

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, March 14, 2012**, immediately following the landowners' meeting 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:**

Doug Paton	Wrathell, Hunt and Associates, LLC
Michal Szymonowicz	Wrathell, Hunt and Associates, LLC
Jesse Jackson	Wrathell, Hunt and Associates, LLC
Terry Lewis	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
Rhon Ernest-Jones	District Engineer
John McKune	McKune & Associates
Jonathan Sharon	The Weitz Company
Dan Clark	Resident
Stephanie Clark	Resident

Upon Mr. Lewis' recommendation, Mr. Paton, a notary of the State of Florida and duly authorized, administered the oath of office to Mr. Morera. The following documents were provided in a separate package:

- **Guide to the Sunshine Amendment and Code of Ethics**
- **Form 1 – Statement of Financial Interests**
- **Form 1X – Amendment to Form 1 – Statement of Financial Interests**
- **Form 1F – Final Statement of Financial Interests**

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Hulett called the meeting to order at 6:40 p.m. Mr. Paton indicated, for the record, that all Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Citizens' Requests**

There being no citizens present, the next item followed.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2012-2,  
Canvassing and Certifying the Results of  
the Landowners' Election**

Mr. Hulett requested the number of votes received by Mr. Morera. Mr. Paton advised that Mr. Morera received 25 votes; one (1) vote was cast to win the election.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2012-2, Canvassing and Certifying the Results of the Landowners' Election, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office for  
Newly Elected Supervisor**

- **Guide to the Sunshine Amendment and Code of Ethics**
- **Form 1 – Statement of Financial Interests**
- **Form 1X – Amendment to Form 1 – Statement of Financial Interests**
- **Form 1F – Final Statement of Financial Interests**

This item was addressed prior to the First Order of Business.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2012-3,  
Electing the Officers of the District**

Mr. Hulett presented Resolution 2012-3 for the Board's consideration. He requested nominations for President. Ms. Heafy nominated Mr. Hulett. Mr. Morera seconded the nomination.

Mr. Hulett asked for nominations for Vice President. Ms. Heafy nominated Mr. Morera. Mr. Hulett seconded the nomination.

Mr. Hulett requested nominations for Secretary. Mr. Morera nominated Ms. Heafy. Mr. Hulett seconded the nomination.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, Resolution 2012-3, Electing the Officers of the District, as nominated, was adopted.**

Mr. Hulett thanked Mr. Morera for three (3) years of exemplary service on the Board. Mr. Hulett stated Mr. Morera’s homework is always done, he asks pertinent questions and his involvement with the Florida Association of Special Districts has been very helpful to the District.

Mr. Morera thanked Mr. Hulett for his endorsement and stated he is very happy with what the Board has accomplished, to date. Mr. Morera noted that the Board will be faced with some challenges in the future; however, he feels they will accomplish their goals.

**SIXTH ORDER OF BUSINESS**

**ROW Clearing Letter to City of Coral Springs City Manager**

***\*\*\*This item, previously the Seventh Order of Business, was presented out of order.\*\*\****

Mr. Paton reported that Mr. Wrathell wrote the ROW clearing letter sent to Mr. Donmez, City Manager of the City of Coral Springs, summarizing the activities that have taken place, thus far. Mr. Paton advised that the letter was sent via certified mail on March 9, 2012; however, the return receipt was not received in the District Office and the city has not responded. Mr. Hulett explained that the city was given 30 days from the date of receipt of the correspondence to provide a written response and felt that the District would hear from the city prior to that deadline.

**SEVENTH ORDER OF BUSINESS**

**Update: Canals AA & BB ROW Clearance Pilot Project**

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

Mr. Paton distributed a summary sheet referencing the status of all contact with Canal AA and BB residents. Many residents chose Option 2; electing to have all right-of-way and easements removed at the District’s expense. With regard to Option 1, Mr. Paton indicated that a

number of residents have already cleared the right-of-ways. The log reflected that only two (2) property owners chose Option 3.

Mr. Paton summarized that contact was made with almost all homeowners having encroachments within the right-of-way. Two (2) homeowners have not responded. Mr. Paton inquired about the next step. Mr. Lewis asked Mr. Paton if the District right-of-way can be accessed without crossing the homeowners' properties. Mr. Paton responded affirmatively. Mr. Lewis stated, when the time comes the homeowners should be notified, by certified letter, of the District's intention to enter onto the property and remove the encroachments.

Mr. Hulett reported he met with Mr. Scofield regarding his royal palms and it was decided that the smaller palm, facing east, would be removed, as well as the palm tree on the north end of the yard, to allow access from the next yard. Mr. Hulett indicated to Mr. Scofield that the District will wait to make a final decision regarding removal of the rest of his trees until the type of dredging to be used is decided upon. It may turn out that only one (1) or two (2) additional trees would have to be removed to create a wide enough area for a piece of equipment to move between the other trees. Mr. Scofield was satisfied with that approach.

Mr. Hulett referred to a handout regarding the Hillsboro canal bank stabilization project. He stated many of the docks and canal banks have eroded and the South Florida Water Management District (SFWMD) has begun a program to educate the property owners. Mr. Hulett noted that this reinforces what the Sunshine Water Control District is trying to do.

Mr. Hulett asked when the contractors will be contacted to complete the work. Mr. Donahue stated now that the process with the property owners is completed and there is a much better idea of what must be removed, plans are being finalized and preparations are being made to advertise the bid to clear the canal banks. Mr. Morera asked if they will wait to begin clearing until a response is received from the city. Mr. Ernest-Jones indicated that the ideal situation would be to receive a favorable response to Mr. Wrathell's correspondence and for the city to agree that this is a life, safety and health issue. Mr. Hulett suggested that, in the meantime, the work should be put out for bid so they are ready to proceed as soon as possible, once a response is received from the city.

**EIGHTH ORDER OF BUSINESS****Update: Newsletter**

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

Mr. Paton reported that Mr. Kozak worked on the newsletter and they are ready to proceed, with the Board's approval. The first newsletter will be published in March and the next will be in the fall. Mr. Paton pointed out that the single page will be an insert to the newsletter. Further discussion ensued regarding the format.

Mr. Paton advised that the content is very informative. Mr. Hulett indicated he would like an opportunity to review the newsletter once again.

**NINTH ORDER OF BUSINESS**

**Update: FEMA Appeal**

***\*\*\*This item, previously the Tenth Order of Business, was presented out of order.\*\*\****

Mr. Paton reported that he received the same feedback as last month; there is still a backlog and the appeal is still in the queue, which is very long. The second appeal has not been acted upon, as of yet, and Mr. Paton does not expect to receive a response immediately. Mr. Lewis felt the decision will be delayed until the elections are over. Mr. Paton indicated that, each month, he speaks with a representative of the State Department of Emergency Management and he has received the same answer. Mr. Lewis did not feel it was bad news that they have not received a response.

**TENTH ORDER OF BUSINESS**

**Update: January 31, 2012 Joint Meeting of Water/Drainage Districts**

***\*\*\*This item, previously the Eleventh Order of Business, was presented out of order.\*\*\****

There being no report, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Approval of February 8, 2012 Regular Meeting Minutes**

***\*\*\*This item, previously the Twelfth Order of Business, was presented out of order.\*\*\****

Mr. Hulett presented the February 8, 2012 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 February 8, 2012 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Supervisors' Requests**

*\*\*\*This item, previously the Thirteenth Order of Business, was presented out of order.\*\*\**

Mr. Morera reported that the Taste of Coral Springs was very successful, raising approximately \$23,000 for three (3) charities. He noted that the Festival of the Arts will be held this weekend, at The Walk.

Mr. Morera stated, at the last City of Coral Springs Commission Meeting, he was appointed to the 50<sup>th</sup> Anniversary Committee. There were 48 applicants and ten (10) were selected. Of those, four (4) were appointed with a 5-0 vote.. Mr. Morera indicated that he feels very privileged and thanked the commission for the opportunity.

Mr. Morera advised that he is planning to attend the next Florida Association of Special Districts (FASD) meeting at the end of April. The annual conference will be held June 5 – 7, at the Hyatt Regency Coconut Point Resort and Spa in Bonita Springs, Florida. The deadline for registration is May 16. Mr. Lewis noted a large turnout is anticipated.

Mr. Morera thanked the landowners that he visited while campaigning. He stated he looks forward to serving the landowners for an additional three (3) years and continuing to make SWCD the best in the county.

Ms. Heafy reported that, on a canal behind the duplexes on the northwest side of 40<sup>th</sup> Street and Riverside Drive, it looks as though a good portion of the canal bank has broken away. Mr. Ernest-Jones indicated he and Mr. Selchan will check it out.

Mr. Hulett advised he also plans to attend the FASD annual meeting. He noted that the SWCD is in the process of applying for the District of the Year award.

Ms. Heafy inquired about funding for the two (2) culverts to be set at zero elevation. Mr. Ernest-Jones clarified that there may be funding and he plans to look into the possibility. The concern is that it takes a long time to obtain the grant; thus, it may be a reimbursement grant. One agency that may provide funding is FEMA.

Mr. Hulett acknowledged the arrival of Mr. and Mrs. Clark and asked them if they wished to speak. Mr. Dan Clark, 10772 La Placida Drive, indicated there were new developments with the project at La Placida. He recalled that, at the last meeting, he requested the Board's official stance, in writing, regarding their review process for the project, in writing. He noted there appears to be some discrepancy regarding whose authority it is and what authority the SWCD Board has with regard to review of items on private property. Mr. Clark indicated that he went through a public hearing with the County Commissioners. On Monday, he will meet with Broward County Commissioner Stacy Ritter and, several days later, he will meet with other staff members and Commissioners. Mr. Clark again asked the Board to put their stance in writing regarding the La Placida project, whether it was reviewed or not and whether or not it was certified.

Mr. Clark stated, this week, he saw big turbidity spillage coming out of the pipes into the SWCD canal. Work is being done in that field and they have not complied with the BMPs for the MS-4 permit. Mr. Clark went to city hall to obtain a copy of the MS-4 and then called the state; within several hours, a number of violations of the MS-4 permit were cited. A few of the issues were taken care of but not all, so Mr. Clark had someone from the Port St. Lucie MS-4 office come to La Placida to investigate. Now, there are turbidity screens and there is a boom out in the canal. Mr. Clark indicated that he reported this to Mr. Jones' office a month or two (2) ago, during the repairs to the north road, and they were never brought into compliance.

Mr. Clark advised, after applying to South Florida Water Management District (SFWMD), a letter was received indicating that the drainage was grandfathered in because nothing was being changed; they were building on existing lots. That exempted them from SFWMD's review of their stormwater system. The lots have now been changed, the exemptions were changed, the amount of space between the buildings was changed to zero lot lines. Mr. Clark noted that, in the last week, equipment was brought in for drainage. He indicated that the contractor does not have a permit to install new drains.

Mr. Hulett asked Mr. Ernest-Jones if any of what Mr. Clark was relaying was anything that SWCD should check into. Mr. Ernest-Jones indicated that the turbidity issue is a concern. He stated the photographs were conclusive of a spillage of turbidity, meaning suspended solids, floating in the water. The permit clearly spells out that this should not have been done.

Mr. Ernest-Jones reported that when he and Mr. Donahue checked the site, about a month ago, the serious work had not begun and the canal was completely clear. Mr. Ernest-Jones agreed with Mr. Clark that, once the work has commenced, they are bound to install the turbidity screens into place to reduce the amount of turbidity. Basically, the solids fall at the point of discharge and are contained, rather than flowing downstream. Mr. Ernest-Jones advised there was some turbidity in the Sunshine canals, which Mr. Donahue is aware of, and they have been checking to ensure that the barriers are in place.

Mr. Hulett asked if District Staff should have brought the issue of the turbidity screens to their attention, rather than a homeowner, since this was part of the permit issued by the District for the drainage work being completed on the property. Mr. Ernest-Jones indicated that there is split jurisdiction, which he is seeking to clarify. The contractor is required to put fabric across the catch basin to stop the silt from flowing into the water. The District does not have jurisdiction over the land to tell them this must be done; however, once it affects the District's facility, which is the canal, District Staff can get involved. Mr. Hulett asked if District Staff should have been checking on this to ensure that nothing was being dumped into the canal by this project. Mr. Ernest-Jones advised that the infraction occurred right after he and Mr. Donahue checked the site. Mr. Hulett thanked Mr. Clark for bringing this to the Board's attention. Mr. Ernest-Jones confirmed that the appropriate measures were taken to correct the problem.

Mr. Morera asked if the District has any recourse against the contractor for violating the rules that are in place. Mr. Ernest-Jones stated, with regard to any infraction of the permit or the rules set forth by the District, if any damage is sustained, District Counsel will be notified. Mr. Lewis advised that the District does have recourse, under Chapter 298, for damage to the District's facilities, including the canals and water bodies. He stated he received the first email from Mr. and Mrs. Clark on Friday and the photos show obvious violations of water quality occurring in the canals. Mr. Lewis advised that the District has the ability to revoke its permit and suggested putting the contractor on notice that they are in violation of the permit.

Mr. Hulett apologized to Mr. Clark for Staff not forwarding the letter that was supposed to be sent to him confirming the District's policy regarding this particular issue, which is that it is not Sunshine Water Control District's jurisdiction. In concurrence with counsel, Mr. Hulett



requested that a letter be provided to Mr. Clark stating the District's policy regarding to this particular property and the issue he is raising.

Mr. Morera inquired about changes that were previously discussed regarding the permitting process with SFWMD. Mr. Ernest-Jones reported that he met with Mr. Capko and had extensive discussions with SFWMD about the wisdom of Sunshine Water Control District assuming the permitting role. Mr. Ernest-Jones stated, in this particular case, the Board directed a thorough review of the Engineer's calculations for La Placida. Mr. Ernest-Jones expressed that the developer's engineer, Mr. Fradley, went above and beyond to demonstrate the water quality criteria and that he was installing a system that was satisfactory. Mr. Ernest-Jones stated the permit is issued on the basis of what is designed and he felt it was designed properly; however, based upon the photographs, it is being poorly executed.

Mr. Hulett asked Mr. Ernest-Jones where Mr. Clark should go to readdress his concerns. Mr. Ernest-Jones advised him to continue discussions with SFWMD, as the issue has to do with the execution of the rules of the NPDES regarding the confinement of turbidity. Mr. Hulett directed Staff to provide Mr. Clark with the District's written policy regarding this particular issue, pending review by Mr. Lewis.

Mr. Clark advised it was brought to his attention that the MS-4 permit requires inspections of the drainage systems every three (3) years. He asked when the drainage system was last inspected and when canal HH was inspected regarding capacity. Mr. Hulett reported that all of the canals were inspected during the initiation of the capital improvement program and six (6) miles of canals were slated for dredging and cleaning. Mr. Selchan confirmed that all of the canals were surveyed prior to the capital improvement program and a depth survey was completed for all of the canals in the District. He explained that there are main drains, which are most important, and there are tributaries that contribute to the main canal; Canal HH, adjacent to La Placida, is not one of the main drains and was not a priority. Mr. Selchan noted there are no issues with this canal that indicate there will be any flooding. With regard to street drainage, Mr. Selchan advised that SWCD has never inspected street drains; they are public street drains which are inspected by the city. Private communities are responsible for their own inspections. All of the drainage permits that are permitted to put water into the District's canals go through SFWMD, who has ultimate authority.

With regard to the issues in La Placida, Mr. Selchan expressed that the city has some responsibility, SFWMD has some responsibility and the contractor is not following the appropriate processes that were put in place. He offered to assist Mr. Clark with the process and verify that what he is saying is correct. Mr. Ernest-Jones stated he did not feel that the five (5)-year re-certification program was in force when the permit was issued for La Placida. He indicated that he will contact the developer's attorney to request that he advise the developer that his attention is required.

Mrs. Stephanie Clark, a resident, asked who certified the numbers in the MS-4 permit and indicated that the same amount of permeable ground is in the project now that was in the old project. Mr. Ernest-Jones stated the figures were generated by the developer's engineer, Mr. David Fradley, and certified to them. Sunshine's District Engineer takes a review position and does not certify the developer's calculations. Mrs. Clark asked if she could obtain a copy of the certification for the numbers. Mr. Ernest-Jones reported that the developer's attorney, Mr. Dennis Mele, is going before the County Commission on March 27 and asked him to attend on behalf of Sunshine Water Control District.

Mr. Lewis asked if the District required the engineer to submit his calculations and certification as part of the permit review process. Mr. Ernest-Jones responded affirmatively. Mr. Lewis advised that is part of the public record and Mrs. Clark is entitled to a copy.

Mrs. Clark noted that she called the District Office last month and the call was not listed on the call log. She asked if the MS-4 permit was signed with the new drains on the plans or if the new drains were a change since it was signed. Mr. Hulett requested that Mrs. Clark submit her questions, in writing, to the District Manager's office. Mrs. Clark advised that she did so, last month, and was told that there was no document.

Mrs. Clark discussed the installation of additional culverts using a change order to the existing Weitz contract and expressed her opinion that going with a 'no bid' contract for an almost million dollar contract change, using tax payer money, was a bad idea, especially if they wish to get reimbursed, either through grants or FEMA.

Mr. Ernest-Jones clarified that this is not a "no bid" situation; it will be bid.

***\*\*\*This item, previously the Fourteenth Order of Business, was presented out of order.\*\*\****

**A. Attorney**

Mr. Lewis reported that FASD was successful in drafting, lobbying for and passing Senate Bill 192, which will become a part of the Special Districts Accountability Act, the blueprint of how all special districts should operate. Mr. Lewis stated this bill addresses the merger of districts with cities, counties or other districts. He advised if a couple of districts wish to voluntarily merge, there is a procedure, in the legislature, for them to do so. There is a second provision which governs the hostile takeover, involving the requirement of a dual referendum.

Mr. Lewis advised that Governor Scott became aware of Special Districts about six (6) or eight (8) months ago and instituted a study of all special districts throughout the state. The first group of districts being reviewed is mosquito control and fire rescue. The report is anticipated to be released in approximately six (6) months. Mr. Lewis felt that some legislation will come out of these studies for next year.

With regard to the public healthcare and hospital districts, Governor Scott's committee concluded that they cannot tell whether they are more efficient than private healthcare providers; there are too many variables to make any definitive decisions or recommendations.

**B. Field Supervisor**

***\*\*\*This item, previously 14.C., was presented out of order.\*\*\****

Mr. Selchan advised that the field staff participated in the waterway cleanup, this past weekend, assisting residents and high school students with cleaning area canals. He indicated that there was a good turnout.

Mr. Selchan reported that the District received two (2) inches of rainfall, since the last meeting, which has delayed and may prevent some of the dry canal cleanouts. He also noted that the truck arrived and is being painted; by the time it is finished, the new crew should be out cleaning the trouble areas.

Mr. Selchan reported that the construction projects are moving along and the new pump station should be up and running soon, possibly by the next Board meeting. He commented that Weitz Construction is doing a great job. Ms. Heafy suggested installing razor wire to prevent vandalism. Mr. Selchan agreed.

**FOURTEENTH ORDER OF BUSINESS****Presentation: Website Overhaul (Stephan Peluttiero, The Strange Zone, Inc.)**

***\*\*\*This item, previously the Sixth Order of Business, was presented out of order.\*\*\****

Mr. Hulett introduced Mr. Stephan Peluttiero of The Strange Zone, Inc., and indicated that he will be handling the website redesign and day-to-day operation.

Mr. Peluttiero noted that, since taking over the District's website two (2) to three (3) weeks ago, a rotating picture of the pump station was added to the learning page. The learning page also contains a brief description of what the website is about. Google Analytics was installed to track what users are doing on the District's website, what documents are being viewed and which pages are most popular. This will allow improvements to the website throughout the year to assist with quicker searches.

Mr. Peluttiero showed what the website currently looks like. He reported that the Board and Staff will be able to sign in to Google Analytics to track website usage. Reports will be provided at the Board's request. Mr. Peluttiero advised that the pages most visited include Meeting Documents, District News and Employment. He further noted that the most popular downloads were the election instructions and this week's agenda.

Mr. Peluttiero discussed the redesign of the links on the website and requested suggestions from the Board. Mr. Hulett pointed out that the Board is trying to improve the District's communications with the landowners by distributing a newsletter and with enhancements to the website. In response to a question from Mr. Paton, Mr. Peluttiero advised the most important search tools are the key words within the text of the pages. He indicated that if the city were to link to the District's website, it would help to increase the District's ranking for contact information. Mr. Morera suggested that Mr. Peluttiero contact other local districts to see if they would be interested in linking to the District's website. Ms. Heafy suggested adding a history of the Sunshine Water Control District to the website. Mr. Selchan recommended that the map should make the location of the other districts clear and should include contact information for those not living within SWCD. He requested a page explaining the drainage operation and what the District is responsible for.

▪ **Staff Reports - Continued**

**C. Engineer**

***\*\*\*This item, previously 14.B., was presented out of order.\*\*\****

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

- **Permit Application Review: Mullins Park, City of Coral Springs Parks and Recreation Department**

Mr. Ernest-Jones explained that the City of Coral Springs is replacing three (3) concession buildings in Mullins Park. He referred to the letter of recommendation for approval, with the applicable conditions. The project received approval from SFWMD on January 25.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the permit application for the Mullins Park, City of Coral Springs Parks and Recreation Department surface water management system construction for the replacement of three (3) existing park concession buildings was approved.**

Mr. Ernest-Jones reported that two (2) fence inquiries were received and Letters of No Objection were issued for both, based on the established criteria.

**ii. Permit Application Log**

The permit application log was provided for informational purposes.

**iii. Monthly Engineer's Report - 02/01-12 to 03/06/12**

Mr. Ernest-Jones distributed copies of his report and recalled that the construction manager, The Weitz Company, was selected on a competitive basis. He explained that, once the construction manager is selected on the basis of qualifications and a fee is established for the managerial work, the construction manager competitively bids every element within the construction program. Mr. Ernest-Jones expressed that Weitz is doing an excellent job in managing the project. He referred to Page 1 of his report and indicated that it shows the Guaranteed Maximum Price (GMP) provided by Weitz. There was an immediate savings regarding the sales tax, which was obtained by direct purchase orders from some of the major suppliers. Mr. Ernest-Jones explained the shared savings provision, within the contract with Weitz, and discussed the Shared Savings Summary, located on Page 6. He noted that there is a contingency buried within the GMP for anything that was not foreseen in the construction documents.

Mr. Ernest-Jones reviewed the expenses on the Disposition of Contingency, located on Page 2. He explained the necessity for the cut-off wall at both pump stations and discussed the process involved in approving the expenditures, noting that every item was strongly

recommended. He stated the status of the contingency is about \$5,700. With regard to the Weitz Contract Summary, Mr. Ernest-Jones pointed out that there is a carry-forward, for the pump station, and they are now about \$150,000 under the GMP.

Mr. Ernest-Jones discussed a temporary works issue involving enlarging the bypass at Pump Station #2. He stated based upon the hydraulic characteristics of the canal, it was determined that it was prudent to widen and deepen the bypass. All of the numbers were negotiated, line by line. Mr. Ernest-Jones recommended approval of this expense.

Mr. Ernest-Jones discussed remote manipulation of the pump stations, which requires the placement of an antenna. This item is subject to Board approval. He also indicated that an issue arose regarding additional protection to the louvers. Mr. Ernest-Jones stated the louver protection cover plates are essentially hurricane shutters for the louvers. Each of the pump stations must be ventilated; the air is pulled in through louvers and exhausted out of the buildings through exhaust fans on the roof. Mr. Hulett suggested looking into installing a shield of some sort so that the louvers are not damaged by flying debris. An estimate of \$15,000 was obtained for installation of aluminum plates at both pump stations. Mr. Selchan advised they will also prevent water from coming through the louvers in high wind situations and the shield will prevent water from being blown into the building, where the electric motors and components are housed, as well as add an additional level of protection from vandalism. Mr. Ernest-Jones felt this was a justifiable addition to the contract.

With regard to the sheet piling around Pump Station #1, Mr. Ernest-Jones advised that, after the pump station design was completed, Staff looked at the available real estate within the District right-of-way for comfortable maintenance of Pump Station #1, in addition to slope protection to avoid erosion of the canal banks. Mr. Ernest-Jones indicated that this work would be completed through a change order with Murray Logan, the civil contractor, and will provide additional work area for equipment, as well as remove much of the concern regarding slope erosion in the vicinity of the discharge for the new pump station. Mr. Ernest-Jones advised that Staff discussed this as a budget item for expenditure of bond proceeds and it is highly recommended. He clarified that Change Orders #1, #2 and #3 have been completed.

Mr. McKune stated generally, a change order is completed to change a contract amount, which can only be done when there is a firm number to approve. For the remainder of the items on the contract summary, if the numbers are firm, as far as Weitz is concerned, he recommended

approval of all items and including them in a change order, for those known numbers. For the remainder, such as the louver cover plates, sheet piles and culverts, there are no firm numbers; thus, the Board has nothing to approve. Mr. Ernest-Jones requested formal approval of the items on the Disposition of Contingency, starting with the (2) extra motors and ending with the additional grating, recognizing that they are using up the contingency.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, two (2) extra motors; CO #2, relocating 2 propane tanks at Pump Station #2, pending general/permit revisions; UL certification for generators; sheet pile wall at Pump Stations #1 and #2; eight (8) roof hatches; relocating controls to Pump Station #1 and additional grating CB3 to CB2, in the amount of \$144,525, were approved.**

Discussion ensued regarding the alternate for sheet piles at Pump Station #1. Mr. Ernest-Jones clarified that \$269,171 is a firm number and explained how it was determined. Mr. Hulett asked about the bid process. Mr. Jonathan Sharon, Weitz Project Manager, stated IBI provided drawings and requested to install sheet piles on the north and south side of the new pump station. It was determined that the west side was the best location because there is more room. It is also where the recharge pipe is located. Mr. Ernest-Jones noted that the existing contractor was used because of the proximity to the pump stations. He explained that for culverts W-55 and W-56, which are remote from the pump stations, Mr. Weitz has undertaken obtaining four (4) or five (5) bids. When that bid comes in, the lowest responsive responsible bid will be scrutinized, in detail, because the major cost for the work is the sheet piling and excavating around it. Mr. Hulett asked, since this is an integral part of the pump station itself, if this can be construed as part of the pump station contract under the GMP and if it should be bid out to more than one (1) contractor. Mr. Ernest-Jones did not feel it was necessary to bid out to a new construction manager.

Mr. Donahue stated since the sheet piles are integral to the pump stations themselves, there is the issue of mobilization. Weitz and Murray Logan are on site and have the cranes there. Another contractor would have to bring in his own equipment and could not do so until the pump stations are completed.

In response to a question from Mr. Morera, Mr. Ernest-Jones stated, as a consequence of the recent construction, new erosion threats could exist because the space between the pump station and the culvert has been shortened considerably. Mr. Morera expressed his opinion that when the project was being planned and reviewed, this particular situation should have been anticipated and incorporated into the process. Mr. Ernest-Jones stated what is being proposed is to create more operating land, which Mr. Selchan felt would be beneficial, from a maneuvering standpoint.

Mr. Selchan explained that when the construction project began and Staff saw the sheet piles being installed, he asked the District Engineer to look at the benefits of installing the sheet pile, one being to preserve as much of the working area as possible that may be needed to install a pump or move equipment in. In addition, the bypass is right next to the building and there were problems with the previous bypass, which had the same rock pile in front of it. Rocks were pushed down in front of the intake and money was being spent, annually, to have the material removed. This project will prevent the ongoing maintenance of the intake of the bypass.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the change order enlarging the bypass at Pump Station #2, in the amount of \$59,170; the antenna location at Pump Station #1, in the amount of \$25,723 and the alternate sheet piles at the Pump Station #1 outfall, in the amount of \$269,171, was approved.**

Mr. Hulett confirmed that the culvert project will be bid out. Mr. Ernest-Jones advised that this project will be handled as a change order. Mr. Hulett pointed out that the original contract was for the pump stations and this is an entirely unrelated project.

Mr. McKune explained that the bond issue was for drainage improvements. The pump station is a project within the overall description of the jobs; culvert replacements, culvert repairs, canal cleanup are all part of the bond issue. He stated the pipes are part of the culvert improvements, which are part of the bond issue, so it qualifies as within the scope of the plans and it is part of the drainage improvement program. Mr. McKune indicated he saw no problem with completing the project in this manner, as long as the project is priced properly.

Further discussion ensued. Mr. Ernest-Jones stated if the Board is not in favor of the change order concept, the alternative is to open bid to other contractors. Mr. McKune indicated



that this is a big cost consideration. He explained that if the Board decides to go with a standard bid project, the engineer must prepare a complete set of plans and specifications, without any input from Weitz, except for consultation, and they must be sufficiently complete so that the other contractors can submit an intelligent bid.

Mr. Morera conveyed that, after the last Board meeting, he went to the IBI office and received a detailed explanation of the project, as well as the benefits. He expressed that having worked with an existing contractor that has proven to be a valuable asset and has given the District all that was expected, and the fact that they are going to bid out the balance of the project to ensure that the dollars being proposed by the current contractor are in line, the end result will be that the District will gain more by maintaining what it has, rather than starting from scratch.

Mr. Ernest-Jones requested direction from the Board regarding whether to pursue the culvert project as a CMAR (Construction Manager at Risk) or to treat it as a competitive bid. Mr. Morera was in favor of the CMAR concept. Ms. Heafy and Mr. Hulett agreed, under the guidance and concurrence of District Counsel. Mr. Ernest-Jones will present a change order for Board approval at the next meeting.

Mr. Ernest-Jones referred to the Analysis of Use of Funds from Bond Proceeds, located on Page 4, and pointed out that the estimate for Canals Z and AA-BB is \$2.1 million, which he believes will allow for a certain amount of culvert repair. The remaining amount available from bond proceeds for culvert modifications is \$678,147.

Ms. Heafy inquired about the cost difference between using a barge for Canal AA-BB, versus a bank-mounted operation. Mr. Ernest-Jones felt it would be a worthy exercise to get real numbers bid today on the difference.

**D. Manager**

**i. Unaudited Financial Statements as of January 31, 2012**

Mr. Paton presented the Unaudited Financial Statements as of January 31, 2012. He reported that the assessment collections are at 80%. It was noted that the last payment on the SunTrust loan will be made in May. Mr. Morera suggested that the District Manager offer recommendations regarding how he envisions applying those dollars, perhaps providing some type of saving to the landowners, going forward. Mr. Hulett recalled that Mr. Wrathell discussed this topic at length, suggesting that a portion be allocated to the capital improvement program

and a portion be placed in a reserve fund for future disaster related issues. Mr. Hulett felt this will be particularly pertinent during budget discussions because \$640,000 must be reallocated.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of January 31, 2012 were approved.**

**ii. Check Register, January 2012**

The January 2012 Check Register was included for the Board's information.

**iii. Invoices, January 2012**

The January 2012 Invoices were included for the Board's information.

**iv. Resident Inquiry Log**

The Resident Inquiry Log was included for the Board's information. Mr. Paton advised he will look into why Mr. and Mrs. Clark's inquiry was not logged in. Mr. Morera felt the log would be a good addition to the website.

Mr. Paton reported on the totals for the landowners' election. He indicated that Mr. Morera had 24 votes that were validated; two (2) were excluded. One (1) of the exclusions was due to property taxes not being paid and the other was because the property address was not in the District.

**v. NEXT MEETING: April 11, 2012 at 6:30 p.m.**

Mr. Hulett noted that the next meeting will be held on April 11, 2012 at 6:30 p.m.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

The meeting adjourned at 10:15 p.m.

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Secretary/Assistant Secretary

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Chair/Vice Chair



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Secretary/Assistant Secretary



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Chair/Vice Chair