

**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 13, 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
Bill Capko	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
Jonathan Sharon	The Weitz Company
John McKune	McKune & Associates
Dennis Poore	Resident
Gary Runge	Resident
Eli Pollack	Resident
Femi Adeniji	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:32 p.m. Mr. Wrathell indicated, for the record, that all Supervisors were present, in person.

Mr. Hulett announced that Mr. Morera was recognized by the Florida Association of Special Districts (FASD) as a Certified District Official. Mr. Hulett congratulated Mr. Morera, on behalf of the District. Additionally, the Sunshine Water Control District was named Special District of the Year by FASD. Mr. Hulett noted the efforts of the District’s entire team, including Board Members, Staff and employees.

SECOND ORDER OF BUSINESS

Citizens’ Requests

Mr. Dennis Poore, of 2640 NW 112 Avenue, indicated he is present regarding his concerns about the removal of some encroachments. He feels some items are not being addressed, such as why the District needs access to the canal banks, as these are too steep for equipment to be used on them. Mr. Poore voiced his opinion that the major trees can be spared, as workers will only be able to access the areas on foot. He recalled the unnecessary loss of trees as a result of Hurricane Wilma and his feeling that the city has not recovered. Mr. Poore questioned the District's need to clear the right-of-way areas to the extent being discussed. He recalled discussion from the recent city commission meeting regarding an environmental impact study. He stated that he does not like being a part of the District's pilot program. He feels the area selected for the pilot program was the clearest, easiest portion and not indicative of the rest of the District. Mr. Poore speculated that completing this portion will not give the District a true estimate of the removal or mitigation costs. He reiterated that the trees do not need to be removed because the District will not be able to maintain the canals from the banks. Mr. Poore feared that the District will stir up major resistance, spend money and, eventually, walk away from the program, after having ruined his neighborhood. He questioned what is being accomplished and asked the Board to use reason.

Ms. Heafy acknowledged Mr. Poore's concerns and that it is difficult to start something like this after 40 years of doing nothing. She voiced her concern that the areas needing clearing account for about 12% of the District but the costs will be incurred by all within the District.

Mr. Morera thanked Mr. Poore for his comments. He noted that this problem has been around for many years and the District is attempting to prevent problems in the future and apply a program equally to the residents. Mr. Morera felt that ignoring the issue will not make it better; it will only continue to worsen. The question is whether the District should wait for a natural event to create a problem for all residents or if it should take proactive action to mitigate and prevent such problems and do so in a way that is equally received by all residents.

Mr. Hulett acknowledged that the Board knew this part of the capital improvement plan (CIP) would be the most difficult. He noted that the Board has worked to develop a system and protocol that would be fair to all concerned. He stated that access is needed for day-to-day routine maintenance, completion of work related to the CIP and to minimize the possibility of vegetation along the canals entering the canals in a weather event. Mr. Hulett advised that the pilot program area was selected, as it is a major outfall for the west basin and it is slated for dredging; the Board felt the banks must be cleared, in conjunction with the planned dredging.

Mr. Hulett noted that 42 of the 86 properties required clearing and, of those 42, only 2 selected Option 3, which is to negotiate with the District to keep items on the right-of-way; all others elected to remove it themselves or have the District complete the removal.

Regarding the tree mitigation issue with the city, Mr. Hulett clarified that the District asked for no mitigation for the first ten (10) feet. Recognizing that the issues will differ from neighborhood to neighborhood, Mr. Hulett felt it is important to have a consistent program that is as fair as possible for all residents residing along the canals. Mr. Hulett reiterated that clearing the banks is necessary.

Mr. Wrathell stated that an engineering study revealed that the canals would not function properly in a major storm event; there would be flooding. This program is designed to address those types of problems.

Mr. Gary Runge, 11864 NW 31 Street, stated that nothing will stop things from entering the canals in a Category 3, or higher, hurricane and questioned the District's motivation. He feels that only the nuisance trees should be removed but noted that the District still has some on its property and has not removed them. Mr. Runge suggested that the pilot program is a "ploy" to create legal enforcement and pit neighbor against neighbor, if they allow some to keep items and others must remove them. He feels the District will be sued. Mr. Runge stated his opinion that, since nothing can really protect from a major hurricane, the District must have an ulterior motive for removing 53 acres of vegetation. Mr. Runge advised that, should the District proceed, the Sierra Club, the city and the county will not allow it. Mr. Runge referred to the aerial photograph of Pump Station #1 and suggested that clearing should take place there first, as there is thick vegetation beside it and along the canal. He discussed his experiences with FPL and right-of-way issues. Mr. Runge asked if docks must be removed. Mr. Runge stated his displeasure with the District, referring to the right-of-way areas as "its" property; he stated that he owns the property all the way to the water. He feels the District is infringing upon "his" property and asked that work be done the way the Board would want it done on their own property.

Mr. Femi Adeniji, 7516 NW 42 Court, recalled the situation after Hurricane Wilma and the extensive work required to remove items from the canals and flooding. He stated that clearing the canal banks is necessary for everyone's safety. He applauded the District's work. Mr. Adeniji stressed that, in the event of a major storm, residents who refuse to remove items

should take responsibility for clean up and, if they fail to do so, they must pay the District to do it. Mr. Hulett noted that Option 3 covers that scenario.

Mr. Morera asked Mr. Capko to clarify Mr. Runge's statements regarding ownership of a right-of-way. Mr. Capko advised that there are different situations within the District. In some areas, the District owns the right-of-way and, in others, the District has an easement over the property. In either case, the District has the right and obligation to clear its right-of-way areas to make them safe so that the system can operate effectively. Mr. Capko stated that some residents may own the property to the center of the canal but ownership does not mean they have the full bundle of rights to the property; the District has the right to do anything related to water control within its right-of-way.

Ms. Heafy stated that there are no right-of-way areas at all in Broken Woods; there are no easements. She felt the only access is from the opposite side of the canal.

Mr. Wrathell discussed the situation and his feeling that there are easements, as the entity responsible for operating and maintaining improvements must have access in order to do so. Ms. Heafy reiterated that no properties in Broken Woods have easements. Mr. Capko explained that in a situation where a property owner owns to the center of a road, the right-of-way is delineated on a survey and the entity responsible for the road has control of the use of the right-of-way, regardless of ownership.

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2012-4,
Approving the District's Proposed Budget
for Fiscal Year 2013 and Setting a Public
Hearing Thereon Pursuant to Florida
Law**

Mr. Wrathell presented Resolution 2012-4, along with the proposed budget for Fiscal Year 2013. He noted that the public hearing is recommended for September 12. Mr. Wrathell explained that Broward County requires that assessments be contained on the TRIM (truth in millage) notices sent to property owners, in advance of sending the yearly tax bills. In order to meet that requirement, the public hearing must be held close to September 15.

Mr. Wrathell distributed a revised version of the proposed budget and indicated that a line item for website enhancements will be added to the budget.

Referring to Page 1, Mr. Wrathell noted that assessments will be close to last year's amount; the proposed increase is less than 1%. Page 11 shows the operation and maintenance assessment increasing by about \$1.28 per unit. With the website line item, that figure will increase another \$0.25. Bonds were issued so a debt assessment of \$56.10 was added, bringing the total assessment to \$199.39.

Mr. Wrathell recalled discussion about setting aside reserves for specific purposes. He explained that \$1,650,000 was set aside for disaster recovery and the \$616,980 line item, at the bottom of Page 2, reflects three (3) months working capital, as tax collections are usually received a few months into the fiscal year. Regarding fund balance categories, Mr. Wrathell stated that the assigned category allows for spending, as necessary, while still showing its anticipated purpose. He projected \$574,217 to remain unassigned.

Regarding the CIP, Mr. Wrathell noted that some expenditures projected for this fiscal year were delayed so those line items now reflect an amount equal to Fiscal Year 2012 and 2013's anticipated expenditures. He reviewed the Capital Improvements Funded with General Fund Assessments table, on Page 12, which was prepared by the District Engineer and details the CIP to date and projected spending.

Mr. Morera questioned the percentage set for the CIP projects. Mr. Wrathell noted that the District anticipates spending of approximately \$801,000. With the elimination of the SunTrust loan, approximately \$650,000 is available to go towards the CIP projects. Last year, it was assumed that reserve funds would pay the CIP expenses but, this year, the funds previously paying the SunTrust loan will go to fund the CIP program. Mr. Morera asked if bond proceeds were being used to pay those costs. Mr. Wrathell indicated that bond proceeds could be used for a lot of the work but this is what he discussed with the District Engineer to include in the operating budget. Mr. Wrathell noted that monies do not have to be spent during the fiscal year just because they were budgeted. Mr. Hulett summarized that monies previously paying the SunTrust loan will be allocated to the CIP expenses. Mr. Wrathell indicated that, if the Board does not want to utilize reserve funds to fully fund the proposed \$801,000, the budget can be adjusted downward so the SunTrust loan payment figure fully covers the projected expenditure; in essence, eliminating the use of any fund balance.

Mr. Hulett asked how much will be available from the bond issue construction funds to complete the dredging and canal restoration projects. Regarding utilization of the bond funds, Mr. Donahue indicated that the pump station costs are \$7 million, the two (2) culverts are \$1

million and Canal AA and BB dredging is at \$2 million; this accounts for approximately \$10 million of the \$11⁺ million construction fund. Mr. Donahue feels that the District will be able to complete one more project from the construction fund proceeds generated from the bonds. In response to a question, Mr. Wrathell confirmed that the District might not expend all of the monies. The Board can lower the \$801,000 figure and plan to use construction funds; however, Mr. Wrathell stated that it does not hurt to have it budgeted, as the District is not required to expend it.

Mr. Hulett stated that he does not want the District to have to borrow money for cleanup, like after Hurricane Wilma. To keep in line with Mr. Hulett's comment, Mr. Wrathell indicated that, to accomplish that goal, the District must shave the numbers so it does not utilize any of the fund balance. In order to increase the disaster recovery figure to \$2 million, Mr. Wrathell recommended shifting \$350,000 from the unassigned fund balance into the disaster recovery line item. Mr. Wrathell discussed ways to further increase the disaster recovery figure, whether it be through decreasing other budget items or assessing residents.

In the event of a major disaster, Mr. Hulett asked if the \$801,000 budgeted for the CIP projects could be spent on disaster recovery efforts, if they had not already been expended. Mr. Wrathell replied affirmatively. Mr. Wrathell stated that there will never be a high enough reserve that is 100% sufficient. There is a concern with bumping reserves to such a high level that today's property owners essentially pay for something for which they will never realize the benefit; philosophically, Mr. Wrathell feels a \$2 million disaster recovery reserve is fine. If the Board does not want to increase assessments to reach \$2 million, other expense line items can be adjusted. Mr. Hulett voiced his desire to increase the disaster recovery to \$2 million for the next fiscal year. To accomplish this and not use any fund balance, Mr. Wrathell indicated that costs will be reduced in other areas and \$350,000 of the unassigned fund balance will be shifted to disaster recovery.

Mr. Wrathell reviewed the expenditures, on Pages 1 and 2. He noted that the Supervisors/Staff travel line item was increased from \$5,000 to \$10,000. Legal expenses increased from \$60,000 to \$72,000. Communications costs are being reduced from \$50,000 to \$20,000. A postage line item of \$2,500 was added for mailing ROW clearing notices. Mr. Wrathell reiterated that a \$2,500 line item for website enhancement will be added. The remaining expenditures on Page 1 are relatively unchanged.

Mr. Hulett asked that the travel line item increase from \$5,000 to \$7,500, not \$10,000.

Mr. Capko questioned why engineering-related expenses are listed under field operations, rather than professional and administration. Mr. Wrathell stated that engineering line items have historically been included under field operations; however, it can be moved to professional and administration, if the Board wishes. Mr. Hulett asked Mr. Capko for a recommendation on where to place the line item. Mr. Wrathell noted that the line item location has no material bearing, from an accounting and auditing perspective.

Mr. Wrathell reviewed the expenditures on Page 2. He noted that the field operations salaries and wages line item includes the new trash crew. The proposed figure is reduced because the previous budget factored in 5% pay increases but that rate is not historically given across the board. The health insurance line item assumes a 10% increase.

Mr. Wrathell indicated that the electric expense line item was increased from \$1,300 to \$26,300, because the new pump stations are electric-powered, not propane; concurrently, the propane expenses should reduce greatly. Mr. Morera asked what will happen to the remaining propane. Mr. Selchan advised that, if the tanks are removed, the District must pay for removal or, they can bid out the remaining propane to a private party. Mr. Selchan confirmed that no more propane should be purchased, once the new pump stations are fully functional.

Mr. Wrathell indicated that a \$10,000 truck and tractor line item was added but the "other" line item, which is essentially a contingency item, was reduced by the same amount. Under operating supplies, propane will be eliminated and the remaining line items remain consistent. Regarding the fuel line item, Mr. Hulett asked that the costs be split into gasoline and diesel line items to better distinguish whether the cost is related to vehicles or the backup generators. Under capital outlay, Mr. Wrathell noted that the field equipment line item was increased from \$36,500 to \$66,500 to include the purchase of a new F-150 truck, a trash boat, motor, trailer and a ditch bank tractor. The tax collector and property appraiser line items are adjusted downward to more closely match this year's actual expenses.

Mr. Wrathell reminded the Board that this is the first step in the budget process and there is ample opportunity to make changes, prior to adoption.

Mr. Wrathell indicated that Pages 3 through 6 contain more detailed definitions of the general fund expenditures. He noted a minor correction on Page 6; the \$100 line item is the fire and EMS assessment, so a line item should be added and the \$100 moved down. The amortization schedule, on Page 7, will be removed because the SunTrust loan is paid off.

Mr. Wrathell reviewed the debt service fund budget and debt service schedule, for the Series 2011 bond, on Pages 8 through 10. Mr. Morera asked if surplus funds could be used to reduce the bond principal, with no prepayment penalty. Mr. Wrathell advised that he must review the specifics of the trust indenture but, generally, it is okay; however, the benefit of doing so is minimal.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2012-4, Approving the District's Proposed Budget for Fiscal Year 2013, as amended, and Setting a Public Hearing for September 12, 2012 at 6:30 p.m., at this location, was adopted.

▪ **Update: Pump Stations and Culverts W55 and W56**

****This item was an addition to the agenda.****

Mr. Donahue referred to pictures of the pump stations, located behind Tab 10. He indicated that the pump stations are progressing well. Pump Station #1 is nearly complete and installation of the sheet piles, along the canal, is expected within the next week. The bypasses were filled in at both pump stations. At Pump Station #2, the pole for electrical power should be connected by Friday. Demolition of the old Pump Station #2 has commenced. Regarding the old pumps, Mr. Donahue indicated that MWI is interested in possibly purchasing the pumps and motors. He confirmed that the boat ramp is not completed; it will be one of the last items finished. Mr. Donahue noted adjustment issues with the pumps and generators; The Weitz Company, IBI and Mr. Selchan are working with the manufacturer to resolve the issues. There was a settling issue with the wall around the emergency generator at Pump Station #2. The geotechnical engineers recommend installation of steel pin piles along the footing of the wall, at five (5)-foot intervals. Mr. Wrathell indicated that the District Engineer is responsible for certifying the repair, once it is complete. Mr. Donahue advised Mr. Wrathell that the contractor will provide a similar certification. These certifications will protect the District and give it recourse, in the future.

Mr. Morera voiced his opinion that the District did not pay for repairs; if it paid for a brand new building, it should receive a new building, not a repaired one. He questioned what caused the problem and if other problems will surface. Mr. Morera is not fully confident in the repair approach. He feels if it is cracked, it should be torn down and a new one should be built.

Ms. Heafy stated that it is worrisome to know there is a problem with it. She wondered if there will be problems in the future.

Mr. Hulett recalled that the generator enclosures were built on shallow footings; this is different from the pump stations, which were built on deep foundations. Mr. Sharon discussed the compaction and footings at the pump stations; he confirmed that all requirements were met or exceeded.

Mr. Hulett asked how much the pad has sunk. Mr. Sharon and Mr. Donahue did not have the data but Mr. Donahue stated that it is minor, in comparison to the wall issue. Mr. Hulett asked if this matter should also be addressed and whether the area around the slab has been tested to determine if it is sinking. Mr. Hulett questioned what will be done to ensure that the problems are corrected. Mr. Morera asked if vibration from running the generator for an extended period would cause a problem, due to vibrations. Mr. Hulett stated that he is uncomfortable not knowing how much sinkage has occurred.

Mr. Hulett asked Mr. Capko to comment. Mr. Capko indicated this is the first he has heard of the problems. Mr. Hulett asked Mr. Donahue to discuss IBI's recommendations. Mr. Donahue indicated that a proposal was received and the District's geotechnical advisors reviewed it. There have been many discussions and he and Mr. Ernest-Jones are comfortable with the proposed repair, as previously discussed; it is the proper means of correcting the issue and preventing further problems. Mr. Donahue detailed the repair method. In response to Mr. Hulett's question, Mr. Sharon confirmed that the compaction study showed that the slab would support the weight of the slab and generator. Mr. Sharon advised that The Weitz Company will offer extended warranties on the repair, if the Board accepts the pin piles proposal.

Mr. McKune stated that the pin pile approach will repair the problem; however, he agrees with Mr. Morera in that the District is buying a new pump station. He recommended that the wall be torn down, pin piles be installed and the new foundation be built on the pin piles so the wall is founded on rock. In response to Mr. Hulett's question, Mr. McKune confirmed that there would not be much settling if the generator slab was built on the pin piles. In response to Ms. Heafy's question, Mr. Selchan indicated that the generators have run about 70 hours. Mr. Hulett noted that the pumps are being run from the generators because the electric power is not installed.

Regarding Pump Station #1, Mr. McKune confirmed that similar problems have occurred but not to the same extent as with Pump Station #2. Mr. Morera indicated that the wall at Pump Station #1 is cracked a little bit but you must look for it. Mr. Sharon discussed the differences in the pump stations. Mr. McKune recommended deferring a decision on Pump Station #1 but continue monitoring it.

Mr. Hulett concurred with Mr. Morera’s opinion of the situation and voiced his opinion that the District needs assurances; it makes sense to him to tear the wall down, install pin piles, as well as ensure that the slab is stable.

Mr. Hulett recalled discussion with the city related to road closures or detours for the Culverts W55 and W56 project. Mr. Donahue reminded the Board that Culvert W55 is under Broward County’s jurisdiction and Culvert W56 is under the City of Coral Springs’ jurisdiction. IBI received initial comments from both and resubmitted each. The major issue is maintenance of traffic. Mr. Donahue felt that the quickest, best solution would be to close the road; neither entity commented negatively about closing the roads. The plans are being circulated to other departments. Mr. Donahue advised that, if the roadways are to be closed, both projects would not be completed at the same time. At each location, there would be activity for approximately three (3) months but the actual road closure should be for only three (3) weeks, if entirely closed and for six (6) weeks, if only partially closed. Mr. Donahue discussed the road closure and detour plans, impact to residents and businesses in the affected areas and notification prior to closure. Mr. Donahue felt they would be prepared to start in the beginning of July. He noted that they prefer to work on W55 during summer, prior to school starting.

FOURTH ORDER OF BUSINESS

Discussion/Consideration: Savings/Money Market Account Options

- A. **BB&T (*Savings*)**
- B. **FineMark Bank (*Money Market*)**
- C. **Broward Bank of Commerce (*Money Market*)**
- D. **Wells Fargo Bank (*Money Market*)**
- E. **Centennial Bank (*Money Market*)**
- F. **Old Florida National Bank (*Money Market or CDARS - Insured Cash Sweep*)**

Mr. Wrathell reviewed the District’s current investments and the savings/money market account options as of June 1. While he appreciates the District’s desire to keep its money in a

local bank, Mr. Wrathell feels there is opportunity to open additional savings accounts that generate interest and are FDIC insured. He noted that, currently, FineMark Bank and Broward Bank of Commerce offer the most benefit. He discussed the CDARS program with Old Florida National Bank. Mr. Hulett suggested opening a CDARS account with Community Bank of Broward. Mr. Wrathell stated he would need to research the yield.

Mr. Hulett asked how much they would consider investing with FineMark Bank. Mr. Wrathell recommended \$248,000, something just below the FDIC limit. He confirmed that he is not suggesting that all of the District’s funds be pulled from Community Bank of Broward but he feels some could be invested elsewhere, to earn interest. Mr. Hulett felt it makes better sense, from an administrative aspect, to open CDARS accounts with Old Florida National Bank. Mr. Hulett stressed that he wants to know what Community Bank of Broward can offer with its CDARS program.

FIFTH ORDER OF BUSINESS

Discussion: East-West Basin Interconnect

- A. Review Grant Process Regarding Selection of Location**
- B. Status of Joint Build by City/District**
- C. Projected Cost of Construction**

Mr. Donahue recalled that the District previously received a grant from Broward County to conduct a preliminary analysis of developing an interconnect to produce flow from the east to the west basin and feed the City of Coral Springs’ well fields. The analysis was funded through a \$20,000 grant, \$26,000 from the city and \$13,000 from the District. The analysis was completed. Mr. Donahue indicated that four (4) potential locations were evaluated and the preferred route was along Coral Hills Drive, referred to as Location 2, in the report. The best route involves a control structure at the west end with a 12-foot drainage easement split between two (2) properties. The entire project would be approximately 800 feet of 24-inch HDPE pipe. He detailed the interconnect’s path from beginning to end. Mr. Donahue stated that the consensus of District Staff and Mr. Selchan has always been that the interconnect benefits the city, more than the District; it would be nice to have but it is not critical to the District’s operations. The city has confirmed that they will require an operational interlocal agreement to ensure that they receive their proportionate benefit and have input on control, prior to the city agreeing to participate and contribute.

Mr. Hulett advised that he asked to revisit this matter, as he does not think the parties can reach an agreement. Mr. Hulett feels it is important for the District to be able to move the water. Mr. Hulett suggested adding this to the CIP and authorizing the District Engineer to proceed with the project, at SWCD's expense, providing the District has all control. Mr. Donahue indicated the project would be put out for bid, at the appropriate time. Mr. Morera recommended first finding out what the city wants, as they may contribute if they can reach an agreement. Mr. Hulett agreed but stressed that he wants the District to maintain control. Mr. Selchan added that Broward County contributed to the feasibility study and may contribute towards the project.

SIXTH ORDER OF BUSINESS

Discussion: Demolition of Pump Station #3

- A. Review Status of the Structure and Equipment**
- B. Projected Cost of Demolition**

Mr. Donahue indicated that Pump Station #3 is located on the west side of Riverside Drive and Canal D. It is the Royal Lands Plat/Subdivision. He noted that there is a control structure connecting to the pump station. Mr. Donahue indicated that there is no problem with removing the pump station and then constructing a new control structure. There are propane tanks and an engine on site. Mr. Donahue estimated costs under \$100,000 to build a new control structure, redirect the pipe to Canal D and demolish the pump station. In response to Ms. Heafy's question, Mr. Donahue confirmed that the pump station is on Royal Land's permit. Mr. Selchan explained the condition of the pump station, noting that it has not been operational for about 15 years.

Mr. Hulett and Ms. Heafy voiced their support for removal of Pump Station #3. In response to Mr. Morera's question, Mr. Wrathell advised that the Board can direct the District Engineer to obtain an engineering proposal and present it at a future meeting, without a motion.

SEVENTH ORDER OF BUSINESS

Update: Canals AA & BB ROW Clearance Pilot Project

- A. Letter from City Manager Donmez**

Mr. Hulett presented the June 1, 2012 letter from City Manager, Erdal Domez. The letter suggests finishing the pilot project and, if a special exception is needed at some time, the District can apply for one.

B. Report: Appearance at Coral Springs City Commission Meeting 6/5/12

Although the letter stated that the District did not need to attend the upcoming city commission meeting, Mr. Hulett and Mr. Ernest-Jones attended. Mr. Hulett stated that the city made a presentation first, which he found to be not quite factual and there was general confusion as to what the District is requesting. Mr. Ernest-Jones addressed the commission and advised that the District accepts Mr. Donmez's recommendation.

Mr. Hulett indicated that he gave a presentation of the overall plan and that the right-of-way access is only a small element of what the District is doing as part of its CIP. Mr. Hulett stressed to the commission that the District worked to develop a program that is fair and equitable to everyone while allowing for routine canal maintenance, CIP dredging and clearing enough vegetation to reasonably limit the amount of debris in the canals, in the event of a major hurricane. Mr. Hulett feels that the public does not fully understand the scope of what is being done or why. Mr. Hulett noted that the mayor asked what other districts do, to which he informed them that some districts require removal of everything and that they have every right to do so. He noted that other representatives at the recent FASD convention were shocked to hear that the District is involving the city, etc., in its plans.

C. Staff Recommendation Regarding Donmez Letter

Mr. Hulett suggested working closely with city staff on the project. He recalled that all but two (2) of the affected parties chose Option 2, which leads him to believe people are not quite as concerned as some residents would have them believe. Mr. Hulett is scheduling a meeting with the city manager and staff to explain the status and response from the related residents.

Mr. Donahue presented the bid documents that are going out, which highlights the work to be done on each property. He reviewed the aerial photograph of Mr. Runge's property and discussed items on his property that would require clearing. Mr. Donahue confirmed that Mr. Runge's property is not within the pilot program area. Discussion ensued regarding the overall scope of the clearing project. Regarding nuisance and specimen trees, Mr. Donahue advised that the city's position is that mitigation is required for all non-nuisance trees, regardless.

Mr. Hulett referred to the recommendations in the city manager's letter and stated that he supports moving forward, as stated in the first recommendation.

Mr. Donahue confirmed that he is prepared to advertise the project shortly, then hold a pre-bid meeting.

Ms. Heafy noted the email from Mr. Peter Burke, of Broward County, and asked how the District should handle it. Mr. Hulett felt the email is vague. Mr. Capko asked if, after meeting with city staff, the District could extrapolate the cost and apply it to the remainder of the District. Mr. Hulett felt the original estimation of cost was too high and that this will be less. In response to Mr. Wrathell's question, Mr. Donahue advised that, in his best estimation, mitigation costs run approximately \$300 to \$500 per tree, roughly \$18,000 to \$30,000 for Canals AA and BB.

Mr. Hulett asked Mr. Capko to comment on the likely outcome, should the District proceed and not pay mitigation. Mr. Capko advised that the District would proceed, unless the city files an injunction to stop it or sues the District for violating their tree protection ordinance and claim they are still owed mitigation costs. If sued, the case would go before a judge for a determination. Mr. Capko recalled District Counsel's previous opinion that the District has a stronger position than the city and the authority to move forward. Mr. Hulett stated that he is comfortable with the District's position to proceed with the ROW clearing program that has been developed and pay mitigation fees in pilot areas.

Mr. Morera referred to items that the city says the District has not provided to them, such as a list of the nuisance trees. Mr. Donahue advised that the nuisance trees were provided in the form of the application for nuisance trees, which was granted, along with an application for non-nuisance trees; a complete list was provided. Mr. Westfall identified trees that he deemed subject to mitigation, along with 12 trees that did not require mitigation, because of their condition. Mr. Donahue confirmed that all information was provided; tree permits were submitted containing the full inventory. Mr. Morera thought that Ms. Susan Hess was not provided with the information because she mentioned, multiple times during her presentation, that the information was not received. Mr. Morera stated that the city suggested that the District hire an independent consultant to evaluate the District and city's view and act as a mediator but the city contends that the District would not consider doing so. Mr. Morera noted that Mr. Ernest-Jones stated that a consultant was discussed, as an option, but a decision was never reached regarding whether a third party intermediary was necessary. Mr. Wrathell recalled that, at the time the suggestion was made, the District was of the opinion that it was immaterial. Mr. Hulett felt the suggestion of an intermediary is from someone who does not understand the right

of the District to do what they plan to do; that step is not required and would suggest that the city has control over the District.

Discussion ensued regarding whether the District must hire an arborist to cut the trees and Broward County requirements for tree cutters and licensing requirements.

Mr. Morera asked for clarification of the city's statement that they will consider tree-for-tree mitigation, as opposed to inch-for-inch. Mr. Donahue indicated that Mr. Westfall will calculate the size and condition of the tree to determine its value. The cost per tree would likely be less than the inch-for-inch approach. Regarding mitigation, the choices include planting replacement trees or contributing money to the city's tree fund. Mr. Selchan explained that the diameter of the tree is measured and that many inches of tree must be replaced; for example, if a large tree is removed, it might take five (5) trees to replace it "inch-for-inch".

Mr. Morera asked if ownership will be assigned to the trees that remain. Mr. Selchan clarified that the District did not agree to leave the specimen trees; they just need to know the mitigation cost. Mr. Selchan felt that the District will probably be required to pay an inch-for-inch mitigation cost for specimen trees. Mr. Morera asked if the property owner takes ownership of any tree that they want to keep on their property. Mr. Wrathell replied affirmatively.

Mr. Wrathell indicated that Mr. Poore attempted to negotiate so that this was not recorded in the property records; he wanted a special exception for himself.

Mr. Morera referred to Mr. Burke's email and asked if anyone affiliated with the District spoke to him. Mr. Donahue replied no, the District is communicating with the city. Mr. Morera asked for confirmation that there was no need to speak to Mr. Burke, as he feels the city is relying on Mr. Burke's opinion. Mr. Morera interpreted Mr. Burke's opinion to be if the city allows the District to proceed, the city will lose its certification. Ms. Heafy clarified that the email says the city "could" be affected. Mr. Selchan noted that Mr. Burke has a reputation for being tough. Mr. Morera asked if any other water districts in Broward County have embarked on a project such as this and been able to overcome Mr. Burke's position. Mr. Capko advised that other districts have had long, ongoing processes and battles over a few trees; this District is looking at a large number of trees. Mr. Morera asked if the District could challenge Mr. Burke's objection, stating that he is going beyond a reasonable standard for tree canopies. Mr. Capko stated that the District can take that position but reminded the Board that their position, for the past year, has been that the District has a statutory responsibility to maintain. Mr. Capko

speculated that Mr. Burke was only asked because the city's forester knew what his position would be and wanted to put him up as the authority.

Mr. Morera voiced his desire to put to rest the perception that the District is trying to wreak havoc. He wants to ensure that, if challenged legally, the District has information from other districts regarding what they have done to overcome Mr. Burke's objections and how they have worked with him. Mr. Hulett reminded Mr. Morera that Mr. Burke's email states that there are possible ramifications should the city exempt the District from tree permitting and replacement requirements, not that the District cannot do it. The letter uses the word "could".

Mr. Morera recalled the commission meeting and a resident comment that the District will not be able to utilize the canal banks as a means of access for equipment, even after removing vegetation, because they are too steep. Mr. Morera asked if there is any validity to the statement. Mr. Selchan did not agree and discussed the types of access that can occur. Mr. Morera stated that the District could clear the bank and then still end up using barges. Mr. Hulett felt it is irrelevant; part of the program is to provide access for routine maintenance, not just for the upcoming construction project.

Mr. Hulett stressed the need to remind residents that it is their responsibility to keep the right-of-way areas clear, mowed, etc., once the project is completed. Mr. Hulett noted that the mayor commented that residents will likely be upset if there is a storm and the trees go into the canal and then question why they were not removed. It was noted that Mr. Poore was the only resident that attended the city commission meeting. Mr. Hulett stated that only two (2) commissioners had concerns; Mayor Gold spoke about both sides and Commissioner Bocard was somewhat negative. The other commissioners had no questions or comments.

Mr. Morera recalled a local landscaper who spoke at the commission meeting stating that running equipment on the banks will cause damage to the soil compactions, resulting in a break that will kill trees. Mr. Selchan questioned how the landscaper could know what equipment might be used along the bank. Mr. Selchan stated that he is familiar with the landscaper and feels he is putting forth "what-if" scenarios without having the facts. Mr. Morera stated that he is attempting to further educate himself.

Mr. Morera questioned if a cost analysis was conducted to compare dredging from the canal versus clearing the canal banks. Mr. Donahue indicated that a comparison has not been completed; it is a means and method that is up to the contractor and it will be included in the bid. Mr. Bocard commented on weeds in the canal and asked Mr. Selchan to invite him to visit the

areas and educate him about how weeds are handled. Mr. Selchan explained that most of the aquatics are highly invasive and it can take only days for growing weeds to reach the surface; the District does not have the manpower to keep the canals completely free of weeds. Mr. Selchan advised that, environmentally, weeds should be mitigated but the canals should not be eradicated of all natural things.

Mr. Morera recalled a suggestion by the landscaper that the District develop a tree trimming program for any trees that are not removed from the canal banks. Mr. Selchan confirmed that Option 3 requires the property owner to assume full maintenance responsibility for the trees left behind. Mr. Capko clarified that the resident does not own the property containing the tree but has the maintenance responsibility and, if they fail to do so, the District can remove it; they do not own anything, they only have the right to look at the tree and maintain it. Mr. Morera appreciated the clarification and voiced his feeling that Commissioner Boccard's reading of the options did not contain all of the points that the District was offering. Mr. Morera stated that Commissioner Boccard left it as if more needed to be added. Based on what he heard during the meeting, Mr. Hulett thought that Commissioner Boccard had not read the option.

Mr. Hulett voiced his opinion that the District should proceed as the city manager recommended and complete the pilot project, while keeping him and his staff fully informed. He is confident in the District Staff's handling of the project. Mr. Hulett stated that, had the city been fully informed, with all of the facts, Ms. Hess would not have made her presentation at the commission meeting.

Mr. Hulett reiterated his opinion that the district should proceed. Mr. Morera concurred.

EIGHTH ORDER OF BUSINESS

Approval of May 9, 2012 Regular Meeting Minutes

Mr. Hulett presented the May 9, 2012 Regular Meeting Minutes and requested any additions, corrections or deletions.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the May 9, 2012 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Supervisors Requests

Mr. Morera congratulated the District on receiving the District of the Year award. He thanked District Counsel for discounting their rate. Mr. Morera asked if the website pictures could be adjusted so that they can be moved on their own, rather than waiting for them to roll or scroll through. Mr. Wrathell felt that a new tab could be added that contains the pictures.

Mr. Morera indicated that the FASD annual meeting was fantastic. He stated that it was well attended.

Mr. Hulett recommended seeking special recognition from the city for receiving the FASD award. He approached Commissioner Bruck and she is willing to sponsor the District. A press release or something from FASD is needed to request the special recognition.

Mr. Hulett asked that the right-of-way program and the options be posted on the website. Mr. Hulett asked Mr. Wrathell to arrange a meeting with Corporate Benefit Advisors to review the benefits program. Mr. Hulett recommended that any interaction with the press be coordinated through the District Manager. Mr. Capko felt it is a good idea to have a designated point person. Mr. Wrathell noted a recent article that was written to generate excitement and recommended requiring submittal of questions, in writing, with the District providing a written response. The article had a sensationalized introduction followed by some of the facts and followed by comments from two (2) people, one (1) who does not even live in Coral Springs.

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

Mr. Capko reported that CSID plans to piggy-back on the District's disaster debris removal contracts and the companies have requested a statement of no objection from the District. Mr. Hulett stated that he is unsure on this, as the District has worked to untangle itself from CSID. Mr. Capko clarified that this would not entangle the District with CSID; it only gives them the ability to piggy-back but does not involve the District in any event. Although he cannot imagine why there would be, Mr. Capko advised that, if the District has an objection, he will tell CSID no. Mr. Hulett asked what piggy-backing onto it really means. Mr. Capko indicated that it means CSID would not have to go through the bidding process to hire those companies; they can have the same terms as the District but without bidding it. Mr. Capko noted that this is the first time he has ever had this type of request from a contractor. Mr. Wrathell stated that he has no problem with the request and recalled that the District's original plan was to

piggy-back off the city's contracts. Mr. Capko indicated that CSID has already reached an agreement with the companies and the District's consent is the final part.

Mr. Capko noted that a response was received from FEMA.

B. Engineer

i. Permit Application Log

Mr. Donahue advised that there were no permit reviews for the Board's consideration. There were three (3) fence requests and a letter of no objection was issued for each.

ii. Monthly Engineer's Report – 05/02/12 to 06/06/12

Mr. Donahue advised that all items were discussed earlier in the meeting.

C. Field Supervisor

Mr. Selchan congratulated Mr. Morera on becoming a Certified District Official.

Mr. Selchan reported that two (2) residents, with very large trees behind their homes, would like them removed; however, the city will not allow the residents to remove the trees. He confirmed that the trees are on the District's property so it must remove them. Mr. Selchan asked if the Board had any objection to removing the trees. Mr. Morera asked about the mitigation costs and voiced his feeling that the residents making the request should bear the mitigation costs. Mr. Hulett asked Mr. Selchan to review the situation and, if it is an Option 2 type removal, a decision can be made at the next meeting. Discussion ensued regarding the possibility of removing the trees. Mr. Wrathell felt that the options are already established and if a resident outside of the pilot program approaches the District, the request should be considered, provided an option is selected.

Mr. Wrathell speculated that, if the removal options are publicized, there will be a lot of residents that want to participate; they will be very happy and may provide the District with credibility regarding resident opinion. Mr. Capko cautioned that efficiency and cost may be adversely impacted if the District begins clearing in an unorganized fashion. In order to address this, Mr. Donahue indicated that the bid package will contain an allowance for miscellaneous clearing. Mr. Hulett felt that, for the present time, the District should proceed with clearing for those residents that wish to participate and rethink the approach, should it get out of hand. Mr. McKune advised the Board to be prepared, as some residents will want complete land clearing. Mr. Hulett indicated that if the request is too extensive, then the resident must wait until their neighborhood is scheduled.

Mr. Selchan reported that Mr. Morera asked him to discuss street draining issues in his neighborhood with the city. He will meet with the city next week to discuss the localized street flooding and what can be done.

Mr. Selchan congratulated the District on being awarded District of the Year.

D. Manager

Mr. Paton referred to FEMA's letter denying the District's second appeal for the same reasons that the initial appeal was denied. He indicated that the District's contact stated that they could challenge the Stafford Act but it would cost a lot of money and would be difficult. Mr. Paton felt that the District might be running out of options.

Mr. Capko indicated that District Counsel is researching options and advised that the District probably has the ability to take this to federal court to overturn the decision; however, it appears the burden would be very steep for them to overcome it. The District could end up winning but spending more in legal fees than the reimbursement. District Counsel will continue to research. He noted that many other entities are in the same position. Mr. Wrathell wondered if there is a payment plan option. In response to the question of what happens if the District just does not pay, Mr. Capko indicated that it depends on how it is invoiced but, he feels there will probably be a point where interest begins to accrue and FEMA could sue the District. Ms. Heafy asked that the District request a no interest payment plan. Mr. Capko will also consult with the city regarding their intentions, as they owe a much larger sum of money.

i. Arcadis Acquisition of Malcolm Pirnie – Status of Storm Water restoration Monitoring Agreement

Mr. Paton indicated that the District has agreements with Malcolm Pirnie for storm water monitoring and a five (5)-year agreement with Philips and Jordan. He advised that Arcadis recently acquired Malcolm Pirnie and Mr. Lewis wanted to ensure everything is still satisfactory. Mr. Paton and Mr. Selchan met with Arcadis/Malcolm Pirnie to review the contracts and were assured that nothing in the contract has changed. Mr. Paton has an email confirming that assurance.

ii. Unaudited Financial Statements as of April 30, 2012

Mr. Wrathell presented the Unaudited Financial Statements as of April 30, 2012 and distributed the unreconciled cash balances. Mr. Wrathell referred to Page 2, noting that assessment collections were at 92% through the end of April.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of April 30, 2012 were approved.

- **Check Register, April 2012**

The check register was provided for informational purposes.

- **Invoices, April 2012**

The invoices were provided for informational purposes.

Mr. Morera noted that social security numbers should be redacted from the invoice backup. Mr. Morera referred to the invoice for computer evaluation and tune-up and questioned why Mr. Selchan used a person from Miami, as opposed to someone local. Mr. Selchan confirmed he is familiar with the person and that his home address is in Miami but he works in Weston. Mr. Selchan asked him for help, as he previously had bad experiences with local companies and has confidence in Mr. Strzelecki's work.

- iii. **NEXT MEETING: July 11, 2012 at 6:30 P.M.**

Mr. Wrathell indicated that the next meeting is scheduled for July 11, 2012, at this location.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 11:18 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair