

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, May 11, 2011, 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
Emily Heafy	Vice President
Joe Morera	Secretary

**Also present were:**

Doug Paton	Wrathell, Hunt & Associates, LLC
Matthew Kozak	Wrathell, Hunt & Associates, LLC
Bill Capko	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
John McKune	McKune & Associates
Rodney Fitzpatrick	Resident
Joe & Kris Baile	Residents
Mark & Linda Scofield	Residents

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

Mr. Paton called the roll, noting, for the record, that Supervisors Heafy, Morera and Hulett were present, in person.

**SECOND ORDER OF BUSINESS**

**Citizens' Requests**

Mrs. Kris Baile, a resident, noted dredging on the canal where she lives was completed in 2008 and asked why it is going to be done again. Mr. Selchan explained canal bank restoration was completed after Hurricane Wilma, which included related storm silt removal. Mr. Selchan and Mr. Donahue confirmed the subject canal is one the District Engineer determined was not up to specifications; it is Canal AA – BB. Mrs. Baile indicated the 2008 project was huge and they thought the work was done. Mrs. Baile asked why this particular area requires additional work.

Mr. Hulett clarified the 2008 work was related to hurricane cleanup and canal bank restoration, rather than dredging. Mr. Hulett described the capital improvement program being launched by the District. In response to Mrs. Baile's comments about mesh on the lake banks, Mr. Hulett indicated the District may want to look into the issue and the possibility of resodding; however, this may not be the best time, given the current drought conditions. Mr. Hulett noted this area is the test case for the right-of-way canal bank clearing program. Mr. Hulett explained this is a drainage district with the purpose of preventing flooding and the dredging is needed to ensure the canals are at a depth that allows for good flow throughout the system and to the pump stations. Mrs. Baile asked the locations of other high spots within the canals and whether the District is or will be working on those, as well. Mr. Donahue indicated there are approximately 15 culverts to be replaced. Mr. Donahue discussed the importance of the canal along Mrs. Baile's property.

Mr. Joe Baile, a resident, referred to a tree that is possibly straddling his property and the right-of-way and asked how strictly enforced the right-of-way clearing program will be. Mr. Hulett indicated that Mr. Selchan will review it and offer advice. Mr. Donahue indicated the properties were staked out and photographs were taken, along the property lines. The District Engineer will review the pictures and data and make determinations regarding what must be removed.

Mr. Rodney Fitzpatrick, a resident, asked if the project involves the culverts. Mr. Hulett indicated a number of culverts have collapsed, or are close to collapsing, which will be repaired or replaced, as part of the capital improvement program. Mr. Fitzpatrick referred to an area where the District barricaded the culvert and planted hedges and noted he maintains the hedges and has planted in the area. In response to Mr. Fitzpatrick's question, Mr. Hulett indicated that Mr. Selchan will review the area and the District will notify him. Mr. Fitzpatrick alleged that Sunshine's crews previously tore up his sprinkler feed, which cost him several hundred dollars to repair. Mr. Fitzpatrick acknowledged he did not contact the District regarding the issue but asked if the same thing will happen again. Mr. Donahue indicated the contractor will be required to repair any damage.

Mrs. Linda Scofield and Mr. Mark Scofield, residents, identified themselves. Mrs. Scofield voiced her concern regarding royal palm trees on her property that, now, may have to be removed as part of the right-of-way clearing program. She questioned the need to remove trees of that size that are native to Florida. Mr. Donahue indicated the photos were reviewed and the

royal palm trees are in the District's right-of-way, so a determination will need to be made about removal. Mr. Donahue indicated there will be a case-by-case review. Mr. Hulett voiced his understanding but explained the rules have been in place. Mr. Hulett indicated the District will attempt to work with residents, while doing what makes the most sense for the District. Mrs. Scofield contended there is enough room between the trees for big machinery to get through and indicated no trees came down during Hurricane Wilma. Ms. Scofield suggested adding walls along the canal banks. Mr. Hulett reiterated the District Staff will review the area and work with them to answer their questions.

**THIRD ORDER OF BUSINESS**

**Update: Special Assessment Revenue Improvement Bonds, Series 2011**

Mr. Paton indicated the bond issue went well and the funds were received. Mr. Hulett noted the bonds sold very quickly and commended all of those involved in the process. Mr. Paton indicated that Mr. Pfil Hunt suggested consideration of recognition plaques or certificates for those involved in the process.

Mr. Morera thanked all involved for their work and due diligence and noted this was an important step for the District, moving into the future.

**FOURTH ORDER OF BUSINESS**

**Discussion: Bidding Emergency/Non-Emergency Threshold Process**

Mr. Paton recalled discussion of bidding approval thresholds at last month's meeting. Mr. Kozak noted the Board was considering raising the bidding requirement threshold for emergency situations. Mr. McKune noted there are different thresholds within the state requirements. Mr. McKune felt what is proposed might work, in the short term, but suggested the Board develop a thorough procurement policy, which would include situations such as this. Mr. McKune felt it would not be a major undertaking for the District, as he has a prototype that could be reworked to be specific to the District.

Discussion ensued regarding appropriate thresholds. The Board was in agreement with Mr. McKune, District Management, District Engineer and Mr. Selchan working to develop a District policy for discussion at the next meeting. Mr. Capko related that another District client

of his firm completed a similar procurement process and would share that information with Staff prior to the next meeting.

**FIFTH ORDER OF BUSINESS**

**Discussion: FEMA Appeal  
Determination (1) PW # 3806 – Debris  
Removal Costs**

Mr. Paton indicated FEMA denied the District's first appeal, which was expected. He noted, even though FEMA issued a check for the work, their rationale now is that the District did not apply for funding from the correct agency first. FEMA contends the District should have sought funds from the Natural Resources Conservation Service (NRCS). In response to Mr. Hulett's question, Mr. Paton indicated the next step would be to file a second appeal if the Board desires to pursue FEMA's decision. Mr. Paton noted two (2) other local drainage districts faced the same situation and ended up returning the money to FEMA. Ms. Heafy added that FEMA is now doing the same thing to individual homeowner claimants. The Board was in agreement with filing a second appeal and involving local political representatives. Mr. Hulett suggested preparing the second appeal and forwarding it to congressional representatives and senators, informing them of the situation and asking for their assistance. Mr. Paton noted the legislators have not offered much assistance after being copied on the initial appeal, only acknowledging the receipt of the appeal letter.

Mr. Morera questioned why the federal government issued money knowing that the required information was not complete and surmised it was them that allowed this to happen. He felt they should have asked for the additional information prior to issuing the money. He noted the District simply applied and now FEMA is requesting the return of the funds. Mr. Morera questioned if this is the federal government abusing its power when it was their system that was not properly managed. Mr. Morera suggested fighting this to the highest level. Mr. Hulett and Ms. Heafy were in agreement. Mr. Hulett stressed this highlights the importance of having an emergency reserve fund.

Mr. Paton stressed that FEMA has covered itself, noting an agreement with numerous stipulations did accompany the check. He acknowledged this project commenced under a different Board and management team and it appeared that certain things were not apparently completed. Discussion ensued regarding any recourse the District might have against the

previous management company. The Board questioned what would happen if it does not pay FEMA back. Mr. Capko felt the federal court might become involved.

**SIXTH ORDER OF BUSINESS**

**Approval of April 13, 2011 Meeting Minutes**

Mr. Hulett presented the April 13, 2011 Regular Meeting Minutes and asked for any additions, corrections or deletions. The following changes were made:

Line 293: Insert “the” before “costs”

Line 293: After “of”, insert “the surveyor determining the level of silt to be”

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the April 13, 2011 Regular Meeting Minutes, as amended, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Mr. Morera commended all involved in the bond process and the achievements of the Board and Staff.

Mr. Hulett indicated a photographer will be present at the next meeting for Board and Staff pictures.

Mr. Hulett suggested the District notify the press and hold a ground breaking ceremony for the pump stations, followed by a reception at the Heron Bay Marriott, celebrating the bond issue. In addition to the press, he asked that city staff, city commission, city redevelopment and chamber members be invited. Mr. Morera feels the Board should be recognized for the work they have done and was in favor of the event. Ms. Heafy felt such an event is not necessary.

Mr. Hulett noted the Board and Staff need to be prepared for community concerns and comments on the canal access project. When considering exceptions to the policy, Mr. Morera discussed the importance of enforcing homeowner responsibility so that costs for removal are not passed through to the entire District, should there be an issue, in the event of a hurricane or such. Mr. Morera also feels if exceptions are made, other residents will question why exceptions are being made for some but not others.

Mr. Selchan agreed with Mr. Morera's comments. He discussed homeowners previously successfully petitioning against removal of Australian pines along the east outfall; however, those trees fell during Hurricane Wilma and the same residents were insistent on immediate removal. Mr. Selchan felt, as the project progresses and the Board and District Engineer become less involved, the onus of policing and enforcing what stays and goes will eventually fall on him. Mr. Hulett reiterated the need for good judgment, to avoid a political firestorm. Mr. Selchan stated his full understanding of the Board's position and goal; however, some canals are not arbitrary. Mr. Selchan noted Canal A is deteriorating very fast and is a location where exceptions should not be made.

Mr. Morera recalled Mr. Fitzpatrick's comment that his sprinkler was damaged by the District in a previous cleanup and asked if the District allows residents to use the canals for irrigation. Mr. Selchan indicated the District neither allows nor disallows them; he feels residents do so at their own risk, as they technically have no right to use it. Referring to the work completed in 2008, Mr. Selchan noted the contract stated that the contractor was responsible for repairs, as the District did not want to destroy anyone's property. Any irrigation piping was to be cut off, placed in the resident's yard and reattached, once the work was complete. Mr. Selchan felt, in Mr. Fitzpatrick's case, it must have been an oversight.

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

Mr. Capko indicated, although he has not received anything in writing from the city attorney's office, he received a call from him to discuss an internal meeting the city had regarding the District's memorandum on the city's tree protection ordinance. He reported, in an effort to remain consistent with their approach with the Coral Springs Improvement District (CSID), the city will allow the District to obtain a single permit to remove invasive trees, with no charge for the permit and no bond required. Additionally, the city would not require inch-for-inch replacement for noninvasive species; they would accept tree-for-tree replacement, or payment into the city's trust fund.

In response to Mr. Hulett's comments, Mr. Capko confirmed the District is maintaining its position that it has the right to remove the trees without going through the city's process. Mr. Capko indicated the District has a responsibility to maintain the works of the District and provide

drainage. Mr. Capko feels the District's statutory requirement trumps the city's tree ordinance; however, he noted there is no guarantee a judge would agree with the District, should this go to court. Mr. Hulett asked that District Counsel and the District Manager meet with the city manager and city attorney.

Mr. Morera questioned the city's tree-for-tree replacement or payment into the trust fund requirement, given the fact that the tree removals would not be necessary, had the city enforced its own codes.

## **B. Engineer**

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

- ***Permit Application Review:*** Wings Plus Parking Lot - NW 33<sup>rd</sup> Street, Curtis Craig, Lot 37 Block B of Coral Springs City Center Commercial, Section 2

Mr. Donahue recommended approval of the Wings Plus Parking Lot permit application, subject to the conditions listed in the recommendation letter and including waiving of the \$2,500 trash bond.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, issuance of a permit for the Wings Plus Parking Lot - NW 33<sup>rd</sup> Street, Lot 37 Block B of Coral Springs City Center Commercial, Section 2, and waiving the \$2,500 trash bond requirement, was approved.**

- ***Letter of No Objection:*** Plat Exemptions – Parcel “E”, Greater Coral Springs Research and Development Park

Mr. Donahue indicated a review was completed and a letter of no objection was issued to the applicant.

### **ii. Permit Application Log**

Mr. Donahue noted the city's application for the police educational facility is the outstanding item. The District Engineer provided numerous comments to the applicant's engineer and they are working with them to resolve the issues.

In response to Mr. Morera's question regarding the fire station, Mr. Donahue indicated they heard nothing further from the city and no application has been submitted for additional work.

**iii. Monthly Engineer's Report – 04/05/11 to 05/03/11**

Mr. Donahue presented the monthly Engineer's Report.

Regarding bank repairs at 7541 NW 44<sup>th</sup> Court and 8965-8985 NW 38<sup>th</sup> Drive, Mr. Donahue noted difficulty in obtaining contractor input and quotes. He indicated they continue to monitor NW 44<sup>th</sup> Court and see no additional deterioration of the canal bank, at this time; however, work needs to be done.

Regarding the East-West Basin Interconnect, Mr. Donahue indicated, after their last meeting with the city, it was determined they should draft standard operating procedures outlining how the District and the city will work together and how the District will operate the interconnect.

Mr. Donahue reported that the canal/culvert program was completed and, now that money is available, the culvert replacement/repair and canal restoration phase 2 can be reactivated. In response to Mr. Morera's question, Mr. Donahue indicated they will need to determine what to do with the fill removed from canals and acknowledged some will need to be transported off-site. In light of Mrs. Baile's comments about grass not growing on the lake banks, Mr. Hulett asked if there is a good time of year to complete the restoration, to alleviate that type of problem. Mr. Selchan indicated mesh was put in to hold the dredged material onto the lake bank, with the intention of sodding over it. Mr. Selchan noted the sod did not take as well in areas where the resident's sprinklers did not reach the re-sodded banks. Mr. Selchan indicated the best time for re-sodding is during the rainy season. Discussion ensued regarding how bedrock will be removed from the canals and whether the rock is of any value.

Regarding Canals AA and BB, Mr. Donahue indicated David & Gerchar completed the right-of-way stakeout of the property lines and the District Engineer's office completed photo documentation. Mr. Donahue suggested his office hold a workshop for the District Manager, Mr. Selchan, Mr. McKune and the Board to review the data and determine how they will handle the various issues.

**o Pump Station Update**

Mr. Donahue indicated the final contract with The Weitz Company was signed last Thursday, including their guaranteed maximum price (GMP). Letters of intent were issued to the manufacturers. The Weitz Company was approved as a qualified contractor with the City of Coral Springs. Mr. Selchan, Mr. McKune and Mr. Donahue completed a site visit with The

Weitz Company and their general contractor and safety personnel. They are awaiting required stamps from Broward County Department of Environmental Protection, prior to submitting the building permit. Mr. Donahue explained the county is requiring turbidity monitoring of both canals to determine baseline water quality. During the excavation periods, The Weitz Company will also be required to conduct monitoring downstream of the construction sites and report turbidity, over a four (4)-hour time period. Mr. Donahue indicated, if levels rise above a certain level, operations must be shut down. Mr. Donahue indicated The Weitz Company and their general contractor are familiar with the process. Regarding the final building permit, Mr. Donahue indicated the city waived the requirement of DEP stamps on the submittal and the city is finishing their review. He hopes to have the site permit by the end of next week and allow for them to begin “turning dirt” by June 1. Mr. Donahue explained the city rejected the District’s tree permit but will not hold up the pump station project because of it.

Mr. Donahue reported that his office received a call for the Coral Springs Country Club (CSCC) regarding the lack of water flowing from the canals into their lake and the impact on their golf course irrigation. Mr. Donahue met with the CSCC superintendent and spoke with management. He indicated CSCC staff removed an obstruction which allowed some flow to return. CSCC was informed that this matter will be addressed during the canal rehabilitation project later this year but CSCC could complete any emergency cleaning at their own expense.

- **Canal Clearing Update**

This item was discussed during the Seventh Order of Business.

Discussion ensued regarding noticing requirements and a location for the upcoming canal right-of-way clearing workshop.

- C. Field Supervisor**

Mr. Selchan indicated, due to the severe drought conditions, the District’s water levels are very low. He congratulated the Board on the bond funding.

- D. Manager**

- i. Unaudited Financial Statements as of March 31, 2011**

Mr. Paton presented the Unaudited Financial Statements as of March 31, 2011, noting collections, through March 31, 2011, were at about 86%, which is on target and slightly above this time last year. Regarding the SunTrust loan, two (2) payments remain, after the May payment.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of March 31, 2011, as presented, were approved.**

Mr. Hulett asked if the financials will begin including a report on the status of the bond money. Mr. Paton replied affirmatively, noting Mr. Donahue is now trained on submitting requisitions. In response to Mr. Hulett's question, Mr. Capko explained the bond requisition process. First, the District Engineer submits the requisitions to the trustee, who authorizes release of the funds. Mr. Capko confirmed Wells Fargo is the trustee.

**ii. Check Detail, March 2011**

Mr. Paton presented the check detail for March, 2011.

**iii. Invoices, March 2011**

Mr. Morera questioned the payment to Teleco South Florida for web hosting. Mr. Paton confirmed Teleco provides web hosting services for the District. Discussion ensued regarding possible upgrades to the District's website and general improvements in communicating with the residents.

**iv. Resident Inquiry Log**

Mr. Paton presented the resident inquiry log.

The Board discussed the benefit of including a resident inquiry link on the website allowing residents to email their questions or issues. Mr. Morera felt this process would enable District staff to respond more quickly, through an email response.

**v. Letter to SunTrust Bank Notifying of Loan Agreement**

Mr. Paton indicated this letter was sent to SunTrust Bank to fulfill their current loan requirement to notify of any subsequent financing, which was the bond issuance.

**▪ Sample Door Hanger and Tree Tag for Right-of-Way Access Project**

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

Mr. Kozak reviewed the sample door hanger and tree tag for use during the upcoming right-of-way clearing project. Discussion ensued regarding the timing of when the door hangers will be used. Mr. Donahue suggested the door hanger be used as a reminder that the process will begin. Mr. Hulett reviewed his understanding of the process and suggested the Board finalize the process during the upcoming workshop.

Discussion ensued regarding utilization of the tree tag. Mr. Morera stressed the importance of informing landowners that failure to comply could result in financial costs to them. Mr. Selchan envisioned attaching the tree tag to new items appearing in the right-of-way, after the clearing project is completed, along with notifying the resident in person or by a door hanger. The Board discussed the wording of the tree tag and door hanger. Ms. Heafy summarized residents will receive a courtesy notice, then a door hanger, followed by a certified letter.

- **FASD Recognition Awards**

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

Mr. Morera indicated the FASD board is looking for candidates for their annual awards, such as board member of the year, district manager of the year, most valuable member, etc. The Board agreed to wait until next year, once the pump stations and capital improvement program are complete.

- **Bond Recognition Plaques**

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

Mr. Paton asked the Board if the Bond recognition plaques could be ordered presenting the price quote to the Board. Ms. Heafy indicated she does not want a plaque. Mr. Paton noted the plaques could be paid for from the bond funds. The Board gave approval for the plaques.

**vi. NEXT MEETING DATE: June 8, 2011 at 6:30 P.M.**

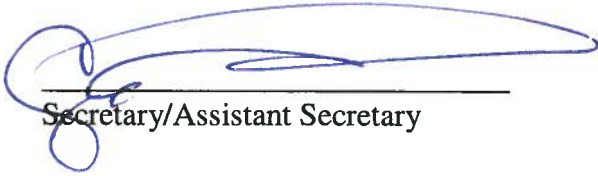
Mr. Hulett reminded the Board that pictures will be taken at the next meeting.

Mr. Paton indicated the next meeting will be June 8, 2011.

**NINTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned at 8:43 p.m.



Secretary/Assistant Secretary



President/Vice President