

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, April 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
Terry Lewis	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
Stephen Cohen	Sample Road Investments, LLC
Brian DeGirolmo	DeGirolmo & Associates, Inc.
Hope Calhoun	Attorney, Greenspoon Marder

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:31 p.m. Mr. Wrathell indicated, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Citizens' Requests

Mr. Dan Clark, a resident, advised that he recently attended a televised Broward County Commission Meeting pertaining to the third phase of LaPlacida. At the meeting, Mr. Ernest-Jones stated he must attend the hearings to correct the untruths being uttered by Mr. Clark. Mr. Ernest-Jones also stated that the project was grandfathered in; thus, a permit from the South

Florida Water Management District (SFWMD) was not required. Mr. Clark discussed the criteria, based upon discussions he had with SFWMD. Mr. Clark contended that Mr. Ernest-Jones indicated to him that, during a meeting also attended by Mr. Donahue, the water would be run to the street but that, at the County Commission Meeting, Mr. Ernest-Jones claimed that he never had an opinion regarding where the water would go. Mr. Clark is of the belief that Mr. Ernest-Jones is trying to keep the project from going through the proper permitting process and that he has a conflict of interest. Mr. Clark urged the Board to follow the SFWMD e-permitting site, noting that the project does not meet their criteria, as it lacks retention and detention on site for the West Basin.

Ms. Stephanie Clark, a resident, stated during the meeting with SFWMD regarding the Daniela Springs project, she questioned how the extra drains were added if there is no permit and no application. She was advised by SFWMD that the additions were made at the suggestion of Mr. Ernest-Jones, on behalf of Sunshine Water Control District (SWCD). Ms. Clark referred to a letter she received from Mr. Wrathell in response to a public records request, regarding SWCD permitting. She stated Mr. Wrathell indicated that SWCD permits the outfall, nothing on land, which led her to question why the suggestion was made for extra drains in Daniela Springs. For the record, Ms. Clark submitted pages from the minutes of the County Commission public hearing.

Mr. Ernest-Jones felt that Mr. and Mrs. Clark were putting words in his mouth and portraying their discussion inaccurately. Mr. Ernest-Jones stressed the difference between making statements on behalf of the District and stating, on the record, what he was told by SFWMD, such as the issue of grandfathering. He stressed to the Board that his sole purpose, after preserving the good name of the District and providing professional service and advice, is to keep the records straight regarding what was said.

At the County Commission public hearing, Mr. Ernest-Jones was advised that the county reconsidered its position and will require a letter modification for this project. With regard to the District getting into private property, Mr. Ernest-Jones explained that Mr. and Mrs. Clark brought some of these issues to the attention of the Board and the Board requested that he speak with the developer's engineer, to try to address their concerns. Mr. Ernest-Jones suggested to the developer's engineer that he volunteer to provide retention in the open space, emphasizing that it would be voluntary and not a requirement.

Mr. Morera commented that he believes Mr. Ernest-Jones is representing the good wishes of the Board, always acts on its behalf and that Mr. Ernest-Jones attempted to address the citizens' needs in the best manner possible.

THIRD ORDER OF BUSINESS

Consideration of Request for Letter of No Objection – Broken Woods Land Use Plan Amendment (LUPA)

Mr. Wrathell referred to the request from Mr. DeGirolmo, on behalf of his client, for an updated Letter of No Objection to the Land Use Plan Amendment (LUPA) application. He also noted a request from the District Engineer regarding the Drainage Analysis portion of the LUPA application.

Mr. Donahue stated the draft letters, from Mr. Wrathell's office and from Rhon Ernest-Jones/IBI, are consistent with what was written in each of the last two (2) years.

Ms. Hope Calhoun, with Greenspoon Marder, advised that a similar request was submitted about a year ago, related to the same property; however, the Letter of No Objection (LONO) is one (1) year old and they would like the exact same letter but with new dates, with regard to the LUPA and the review of the most recent Drainage Analysis, for the purpose of moving the Land Use Plan Amendment applications forward.

Ms. Heafy questioned why SWCD's letter had to be issued first. Mr. Hulett noted that he continues to have no problem with issuing the same letter; however, he felt it should be modified to reference Mr. DeGirolmo's letter, dated March 27, 2012. Mr. Wrathell explained that the reason the letter authorizes Sample Road Investments, LLC, to include the canals owned by SWCD is to incorporate the District's canals into the LUPA, for future modification. Ms. Heafy reiterated that she would rather they wait until the LUPA is approved and then request the LONO from the District. Mr. Morera had no objection to the request.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, authorizing Staff to prepare an updated Letter of No Objection related to the Land Use Plan Amendment (LUPA) and authorizing an updated Letter of No Objection related to the Drainage Analysis of Broken Woods, as stated by the District Manager and prepared by the District Engineer, was approved.

FOURTH ORDER OF BUSINESS**Update: Canals AA & BB ROW
Clearance Pilot Project**

Mr. Paton distributed the status report for the right-of-way clearing project. He explained that the word "OPEN", under Comments, refers to those residents who have not returned the signed and notarized agreement. A follow-up notice was sent to each resident. Mr. Paton asked Mr. Lewis what the next step should be if the residents do not respond. Mr. Lewis stated if the obstructions are within the right-of-way, the residents will be advised that the District intends to proceed with clearing.

Mr. Wrathell referred to the March 9 letter that Staff was directed to write to the City of Coral Springs. The city provided a response to Mr. Lewis, indicating they are not happy with the District's position and will provide a formal response at a later date. Mr. Wrathell asked Mr. Lewis to discuss the District's options.

Mr. Lewis recalled in the beginning, being in favor of exhausting all administrative remedies by moving up the chain of command, as far as the City Manager and, if the response was not favorable, he preferred to defer the matter to the City Council. Mr. Lewis felt it is clear that the City Council has the discretion to waive any jurisdictional rules. He indicated that, if the City Council's response is unfavorable, the District can resort to other options, such as going to circuit court; however, this option is expensive and time consuming. If the District receives a negative response from the City Council, the other option is to place them on notice that, within a certain amount of time, the District intends to begin clearing the right-of-ways. Mr. Lewis expressed that he does not feel this is a good option and proceeded to discuss his reasoning.

Mr. Hulett asked how long the District should wait for a response from the City Manager before moving forward. Mr. Hulett felt the matter should be brought before the City Council prior to the District's May meeting. Mr. Hulett sensed that the Commission would concur with the City Manager's position. Mr. Lewis pointed out that they have been to the City Manager's office but to no avail. Mr. Lewis requested that the Board allow him to contact Mr. Hearn and ask that this be placed on the City Council agenda.

Ms. Heafy suggested that the District purchase a barge to clear the right-of-ways from the canals, rather than spending money to clear the properties. Mr. Hulett pointed out that this is a major outflow canal, which is slated for dredging and part of the process is to clear the canal banks. He noted that Mr. Selchan also has a concern with regard to accessing the District's

right-of-ways. Mr. Hulett acknowledged that the Board and Staff have spent many hours developing a fair program and felt the request to the city was reasonable. He indicated his willingness to go before the City Commission to inform them that the District is trying to proceed with its Capital Improvement Program (CIP), which is being held up by the City Manager's office, and that the District is willing to test this matter in court. Mr. Hulett emphasized that he wants an answer from the city by the May Board meeting.

Mr. Lewis advised that he would prefer to contact Mr. Hearn to let him know that the Board wishes to bring this issue before the City Council before deciding whether to go to court.

Mr. Morera indicated that he will attend the meeting as a citizen but he will not represent the Board. Mr. Wrathell recommended placing an advertisement in the newspaper stating that multiple Board Members may be present at the Commission meeting. Mr. Lewis agreed.

Mr. Morera confirmed that there are only two (2) residents who have not responded at all to any mailings. Mr. Paton stated the preparation work has begun so that, regardless of the response from the City Commission, the District will be ready to proceed.

Mr. Hulett inquired about the status of the bids for the dredging work. Mr. Donahue indicated that the clearing plans and the specifications are almost ready to go out for bid. The dredging contract will be advertised after the clearing project.

FIFTH ORDER OF BUSINESS

Update: FEMA Appeal

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

Mr. Paton reported that there were no updates with regard to the FEMA appeal. Each month, he speaks with the contact at the Department of Emergency Management and the same pending status response has been given. The District's appeal is one (1) of many under consideration by FEMA.

SIXTH ORDER OF BUSINESS

Update: Newsletter

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

Mr. Wrathell distributed a memo with two (2) quotes from Rex Three, Inc., for two (2) formats of the newsletter. The first quote, in the amount of \$4,575.26, is for color newsletters,

with the exception of postage. The postage estimate is \$7,200 to \$8,300, depending upon the weight, bringing the total cost estimate to approximately \$12,000 to \$12,800.

Mr. Wrathell noted that the first quote is for a four-page book format with a one (1)-page insert. The second quote, in the amount \$4,228.79, plus postage, is for a tri-fold format, with a blank page on the back. The Board was in favor of the tri-fold format. Several suggestions were made for the blank page and it was decided that photos of the new pump stations and a well-maintained canal bank will be used for the first newsletter.

SEVENTH ORDER OF BUSINESS

Approval of Minutes

Mr. Hulett presented the March 14, 2012 Landowners’ Meeting and March 14, 2012 Regular Meeting Minutes and requested any additions, corrections or deletions.

- **March 14, 2012 Landowners’ Meeting**

The following change were made:

Line 24: Change “Shaton” to “Sharon”

- **March 14, 2012 Regular Meeting**

The following changes were made:

Line 483: Change “to bid out this particular work” to “to bid out a new construction manager”

Line 189: Add: “with a 5 – 0 vote” after “appointed”

Line 25: Change “Shaton” to “Sharon”

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the March 14, 2012 Landowners’ Meeting and March 14, 2012 Regular Meeting Minutes, as amended, were approved.

Mr. Hulett announced that Mr. Morera was appointed by the City of Coral Springs Commission as Vice Chair of the 50th Anniversary Committee.

EIGHTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Morera advised of a conflict with the May 9 Board Meeting. It was agreed that the meeting date will be changed to May 10, 2012 at 6:30 p.m., pending room availability.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, rescheduling the May 9, 2012 Regular Meeting to May 10, 2012, pending room availability, was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Lewis distributed copies of a hand delivered opinion letter regarding the proposed change order to the Weitz Construction Manager contract for the two (2) large culverts. Upon review of the contract, Mr. Lewis confirmed that it recognizes and authorizes change orders to the underlying contract. The opinion letter states that Weitz obtained competitive quotes from all interested subcontractors and the lowest, responsive quote will be accepted. Mr. Lewis noted that the Weitz portion of the proposed change order costs would not exceed \$300,000 and is consistent with section 225.20, Florida Statutes. The District Engineer confirmed that no other capable construction management firm could perform the construction management tasks more economically than Weitz, since they are already mobilized.

Mr. Ernest-Jones indicated that a comprehensive package will be presented to the Board next month, for approval.

Mr. Heafy asked about the mobilization process for inclement weather. Mr. Selchan noted that the small afternoon rainstorms are creating enough rainfall to prevent the canals from drying up and are preventing the project from moving forward due to the fact that it was bid as “dry”, eliminating the need for permits from the county or any other agency.

Mr. Donahue reported that a tour was conducted yesterday and many canals contain between six (6) and 12 inches of water. He advised that with dry weather and windy conditions to aid with evaporation, the contractors are about a week away from mobilization to begin work behind City Hall South. The situation is being closely monitored.

Mr. Selchan referred to a slide of the canal discussed by Ms. Heafy, at the last meeting, which is located off Riverside Drive and 40th Street. He explained that a small piece of property fell off the edge of the canal bank. Mr. Selchan discussed the best solution to fill in the void.

Discussion ensued regarding the demolition of Pump Station #3. Mr. Selchan stated that adding a control structure, demolishing the building and replacing the existing structure would be the simplest solution.

B. Engineer

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

- ***Permit Application Review: 4100 NW 100th Avenue, Horne (Melamed) – Fence***

Mr. Ernest-Jones reported on a fence request received from C.D. Stroud Enterprises on behalf of Ms. Barbara Melamed. Mr. Ernest-Jones visited the property and showed photos of the easement where the fence is to be installed, noting an unimpeded flow from the street to the lake. He advised that a letter of no objection was not issued and specific conditions were mandated. Based upon adherence of those conditions, approval was recommended. Mr. Ernest-Jones referenced the condition to install a ten (10)-foot wide gate on both ends of the easement in order to facilitate access, should it be required.

Mr. Lewis recommended adding the condition that the vegetation must be maintained in a neat manner and that the District retains its right to remove the vegetation, if need be, at the sole expense of the owner.

Mr. Donahue clarified that a formal permit application was received and two (2) gates were included in the plans. He stated approval of the permit is recommended, subject to the special conditions referenced in the letter to Mr. Warnke. Mr. Ernest-Jones indicated that the language discussed previously will be added as a condition to the permit.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the permit application for the installation of a fence at 4100 NW 100th Avenue, as amended, per discussion with the District Engineer, was approved.

ii. Permits Application Log

Mr. Ernest-Jones reported that the permit application log has been updated. He noted that the permit application submitted by the CKE Group is in process.

iii. Monthly Engineer's Report - 03/06/12 to 04/04/12

Mr. Ernest-Jones reported that relationships with Weitz continue to be very good and he is pleased with their progress. Many meetings have occurred recently preempting the demolition. Mr. Ernest-Jones pointed out that, to his knowledge, every point raised by the Board has been satisfactorily addressed.

Mr. Ernest-Jones presented Change Order CO 6, for the installation of louver protective devices on both pump stations, as suggested by Mr. Hulett. He explained that they will provide enough air to flow through the grates and will protect from any flying debris. Mr. Ernest-Jones noted that the price includes both pump stations.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Change Order CO 6, for louver protection cover plates at Pump Station #1 and Pump Station #2, in the amount of \$21,583, was approved.

Mr. Ernest-Jones presented Change Order CO 7, pertaining to the preservation of the working area around the vicinity of the demolished structures. He stated the demolition was not fully defined, in terms of beneficial utilization of the property. The structural engineers designed a mechanism to make the upper level of concrete wall stable. Mr. Ernest-Jones pointed out where a working platform will be added at both pump stations.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Change Order CO 7, for the revised demolition details at Pump Station #1 and Pump Station #2, in the amount of \$79,356, was approved.

Mr. Ernest-Jones presented Change Order CO 8. He showed the location of the proposed installation of a wall of sheet piles, with a pile cap, which will run from the back of the new structure to the concrete headwall, which protects the outfall under Royal Palm Boulevard. Mr. Ernest-Jones pointed out that this will eliminate any concerns regarding erosion and provide a better working platform for the maintenance crews, going forward.

Mr. Donahue noted that this is on the east side of the pump station, consistent with what the Board approved last month, for the west side.

Mr. Hulett expressed his support of this project, noting that it creates additional space and allows room for the water to exit the station, through the culvert on Royal Palm Boulevard and down to the east outfall canal. Mr. Donahue advised several other options were discussed, none of which were economically feasible. In response to a question from Mr. Wrathell, Mr. Donahue indicated that a ladder will be built on the sheet piles, on both sides, for safety.

Mr. Morera inquired about the life expectancy of the sheet piles against erosion. Mr. Ernest-Jones responded it is approximately 50 to 70 years.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Change Order CO 8, for the east alternate for sheet pile between the pump station and the Royal Palm Outfall at Pump Station #1, in the amount of \$172,880, was approved.

Based upon the Board's approval, Mr. Ernest-Jones indicated that Weitz was authorized to fill in and remove the bypass channel, beginning tomorrow.

Mr. Donahue reported that the pumps were tested yesterday. The generator was activated and the pumps were run by the generator.

Discussion ensued regarding disposal of the existing equipment in the most environmentally-friendly way possible.

- **Approval of FPL Transformer Easement at Pump Station 1**

Mr. Donahue referred to the FPL easement located behind the Engineer's Report letter. He explained that there is an FPL easement at Pump Station #1 where the transformer was placed on the east side, toward Royal Palm Boulevard. Because it is on the District's property, FPL requires a ten (10)-foot square easement around the transformer. Mr. Capko reviewed and approved the document and Mr. Donahue requested execution by the President, prior to recording.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the FPL transformer easement, at Pump Station #1, was approved.

With regard to Pump Station #2, Mr. Donahue reported that the structure is basically complete, the pumps and the motors are installed and the generator is scheduled for delivery on April 23.

Mr. Ernest-Jones reported on an April 6 meeting with SFWMD, which he attended with Mr. Donahue, Mr. Lewis, Mr. Capko and three (3) SFWMD department heads. He stated some of the projects that were problematic have raised certain frailties in the execution of the private projects and better enforcement is required. Mr. Lewis advised that he approached the subject of the District receiving some delegation of the authority SFWMD has to regulate and permit surface water management activities within the District. Mr. Lewis noted that the only delegation granted was to Broward County. He explained that the District could apply for a delegation under Chapter 373; however, it would be to the Department of Environmental Protection (DEP), not to SFWMD.

Mr. Lewis advised that Ms. Anita Bain, with SFWMD, transmitted all of the delegations received by Broward County. He believes it is possible for the District to assume some of the delegated responsibility, through an interlocal agreement with Broward County, for projects proposed within the confines of the SWCD.

Mr. Ernest-Jones noted two (2) concerns; the District Engineer taking on more responsibility than the Board would like and the associated costs. He expressed his opinion that the Board should consider whether it wants to tighten up District monitoring of the development projects. Mr. Hulett indicated that he wants to concentrate on the culvert project at the May meeting and consider the permitting issue in June.

In response to a question from Mr. Morera, Mr. Ernest-Jones responded that CSID, NSID and Pinetree are more active than SWCD, in terms of enforcement, checking calculations and construction. He noted that each has an active recertification program, which is basically a thorough check of the system, every five (5) years. Mr. Selchan indicated that those districts issue their own drainage permits, whereas SWCD receives its permits from SFWMD. A program was implemented and engineering firms inspect their projects, from time to time, and sign off on them.

Mr. Lewis explained that when SFWMD issues a Management, Storage and Surface Water (MSSW) permit, it is monitored through construction and completion and the engineer

must sign off that it was built to specifications and permit conditions. SFWMD will inspect the project; however, once the outfall is established, there is no recertification program.

iv. Field Supervisor

Mr. Selchan reported on a pre-hurricane kickoff meeting with the City of Coral Springs, which was led by Mr. Rich Michaud. He advised that the city is playing an active role in getting water control districts involved so that everyone is on the same page, should a catastrophic event occur. Mr. Selchan indicated that the topic of interlocal agreements was discussed. He noted that the District has an agreement with the city to store trees removed from canals but there is no agreement for any other city resources.

Mr. Selchan obtained a template from the city for an interlocal agreement for its other resources, whereby the city would be reimbursed by FEMA or the NRCS. He indicated that Mr. Michaud offered many services to the District, if an interlocal agreement is in place. Mr. Michaud also offered SWCD a place in the city's call center. Mr. Selchan and Mr. Paton will work on having a representative from Malcolm Pirnie, Inc., take the District's calls at the call center and pass them on.

Mr. Paton reported that he contacted Phillips and Jordan, Inc., and Malcolm Pirnie, Inc., which is now Arcadis Corporation, to confirm their five (5)-year agreements with the District. Arcadis Corporation advised that a new contract is not necessary, even though the company name changed. Mr. Lewis recommended that Mr. Paton ask how the company is structured and indicated that the District may want to note, as an addendum to the contract, that the successor to Malcolm Pirnie, Inc., is Arcadis Corporation. Mr. Paton advised that Arcadis is agreeable to providing staff for the call center, as Mr. Selchan discussed. Mr. Lewis requested that Mr. Paton ask the Arcadis contact if the agent named in the agreement for notification remains the same.

Mr. Selchan discussed the flier received from the city for Code Red, which contains details of how to sign up for the program. Code Red will be used in a storm event in case of localized flooding. The affected residents will be contacted so they know Staff is aware and they should not panic. Mr. Selchan suggested putting the flier on the blank page of the first newsletter. Mr. Hulett asked if it could be reduced, rather than using a whole page.

C. Manager

i. Unaudited Financial Statements as of February 29, 2012

Mr. Wrathell presented the Unaudited Financial Statements as of February 29, 2012. He indicated that the unreconciled cash and investment balances were also provided.

Mr. Wrathell referred to Page 2, noting that collections are at 83% through the end of February. Mr. Morera inquired about the Interest and Miscellaneous line item, under Revenues. Mr. Wrathell did not feel it was actually interest income and advised he will check into it to see if it was coded improperly and report back.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of February 29, 2012 were approved.

ii. Check Register, February 2012

The check register was provided for informational purposes.

iii. Invoices, February 2012

The invoices were provided for informational purposes.

iv. NEXT MEETING: May 9, 2012 at 6:30 P.M.

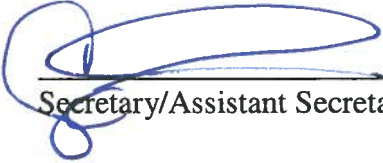
Mr. Wrathell confirmed that his staff will work on rescheduling the May 9 meeting to May 10.

Ms. Heafy noted that the SunTrust loan is almost paid off.

TENTH ORDER OF BUSINESS

Adjournment

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



Secretary/Assistant Secretary



Chair/Vice Chair