

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on October 9, 2019, at 6:30 p.m., at Sartory Hall, located in Mullins Park, 10150 NW 29 St. (Ben Geiger Drive), Coral Springs, Florida 33065.

Present at the meeting were:

Joe Morera	President
Daniel Prudhomme	Vice President

Also present were:

Cindy Cerbone	District Manager
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Jim Maguire	Craig A. Smith & Associates, Inc.
Steve Smith	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	Engineering Consultant
Tom Mullin	Radise International

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Roll Call

Ms. Cerbone called the roll. Supervisors Morera and Prudhomme were present, in person. Supervisor Tornincasa was not present.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance

FOURTH ORDER OF BUSINESS

Public Comments [3-Minute Time Limit]
(Comments should be made from the microphone to ensure recording. Please state your name prior to speaking.)

There being no public comments, the next item followed.

▪ **Proposed Capital Projects**

This item, previously Item 10B1b, was presented out of order.

Mr. Maguire presented the recommendation of Craig A. Smith & Associates (CAS) to prioritize the Canal 20-1A project as Capital Improvement Plan (CIP) Project Number One. The project would initiate at the culvert in the canal and help the outfall from one of the Country Club drainage points; the estimated total for the project was \$87,801.25. Of the three bids received, the recommendation was to award the contract to Shenandoah Construction; other costs for engineering and construction services by CAS were noted. Four residences would be affected; one has a fence and tree house encroaching onto District property, which would be addressed, if approved. The Country Club was informed of the project and can decide whether to perform the work on its side, simultaneously.

Mr. Morera asked how much sand and silt would be excavated, how much hydraulic improvement would be gained and if it was beneficial to go to zero minus one. Mr. Rubio replied about 1' of material would be removed, which would come mostly from the bottom of the canal, along with some reshaping of the canal to make the slopes more uniform to improve flow.

Mr. Selchan stated the consensus was that demucking would open the flow a minimum of 50%, which would achieve the necessary improvements for the neighborhood; however, the City and property owner still need to do their portion to address flooding.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, authorizing commencement of the Canal 20-1A improvement construction project and the Shenandoah Construction proposal, in the amount of \$63,281.25, was approved.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, authorizing Craig A. Smith & Associates to perform engineering services for the Canal 20-1A improvement construction project, in a not-to-exceed amount of \$24,520, was approved.

Mr. Rubio stated the Notice to Proceed would be submitted to Mr. Selchan after November 1, 2019.

Mr. Maguire stated the second CIP project recommendation was to perform geo-tech engineering services for the six crossings in the West Outfall Canal. He presented proposals from Radise International for the projects to be completed in two phases; Phase 1 was soil testing at all the crossings and Phase 2 was developing engineering drawings for a design concept.

Mr. Tom Mullin, Vice President and Chief Geotechnical Engineer and Consultant with Radise International, explained the methodology that would be used to test the soil under the bridge. He provided an overview of the boring and sampling process and the tests involved in order to develop a design that can be promulgated for stabilizing, lightening and for the canals underneath the bridges. Mr. Mullin responded to questions regarding sampling methods and the recommendations about where and how samples are taken to prevent the same scenario that occurred at the first crossing project. He clarified that his recommendation to proceed with this course of action, over other viable options, which they provided to the Florida Department of Transportation (FDOT) and other Counties.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the Radise International proposals for geotechnical services for six canal crossings, Phase 1 and Phase 2, with a combined not-to-exceed amount of \$123,862.78, was approved.

▪ **WOFC Update**

This item, previously Item 10B1a, was presented out of order.

Mr. Rubio stated that CAS approved the Surveyor's revised as built drawings for Phases 1B and 1C of the WOFC Project, which were submitted, along with the permit certifications to

South Florida Water Management District (SFWMD). He would follow up with the U.S. Army Corps of Engineers (Corps) and the Broward County Environmental Protection and Growth Management Department to close out the permits and approve the final pay request to Rio-Bak Corporation (Rio-Bak) to close out the contract.

- **Permit Applications**

This item, previously Item 10BIc, was presented out of order.

Mr. Rubio stated that three applications were submitted; two were still under review and the Marantha Christian Church of America cost recovery was submitted for consideration. Of the two cost recovery projects, the Fibernet Direct Florida as builts were under review; the recommendation was to release the bond for the Commercial Warehouse project.

- **Discussion: State Appropriation Grant Process (FY2020-2021) and Potential Agency Available Funding (FY2019-2020)**

- **Discussion: Water Resource Funding**

Items 10AI, 10AII and 10BII, were presented out of order (Items 10AI and 10BII were duplicates).

Mr. Malefatto stated that Water Resource Funding within the Florida Department of Environmental Protection (FDEP) was provided for informational purposes. District Staff would review and determine which State Appropriation Grants have funds available for the type of projects listed in the CIP that would qualify and meet the submittal criteria. Requests for the upcoming Legislative Session would need to be considered and submitted in spring or early summer 2020 to receive any appropriations for Fiscal Year 2021.

Ms. Cerbone stated the District was only interested in requesting grant funds, not the low-interest loan programs.

- **Discussion: 2020 Sunshine Drainage District Local Bill Changing Method of Electing District Supervisors to Allow Voting by All Electors (Registered Voters) – Not Effective Until November 2024**

This item, previously Item 10AIII, was presented out of order.

Mr. Malefatto discussed a bill proposed by Representative Daley affecting the Sunshine Water Control District (SWCD), which would go into effect during the 2024 General Elections,

rather than 2020, as originally requested. If passed, the current Board Members would serve until the 2024 General Election.

Mr. Morera asked if the Districts that hired Lobbyists would oppose the bill again and if the amendment could include the cost of filing per District, versus compensation, since there is a substantial gap between SWCD and other Districts that have a larger water and sewer budget than SWCD, which was not included in the proposed bill.

Mr. Malefatto replied affirmatively and stated he would submit Mr. Morera's suggestions to include filing costs and compensation. He knew of Special Districts in Palm Beach County that initiated the one person one vote, which is approved through a local referendum, and would research within his office whether other Districts were working with Representative Daley to model this language.

Ms. Cerbone asked who would receive the request to include filing costs in the amendment and what would happen if two Districts with opposing sides engaged Lewis, Longman & Walker, P.A. Mr. Malefatto stated that would be a conflict of interest that his firm would have to address by asking clients to sign off on the conflict.

Mr. Malefatto provided updates to the IBI Litigation as follows:

- Mr. Landis was deposed today.
- Mr. Wilson deposed the modeling expert and confirmed it was the same person that attended mediation.

Mr. Malefatto requested a "Shade" Executive Session on November 13, 2019 at 6:00 p.m., to discuss the status of the IBI litigation and possibility of settlement; Mr. Wilson would also attend to discuss the results of the depositions. The regular meeting would follow.

- Mr. Rubio's deposition was scheduled the following Friday.
- Trial docket is scheduled for December. IBI's Counsel has two other trial conflicts during the same period leaving the Judge to decide whether to make changes to the docket.

FIFTH ORDER OF BUSINESS

Discussion/Consideration: Changes to the ROW/Easement Clearing Policy

Ms. Cerbone presented a redline version of the Right-Of-Way (ROW)/Easement Clearing Policy and Agreement and highlighted the changes.

Mr. Malefatto stated the Agreement was codified so other non-profit entities could make a request similar to the request from Temple Beth Orr, although there was no guarantee the Board would approve those requests.

Mr. Morera referred to the verbiage in the third bullet point in Option 2 and asked if the Agreement required having the grassy areas maintained and mowed to the water's edge. Ms. Cerbone stated the Policy being presented was broader and the Agreement included more detailed descriptions. Mr. Selchan stated Temple Beth Orr was not currently maintaining the canal bank and must be notified. Mr. Selchan was directed to notify Ms. Cerbone of any violations, going forward, and she would call the Agreement holder to address the violations and, if no action is taken within a reasonable amount of time, she would follow up with correspondence, with the help of District Counsel. Ms. Cerbone stated the Option 2 Agreement included a clause providing the District with the option to rectify any violations 30 days after the written notice and place a lien on the property.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the Right-of-Way/Easement Clearing Policy, was approved.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2019

Ms. Cerbone presented the Unaudited Financial Statements as of August 31, 2019. Before considering entering into an Obstruction Removal Agreement it will be necessary to verify there are funds remaining in the "Field Operations-Repairs and Maintenance-Canal banks" line item budget, going forward. Expenditures associated with removal costs in the ROW would be reclassified, the September financials would reflect \$10,925 spent, year-to-date, rather than \$6,200.

On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of August 31, 2019, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of September 11, 2019 Public Hearing and Regular Meeting Minutes

Ms. Cerbone presented the September 11, 2019 Public Hearing and Regular Meeting Minutes. All edits submitted to Management were incorporated into the final version; none of those changes were significant.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the September 11, 2019 Public Hearing and Regular Meeting Minutes, as amended to incorporate all edits previously submitted to Management, were approved.

EIGHTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Prudhomme wished a healthy Yom Kippur to those who observe the holiday.

Mr. Morera stated the International Dinner Dance, which celebrated the county of Columbia, was a phenomenal event.

Mr. Morera asked about Health Insurance and when it would be reviewed. Ms. Cerbone stated the District would most likely renew with AvMed; all information would be presented in December.

Ms. Cerbone stated that there were no new updates regarding funds from The Federal Emergency Management Agency (FEMA).

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Lewis, Longman & Walker, P.A*

I. Discussion: State Appropriation Grant Process (FY2020-2021) and Potential Agency Available Funding (FY2019-2020)

This item was presented following the Fourth Order of Business.

II. Discussion: Water Resource Funding

This item was presented following the Fourth Order of Business.

III. Discussion: 2020 Sunshine Drainage District Local Bill Changing Method of Electing District Supervisors to Allow Voting by All Electors (Registered Voters) – Not Effective Until November 2024

This item was presented following the Fourth Order of Business.

B. District Engineer: *Craig A. Smith & Associates***I. Presentation: Monthly Report****a. WOFC Update**

This item was presented following the Fourth Order of Business.

b. Proposed Capital Projects

This item was presented following the Fourth Order of Business.

c. Permit Applications

This item was presented following the Fourth Order of Business.

II. Discussion: State Appropriation Grant Process (FY2020-2021) and Potential Agency Available Funding (FY2019-2020)

This item was presented following the Fourth Order of Business.

C. District Engineering Consultant: *John McKune*

Mr. McKune expressed his belief that the project the Board just approved would be a great project.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan reported the following:

➤ The rainfall yesterday was more than all of September. Approximately 2' of water was gained in one hour, with the pump station running. About 5.5" to 7" of rain fell in a short time, which caused some street flooding due to clogged drains. The pumps on the "A" side were not run, which allowed levels to climb 8.5' over the normal water levels but the levels would recede rapidly going into November, which is the dry season.

➤ There were fewer resident complaints and most areas looked good.

Mr. Selchan stated that he agreed with Mr. McKune’s comment that the District was off to a good start on the projects approved for the upcoming year. He would be presenting other projects after internal discussions with Staff.

E. District Manager: *Wrathell, Hunt & Associates, LLC*

i. Discussion: FDOT Incident

Ms. Cerbone discussed a helicopter landing on District property and the actions taken to address the incident.

ii. Discussion: Cost Recovery Summary

Ms. Cerbone stated that six permits were outstanding and revenues would be reflected in Fiscal Year 2020, once the District Engineer closes out the documents. There were also two that were withdrawn and no longer valid and one was still under review.

iii. NEXT MEETING DATE: November 13, 2019, at 6:30 P.M.

Possibly rescheduling the April 8, 2020 regular meeting due to the Passover holiday would be discussed early next year.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the meeting adjourned at 8:02 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


President/Vice President