMA authorized the

grant. Mr. Lewis recommended completing the appeal and requesting a meeting with FEMA. Mr. Wrathell noted the funds would be paid out of the reserves. Mr. Morera noted FEMA is passing the responsibility onto the District and recommended making FEMA pursue the District for payment. He stated all possibilities should be expended and all parties that could have an impact should be notified. Mr. Hulett noted the congressmen for the area are Mr. Allen West and Mr. Ted Deutch. Mr. Paton noted he contacted staff members of Mr. West. Discussion followed on contacting members of congress. Mr. Lewis recalled NRCS denied the District funds and referred the District to FEMA.

Discussion followed on the budgeted line items. Mr. Hulett recommended including a line item for travel and attendance at the FASD meetings. Discussion followed on hiring a new crew member. Mr. Hulett stated he was agreeable to hiring a new member when the funds are available. He noted the higher level of trash due to the District being located in the middle of the city and having numerous bus stops.

Mr. Wrathell reviewed the debt service schedule on Page 9 and explained the first interest payment, due on November 1, 2011, is covered by the capitalized interest account. He noted the next assessment bill, mailed in November 2011, will include the May 1, 2012 principal and interest payment and November 1, 2012 interest payment. He discussed the debt service requirement.

Discussion followed on the assessments from 2008 to 2012. Mr. Wrathell noted the capital improvement program is active and the District is addressing canal right of way issues. He stated the use of fund balance has allowed the assessment to stay at a 3% increase. Mr. Hulett noted it would be nice to not have an increase in next year's budget and that the District's assessment is close to other drainage districts in the area. Discussion followed reducing expenses. Mr. Wrathell stated he will reduce the contingency from \$50,000 to \$45,000 and add the line item Supervisor Reimbursement, for travel, for \$5,000. Mr. Wrathell stated he will leave the highlighted items, pending the outcome of the FEMA appeal.

Mr. Wrathell reviewed Resolution 2011-7 and noted the proposed public hearing date is September 14, 2011. He stated the Chapter 197 mailed notices will need to be sent. Mr. Lewis discussed Chapters 298 and 197. Mr. Lewis noted F.S. 197.3632 states if assessments are increased, as authorized by law or ordinance, then notice has to be provided to residents. If the District is within the legal authorizations, then the assessment only has to be placed on the TRIM

notice. Mr. Lewis stated a few Districts view Chapter 197 as broad and did not believe any further individual notice for the capital improvement assessments was needed. Mr. Wrathell noted the intent of the TRIM notice is to notify the property owners of the assessment.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2011-7, Approving the District's Proposed Budget for Fiscal Year 2012, as amended, and Setting a Public Hearing for September 14, 2011, at 6:30 p.m., at the same location, was adopted.

FIFTH ORDER OF BUSINESS

Discussion: Potential Dates for Tour/Workshop

This item was discussed earlier in the meeting.

SIXTH ORDER OF BUSINESS

Discussion: Potential Dates for Groundbreaking Ceremony (LaQuinta, University Drive)

- **June 27, 2011**
- **June 28, 2011**

Mr. Hulett discussed potential dates for a groundbreaking ceremony and a possible press reception regarding the bond issue. Mr. Wrathell stated the LaQuinta, on University Drive, is available on Monday, June 27 or Tuesday, June 28 at 6:00 p.m. Mr. Wrathell recalled discussion in having the groundbreaking onsite and then going to the LaQuinta afterwards. Mr. Hulett recommended inviting the press, city staff and economic development boards. Mr. Ernest-Jones stated he has a room at his office that can handle the affair and offered to cater, if the date could be changed. Ms. Heafy recommended waiting until after the pump stations are complete.

Discussion followed on the date and location of the ceremony. The ceremony was set for Thursday, June 30, 2011. Mr. Hulett recommended having the ceremony at Pump Station #1, off of Royal Palm. Mr. Wrathell confirmed he will advertise. Mr. Ernest-Jones stated he will send an invitation.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Procurement Policy

Mr. Capko recalled prior discussion on the District’s Procurement Policy and suggested a more comprehensive policy. He asked for the Staff and Board Members to review the policy and present any questions or comments at the next meeting. He noted the policy includes a user guide, the actual policy and applicable appendixes.

Discussion followed on the details of the draft policy. This item will be discussed at the next meeting for final approval.

EIGHTH ORDER OF BUSINESS

**Status/Update: FEMA Appeal
Determination (1) PW # 3806 – Debris
Removal Costs**

Discussion followed on the deadline for filing the second administrative appeal. Mr. Paton confirmed the deadline is June 27, 2011. Mr. Lewis stated, according to the letter, the deadline to file is 60 days after the receipt of the letter. Discussion followed on the date the letter was received.

NINTH ORDER OF BUSINESS

**Approval of May 11, 2011 Regular
Meeting Minutes**

Mr. Wrathell presented the May 11, 2011 Regular Meeting Minutes and asked for any additions, corrections or deletions.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the May 11, 2011 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Morera requested receipt of the agenda by Friday before a meeting. Mr. Wrathell apologized and noted the delay was due to the completion of the budget.

Mr. Morera noted the silt buildup in the canals and appearance of mounds.

Mr. Ernest-Jones stated he took pictures of the culverts during low water levels and discussed the existing silt in the canals. He stated it is unknown where the removed material is

going to go. Mr. Morera asked if there were any EPA requirements. Mr. Ernest-Jones stated it depends on the material and did not believe there are many sites to dump the material.

ELEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Lewis discussed the last legislative session and that next year, the legislature has to redraw the legislative district boundaries. He noted the FASD conference is coming up in Key Largo. He discussed legislation relating to how a District reports its budget. If a District has a website and has a threshold of five (5) million, the budget has to be posted on the website. If a district does not have a website, the county has to make provisions for a link to the district's budget on the county's website. Mr. Wrathell confirmed the budget is available on the District's website.

B. Engineer**i. Consideration/Discussion of Permits/Applications/Letters of No Objection**

- ***Permit Application Review: Daniela Springs/La Placida Easement Vacations and Dedications***

Mr. Donahue stated he reviewed the plat and plans for the work at Daniela Springs on Coral Springs Drive. He stated the easements are only for access and utility uses; none of the easements affect drainage of the site or any of the right-of-ways. He stated they will be required to submit a permit application, separate from the letter of no objection.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the letter of no objection for the Daniela Springs/La Placida easement was approved.

- ***Permit Application Review: Bennett Auto Supply, 11525 Sample Road***

Mr. Donahue provided a recommendation letter for Bennett Auto Supply, located on the northeast corner of Sample Road and Coral Ridge Drive. He stated there is a master drainage system for the whole lot and recommended approval of the permit, with the conditions as noted in the letter dated June 6, 2011.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the issuance of a permit to Bennett Auto Supply, located at 11525 Sample Road, was approved.

- **Permit Application Review: City of Coral Springs Police Educational Facility, 4200 NW 121 Avenue**

Mr. Donahue stated the City of Coral Springs is proposing to construct a 3,200 square foot police educational facility, including the addition of two (2) new retention areas that fall into the master retention area. The project is not located in the right-of-way itself and recommended approval of the permit, with the listed special conditions.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the issuance of a permit to the City of Coral Springs for a Police Educational Facility at 4200 NW 121 Avenue was approved.

Mr. Donahue stated a request was received for a fence at 9503 NW 36th Court for which it was determined there is no effect on the District's right-of-way, canal or drainage. He stated a letter of no objection was issued. Mr. Donahue explained the City of Coral Springs is requiring homeowners, close to a drainage easement, to clear any fence installations with the District.

ii. Permit Application Log

Mr. Ernest-Jones reviewed the permit application log.

iii. Monthly Engineer's Report – 05/03/11 to 05/31/11

Mr. Ernest-Jones stated the actual operation procedures for the East-West basin interconnect will be received this month. He stated Phase 2 of the canal work cannot be completed until a policy is established and recommended scheduling a workshop as soon as possible. Mr. Hulett asked if the culvert repair work can go to bid. Mr. Ernest-Jones stated the culvert repair work can but the canals cannot. Mr. Hulett recalled discussion of areas with the greatest access issues, according to Mr. Selchan. Mr. Ernest-Jones discussed the current pictures and that many people have removed some trees in the right-of-way.

Mr. Ernest-Jones reported good progress on Pump Stations 1 and 2. Mr. Donahue stated he is waiting on the final building permit, as additional information was requested for parts of the pump.

Mr. Ernest-Jones noted the unexpected Broward County Biological Resources permit. He stated Weitz has completed great preconstruction work and the construction manager at risk process is really working.

Mr. Donahue explained he is trying to find well-qualified contractors to complete the canal work and canal bank repairs. He stated he met with other drainage districts and received some guidance on recommended companies. He reported that he would like to take the recommended contractors to problematic sites, including 44th Court bank failure and Mr. Highlander's site near Brokenwoods, to receive preliminary input and cost estimates.

Mr. Ernest-Jones discussed subcontracting work when heavy equipment use is needed. He noted the photo records of the canal have been incorporated into the GIS system.

Mr. Lewis reported on the American Water Criteria and indicated there are ongoing, multiple lawsuits. He stated the EPA is attempting to adopt water quality rules for phosphorus and nitrogen nutrients that would ultimately affect the District's waterway. In most scientists' opinions, the standards are unattainable. He noted a natural water body's quality is being applied to drainage and flood control systems lacking natural vegetation. He noted the burden is on the District to hire a hydrologist, chemist and water quality specialist to prepare an analytical framework containing alternative criteria, other than what the EPA wants. Discussion followed on regulations throughout the State of Florida.

C. Field Supervisor

Mr. Selchan noted the dry conditions and that there is a little over five (5) feet of water in the west basin and 3' 8" in the east basin. He stated the District is not out of the annual total allocation but the District was not allocated any water from SFWMD. Mr. Selchan noted the visible mounds of silt in the canals and that some areas will be addressed in the CIP program. He noted there will still be areas when the CIP program is finished and recommended cleaning up a few areas on an annual basis. Mr. Selchan explained that he does not prefer having District Staff complete the work because there is no place to dispose of the material; the contractors can find the areas to dispose of the material.

Mr. Selchan recalled a tour of the initial area for canal dredging and vegetation removal along the canal banks. He noted the canal cannot be reasonably maintained due to fences, gazebos, hedges and trees. He referred to the outfalls and that, in the event of a hurricane, no obstructions can obstruct the main flow ways. He noted the need to have the ability to address

issues without having to fight through any impediments. Mr. Selchan discussed specific access issues.

Mr. Hulett believed that Mr. Selchan did a good job in addressing the areas with access issues. Mr. Selchan noted the areas in the squared areas have a main drain that comes through and brings the waters out of the areas to the main outfall. He noted project areas 'aa' and 'bb' have water flow through a main drain and any problems will affect the residents nearby. Each area has a canal that is a main drain to the outfall, which is how the whole system operates.

Mr. Wrathell discussed the appropriation of funds to complete the work. Mr. Ernest-Jones stated the plan for the ten (10)-year program is to hire a contractor to address the critical areas. Mr. Selchan recommended obtaining bids for hauling cubic yards of material and retaining a contractor, on an on-going basis. He noted there is an existing line item for canal bank maintenance.

D. Manager

i. Unaudited Financial Statements as of April 30, 2011

Mr. Wrathell presented the Unaudited Financial Statements as of April 30, 2011.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of April 30, 2011, as presented, were approved.

ii. Check Detail, April 2011

Mr. Wrathell presented the check detail for April, 2011.

iii. Invoices, April 2011

Mr. Wrathell presented the invoices for April, 2011.

iv. Website

- **Traffic**
 - **Consideration of Proposal from Teleco for GoDaddy Website Analytics Feature - 3 Months**
- **Potential Documents for Upload**
- **Frequently Asked Questions (FAQs)**

Mr. Wrathell recalled the request for website monitoring and that the service would cost an additional \$10 for three (3) months. Discussion followed on the details of the website and

potential documents for upload. Mr. Hulett believed a FAQ section on the website would be good.

v. Revised Door Hangers and Tree Tag

- **Door Hanger – Violators**
- **Door Hanger – Non-Violators**
- **Tree Tag**
- **Quotes for Printing Services**
 - **Executive Printing and Mailing**
 - **Safeguard Business Printing & Promotional Products**
 - **Printing Connection**

Mr. Hulett requested to review the door hanger and tree tag material as part of the workshop.

vi. Resident Inquiry Log

vii. NEXT MEETING DATE: July 13, 2011 at 6:30 P.M.

- **Photo Session**

Mr. Wrathell noted the photo session will be held at the July 13, 2011 meeting.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.



Secretary/Assistant Secretary



President/Vice President