

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District’s Board of Supervisors was held on **Wednesday, January 11, 2012, 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
Joe Morera	Vice President
Emily Heafy	Secretary

Also present were:

Craig Wrathell	District Manager
Matt Kozak	Wrathell, Hunt and Associates, LLC
Doug Paton	Wrathell, Hunt and Associates, LLC
William Capko	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
Rhon Ernest-Jones	District Engineer
John McKune	McKune & Associates
Dan Clark	Resident
Stephanie Clark	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:30 p.m. Mr. Wrathell indicated, for the record, that Supervisors Heafy, Hulett and Morera were present, in person.

SECOND ORDER OF BUSINESS

Citizens’ Requests

Mr. Dan Clark, 10772 La Placida Drive, recalled previously speaking before the Board regarding his concerns about stormwater runoff issues from the proposed Segment 3 development project. He voiced his opinion that the District’s stormwater review process is broken. Mr. Clark was of the opinion that one of the District’s concessions was that it would insist they use BMPs for the developer when he begins work. He reported that the developer started work on the north road two (2) months ago and dirt was washing into the drainage

system. He stated the developer is now working on the first slabs and they are dumping dirt in the street. Mr. Clark is worried that his neighborhood's drainage system will be filled. He asked that the District enforce the requirements.

Mr. Ernest-Jones indicated that La Placida has a unique history so additional requests were made to the City of Coral Springs. He felt the best approach is for him to meet with the building department and Mr. Michaud to determine what can be done to ensure the contractor follows the required standards. Legally, Mr. Ernest-Jones stated the extent of the District's concern is whether the dirt is improperly entering its canals. The permit required proper silt screens, etc. Mr. Ernest-Jones confirmed the District does not generally monitor or enforce this type of thing; it is the city's task.

Mr. Clark was not satisfied with Mr. Ernest-Jones' response and asked to obtain a written transcript of Mr. Ernest-Jones' last statements. Mr. Hulett reminded Mr. Clark that there is a clear delineation between the City of Coral Springs and the SWCD canals. Mr. Hulett indicated the District is concerned with its canals and any materials entering those canals. Mr. Hulett stated other activities occurring in the La Placida project and issues between Mr. Clark, the city and developer hold no bearing on the District. Mr. Clark felt his concerns relate directly to what is going into the canal. Mr. Hulett reiterated Mr. Ernest-Jones' statement that he will research the issue and if the city has not inspected to ensure that the proper safeguards were put in place by the contractor, the District will see that it is done. Mr. Clark indicated there is a recording of a city meeting where the City of Coral Springs advised him that it is not their job, it is the District's responsibility. Mr. Hulett indicated that the District will have Mr. Ernest-Jones meet with Mr. Michaud to determine responsibility and report back in the future.

Mr. Clark indicated he addressed his concerns with Broward County who indicated the city works under the county's stormwater permit and the county is under the impression that the SWCD is monitoring all of the stormwater issues. He stated that Mr. Eric Myers, of the Broward County Department of Natural Resource Protection (DNRP) informed him that the City of Coral Springs operates under the umbrella of the county's stormwater permit; however, the county is under the impression that the City of Coral Springs and the SWCD are doing "due diligence" in these matters.

Mr. Hulett indicated Mr. Clark's speaking time has expired. He confirmed Mr. Ernest-Jones will meet with city officials, at the location, to determine what is happening and report the results to Mr. Clark.

In response to his question, Mr. Clark was instructed to contact the District Manager to obtain a transcript of tonight's meeting.

Ms. Stephanie Clark, 10772 La Placida Drive, indicated she reviewed the District's website today to obtain information regarding tonight's meeting; however, nothing was posted. She was able to obtain the desired information, via email, by contacting the District Manager's office today. Ms. Clark felt all information should be on the District's website. She referred to the website service quotes contained in today's agenda and questioned the time period covered; is the date on the contract incorrect or is it for two (2) years. Mr. Hulett indicated the matter will be discussed later in the meeting.

Ms. Clark referred to discussion in the previous meeting's minutes about the permit application log and stated she did not understand the entry related to a parking lot and professional plaza at Sample Road and Coral Springs Drive. Ms. Clark asked if the address is correct. Mr. Hulett replied affirmatively. Ms. Clark questioned why a certificate of occupancy would be sought for a vacant lot. Ms. Heafy clarified the street name should be Coral Ridge Drive. Mr. Hulett also agreed Ms. Heafy's clarification.

Mr. Wrathell confirmed the January agenda was not yet posted on the website.

THIRD ORDER OF BUSINESS

Discussion: Revised ROW Clearing Process

Mr. Ernest-Jones indicated the permit was issued today for all of the nuisance trees. Mr. Donahue confirmed it was issued at no cost, subject to the contractor being registered with the City of Coral Springs. In response to Ms. Heafy and Mr. Hulett's questions, Mr. Ernest-Jones indicated the permit is only for Canals AA and BB; the District does not yet have a master permit for all nuisance trees. Mr. Ernest-Jones felt it will be easy to obtain a master permit, going forward, but the District must identify the specific trees being removed.

Mr. Hulett felt the District had applied for a master permit for District-wide removal of nuisance trees.

Mr. Paton recalled direction at the last meeting to prepare a package to send to property owners with obstructions along Canal AA and BB. This will be a follow up to the previous letters. He referred to the draft and explained that property owners will be asked to select one (1) of the options. The packages are ready to be mailed by the end of the week, upon approval from the Board. Mr. Paton detailed the three options and the conditions and requirements of each. He indicated February 1, 2012 is the deadline to respond and, after that date, District staff will contact or visit the property, to obtain a response. In response to Mr. Morera's questions, Mr. Ernest-Jones confirmed that the selection of Option 3 runs with the land and Mr. Capko confirmed the agreement should appear in the title search.

Mr. Ernest-Jones felt the District needs to factor in the possibility that this involves the property owner, the District and the city. The city prefers to not monitor any of this; however, they must, due to county tree ordinances. The city's forester was advised that the city cannot relinquish control of the trees. He stated the only way the city can get out of applying its tree ordinance, is to link either Statute 298, or other legal precedence, which shows the city that it is not responsible. Mr. Capko noted he was not aware that this issue had backed up to a worse position than it was a few months ago. Mr. Ernest-Jones stated it seemed to be resolved. Mr. Capko suspected that this moved backwards based on the District's initial presumption that it would not be necessary to remove every tree in the right-of-way; however, it has moved backwards because of the coincidence of the first canals presented are ones where the District is recommending removal of many trees. Mr. Hulett clarified that the District is not necessarily removing trees because some property owners may choose Option 3 and keep their trees. Mr. Ernest-Jones concurred.

Mr. Hulett asked Mr. Capko if, under Chapter 298, the special district must comply with the city's tree ordinances. Mr. Wrathell advised that the District must be certain of its legal position to remove the trees, prior to sending the letters; otherwise, there could be issues with the city. Mr. Morera recalled discussion regarding the possibility of using a barge to gain access, without removing non-nuisance trees. Discussion continued regarding the issues related to the city tree ordinance and its impact on the various options, possible mitigation requirements and future liability for damage because of the District's inability to remove trees, based on the city's ordinance.

Mr. Hulett noted the District's efforts to work with the city on these issues but felt District Counsel should confirm whether the District has a legal right to do what is necessary, regardless of the ordinance. Mr. Capko felt the District can continue trying to convince the city of the correctness of its position, from a legal standpoint. The other approach, from a political angle, is that District Counsel's interpretation of the city's tree ordinance provides the city manager with all of the necessary authority to grant an unrestricted permit, require no mitigation or determine that a permit is not even required for this type of activity. Mr. Capko confirmed the city has not availed themselves of moving in this direction and using its authority to exempt the District from the prohibited provisions of the ordinance. Mr. Capko reiterated his speculation that the city has stonewalled the District since receiving word that most trees were to be removed. Mr. Hulett recommended one (1) more meeting with the city manager to determine if he is agreeable and, if not, the Board must decide how to proceed. Mr. Capko stated the District can proceed by taking the position that it is not required to follow the city's ordinance because of the health, safety and welfare issues and its requirements to maintain the system pursuant to Chapter 298 and putting the impetus on the city to spend taxpayer money pursuing it in court. Another option is to attempt to obtain a declaratory action. Mr. Capko felt the worst-case scenario is that the District has authority to remove dangerous trees from its right-of-ways but still has to pay mitigation for the removed trees.

Mr. Hulett reiterated he is ready to proceed with the letters now. He directed Staff to arrange a final meeting with the city manager. Discussion ensued regarding the need to remove nuisance trees, as a matter of safety, and developing a plan for the entire District, going forward.

Mr. McKune felt the county should be brought into this matter so the city cannot fall back on the county.

FOURTH ORDER OF BUSINESS

Discussion: Newsletter

Mr. Wrathell briefly reviewed the newsletter samples and draft SWCD newsletter located behind Tab 4. The Board was in favor of completing the newsletter, in house, if possible, and posting it on the website. In response to Mr. Hulett's question, Mr. Wrathell confirmed semiannual newsletters fall within the scope of Management's current contract; however, more frequent newsletters would not. Discussion ensued regarding newsletter content.

FIFTH ORDER OF BUSINESS

Update: FEMA Appeal

Mr. Paton indicated he spoke to the state representatives last week and was advised that FEMA is still backlogged but the District's appeal is in the queue.

Mr. Morera indicated he recently spoke to Representative Allen West and asked for his continued support.

SIXTH ORDER OF BUSINESS

Discussion/Consideration of Proposals from The Strange Zone, Inc., for Website Related Services

Mr. Hulett noted an additional proposal was received. Mr. Wrathell reviewed the proposals and recommended accepting the proposal from The Strange Zone, Inc. Mr. Hulett voiced his support of The Strange Zone proposal and compared the proposal costs between the two (2) companies.

Mr. Morera asked if Management contacted FASD regarding website companies and/or contacts. Mr. Kozak confirmed he did not contact FASD.

Discussion ensued regarding the Board's vision for the website.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, acceptance of The Strange Zone, Inc.'s proposals for website related services were approved.

SEVENTH ORDER OF BUSINESS

Approval of December 21, 2011 Regular Meeting Minutes

Mr. Wrathell presented the December 21, 2011 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 216: Change "Springs" to "Ridge"

Line 218: Change "District's" to "site's"

Line 238: Delete "not" and "until" and insert "as they" after "buildings"

Line 187: After "January 10, 2012." Insert sentence "Bill Capko will be representing the firm during this time."

Mr. Ernest-Jones discussed the five (5)-year recertification process and the steps necessary to complete it. He explained that many districts assumed the responsibility of

conducting and enforcing the five (5)-year follow up inspections; however, SWCD did not do so, it continued to rely on South Florida Water Management District (SFWMD). Mr. Hulett questioned if this is the District's responsibility. Mr. Ernest-Jones indicated it is the Board's choice but noted SFWMD is currently understaffed. Mr. Ernest-Jones confirmed that, a few months ago, he submitted a request to SFWMD to delegate authority to SWCD. Mr. McKune confirmed Coral Springs Improvement District (CSID) and North Springs Improvement District (NSID) have been issuing permits on everything that is 40 acres or less, for a long time; anything over 40 acres was referred to SFWMD.

A question was raised regarding the District's legal authority to issue permits and/or enforcement, should someone not follow the terms of its permit. Mr. Ernest-Jones confirmed the District does not have permitting authority but has taken it, to an extent, by virtue of maintaining and honoring its permit with SFWMD for the main canal discharges. Discussion ensued regarding historical permitting, stormwater discharge, water quality, requirements and philosophies within the county, SFWMD and the various drainage districts. Mr. Hulett asked that the next agenda include a discussion of the process, the District's mandatory responsibilities and guidance or recommendations.

Mr. Ernest-Jones discussed concerns regarding stormwater flowing from the city streets directly into the canals and the impact, as water quality standards are gradually being increased. He feels the city needs to be involved.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the December 21, 2011 Regular Meeting Minutes, as amended, were approved.

Mr. Clark indicated the water quality issues are the items he asked the Board to address at the development stage, at which time, it would have been easier to address. Mr. Clark asserted that the county is under the assumption that SWCD is doing this. Debate ensued between Mr. Clark and Mr. Ernest-Jones regarding the specific county agency and umbrella stormwater management permit Mr. Clark is referring to.

Mr. Wrathell discussed the need to be cognizant of the pending nutrient standards and being prepared to deal with them either by inspecting all properties to determine what is flowing into the canals or retro designing to treat and reduce nutrient levels.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

In response to Mr. Hulett's question, Mr. Wrathell confirmed a letter was sent to Mr. Poore regarding 'no trespassing' signs.

Mr. Wrathell indicated the matter of the pending lawsuit regarding the car in the canal was referred to the District's insurance carrier. The carrier's response was that it is not necessary to engage counsel, at this time, as a suit has not yet been filed. Mr. Wrathell voiced his difficulty in seeing how the District can be held responsible, based on the information gathered and provided by Mr. Ernest-Jones.

Mr. Hulett asked the status of the land use amendment for Broken Woods. Mr. Ernest-Jones indicated it has been submitted but no response has been received. Mr. Ernest-Jones will check the status and provide the Board with an update.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing additional to report, the next item followed.

B. Engineer

i. Permit Application Log

Mr. Ernest-Jones reported there were no new permit applications.

ii. Monthly Engineer's Report – 12/13/11 to 01/04/12

Mr. Ernest-Jones indicated that Pump Stations 1 and 2 are proceeding on schedule. He referred to the activity status of the pump stations contained in the monthly report and reviewed pictures. Mr. Hulett questioned the plan to paint the pump station buildings gray. Discussion ensued regarding paint color and Mr. Hulett directed Mr. Ernest-Jones to present additional color options.

Mr. Morera asked the status of contracting with a company to complete drainage work, once the canals are done. Mr. Wrathell felt the District previously completed the selection process and questioned if it must be rebid, if the contractor is still willing to accept the terms of the agreement. Discussion ensued regarding projects to include in the upcoming Fiscal Year 2013 budget discussions. Mr. Wrathell felt the District might want funds set aside, in the upcoming budget, in a disaster recovery fund.

Mr. Hulett reviewed the key canals requiring work. Regarding damaged culverts, Mr. Ernest-Jones indicated he made fixing those a top priority. After discussions with Mr. Selchan, the consensus was that the best investment is to remove the biggest impediments; meaning, the effective dam that has formed and the Coral Ridge Drive culverts. Mr. Ernest-Jones advised that the geotechnical and survey work is complete; however, the design is advanced but not yet complete. Mr. Ernest Jones stated the contractors have convinced him that directional boring of the culvert is not a good idea because of the relative shallowness of the culverts and neither contractor could confirm that the road would be left in an acceptable condition, after the work was completed. The process of directional boring underneath a road, with such a large diameter, leaves the ground in a condition that will cause it to settle. Mr. Ernest-Jones indicated they are now in the process of discussing costs with contractors, as it is potentially very expensive to open-cut the locations to install the culverts. Desired flood elevations were discussed. In response to Mr. Hulett's question, Mr. Ernest-Jones felt he could have the data ready for a decision by the next meeting. Mr. Hulett noted the Board will be considering additional costs because the initial CPI projections had not calculated the cost to bring the culverts down to a zero level. Mr. Hulett felt the preliminary cost estimates are needed to determine the impact on the overall usage of the bond money. Mr. Ernest-Jones indicated the locations are complicated with extensive utilities; thus, a contractor's input and estimate are necessary.

Mr. Ernest-Jones discussed two (2) culverts at the canal, on Coral Ridge Drive, which are inverted at a +2. He explained options and costs to bring the level to zero. As he fears this work will be expensive, he wants to offer an alternative that leaves the pipes in place, with the installation of a new 72-inch pipe at elevation zero. Mr. Ernest-Jones reiterated that open-cut, and subsequent restoration, of a four (4)-lane divided road will be expensive. He discussed the possibility of receiving grant money for improvements, which improve flow and lessen flooding; however, he is unsure if it can be obtained retroactively and grant applications can be submitted beginning in June.

Mr. Hulett stressed the importance of completing the project correctly, as it is intended to drain and move water efficiently for the next 50 years. Mr. Morera stated the importance of receiving the greatest benefit, based on the investment. In response to Mr. Morera's question regarding using a Construction Manager at Risk on this phase of the project, Mr. Ernest-Jones felt he is already receiving input from the contractor.

Mr. Ernest-Jones reported the submittal of a few change orders related to the canal widening on Pump Station 2 but he is not fully satisfied with them; he is following up with the contractor. He recommended approval of another change order for costs related to the boat ramp identified as high priority by Mr. Selchan. Mr. Morera asked if these are the first change orders for the project. Mr. Donahue indicated there was a change order for the culvert at the C-14 canal and another related to removal of two (2) propane tanks. Mr. Hulett asked if the funds will come from the contingency. Mr. Ernest-Jones replied affirmatively, stating they are still on track, even with the other change orders. Mr. Ernest-Jones informed the Board that the contractors are requesting money for the delay incurred at Pump Station 2 because of the FPL transformer being moved and the widening. In spite of these, Mr. Ernest-Jones felt they are still within 1% of the Guaranteed Maximum Price (GMP).

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Change Order #3 to install a boat ramp, at a not-to-exceed cost of \$23,062, was approved.

C. Field Supervisor

Mr. Selchan indicated the new truck was ordered and should arrive in the next 30 to 60 days. The interview process for the new trash crew should commence shortly. Mr. Selchan indicated the job openings were advertised in the Sun-Sentinel. Mr. Morera suggested including an employment section on the website. Mr. Hulett confirmed the application information is on the website.

Mr. Selchan reported that staff is caught up with cleaning up the aquatic plant issues. He asked that the Board direct their concerns to him.

Mr. Selchan noted the District is experiencing another dry period and, since just before Christmas, almost a foot of water has been lost in the east basin. If this pattern continues, they should be on schedule to work on scraping the shallow area.

D. Manager

i. Unaudited Financial Statements as of November 30, 2011

Mr. Wrathell presented the Unaudited Financial Statements as of November 30, 2011. He noted a large infusion of cash, as a result of tax collections. He indicated the Fiscal Year 2011 audit is nearly complete and will be ready for presentation in February or March.

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

ii. Check Register, November 2011

The November 2011 Check Register was included for the Board's information.

iii. Invoices, November 2011

The November 2011 Invoices were included for the Board's information.

iv. Resident Inquiry Log

The Resident Inquiry Log was included for the Board's information.

Mr. Wrathell confirmed a letter was sent to Mr. Poore. A letter was also sent to the police chief and dispatch unit regarding the right-of-way issues, advising that it is trespassing and requesting enforcement. Mr. Poore also received a copy of the other letters.

v. NEXT MEETING: February 8, 2012 at 6:30 P.M.

Mr. Hulett noted the next meeting is scheduled for February 8, 2012.


TENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 9:09 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair