

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on Wednesday, August 8, 2018, 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
John Tornincasa	Secretary

Also present were:

Cindy Cerbone	District Manager
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Jim Maguire	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Debra Hernandez	IBI Group
Tom Mullin	Nason, Yeager, Gerson, White & Lioce, P.A. (Nason Yeager)
William Ryan	First Presbyterian Church of Coral Springs
Dr. Andrew DiNardo	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Morera called the meeting to order.

SECOND ORDER OF BUSINESS

Roll Call

Ms. Cerbone called the roll. All Supervisors were present, in person.

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.

FIFTH ORDER OF BUSINESS

**Continued Discussion: Fiscal Year 2019
Proposed Budget**

Ms. Cerbone stated that there were no changes since the last meeting.

SIXTH ORDER OF BUSINESS

Update: West Outfall Canal (WOFC) Project

Mr. Maguire and Mr. Rubio reported the following:

- Minor resident issues were addressed and resolved.
- All clearing and restoration was completed.
- The Request for Proposals (RFP) went out, bids were received on Monday. The bids were nearly \$5 million and \$2.75 million; which he felt was very high, so it was recommended that the Board reject those bids and begin the re-bid process tomorrow.

Mr. Maguire stated that the project budget would be changed and the RFP terms would be changed such that the pre-bid meeting will not be mandatory and bidders would be allowed to bid it in the wet and dry. Generally, contractors are very busy now. Mr. Rubio stated that the main change would be that the terms of how the project must be completed would be less rigid, which might bring more bids and more competitive bids.

Mr. Tornincasa asked how many contractors were willing to bid on this type of job. Mr. Rubio stated that four contractors attended the mandatory pre-bid meeting and two submitted bids. A few contractors were expected but did not attend so they could not bid. Mr. Rubio and Mr. McKune explained the RFP process. Mr. Morera asked if allowing the work to be performed in the wet would add time or other steps to the process. Mr. Maguire was not sure but felt that it would be about the same. Mr. Morera asked if allowing the work to be performed in the wet meant that the District was giving up some assurances that the project would meet the desired standards. Mr. Maguire stated that, in his experience with dredging

projects in the wet, a field representative must be on site to ensure that work is being properly performed; however, this project would have a full-time inspector on site. Mr. Morera asked if the Board was obligated to select the low bidder. Mr. Malefatto stated the lowest bid can be rejected if there is a legitimate reason.

Ms. Cerbone noted that the proposed Fiscal Year 2019 budget has \$1.6 million budgeted for the WOFC Project and almost \$800,000 budgeted for other capital projects. The potential exists that the bids will exceed the \$1.6 million, so the Board might want to consider not embarking on other capital projects to avoid going over budget.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, authorizing re-bidding the West Outfall Canal Project, with minor changes to the Request for Proposals, to allow bidders to bid performing the work in the wet and/or dry, eliminating mandatory attendance at the pre-bid meeting and other items that give more decision making opportunities to potential bidders, was approved.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Hurricane Irma Debris Removal

Mr. Selchan reported the following:

- All hurricane debris removal work was completed and hauled away.
- All contractors have left.
- There were no unresolved issues.
- Final invoices from Rostan Solutions (Rostan) and Phillips & Jordan (P&J) were pending.
- The Federal Emergency Management Agency (FEMA) process would proceed.

Ms. Cerbone stated that, as of today, she received two more Rostan invoices and the final invoices from Rotan and P&J remained pending. The costs to date were \$500,000 for Rostan and \$2.2 million for P&J, for a current total of \$2.7 million. No issues with anticipated related to the completeness of filing the FEMA claim but the outcome would not be known until FEMA provides feedback. The budget has \$3 million assigned for "Disaster recovery/hurricane cleanup". The \$2.7 million does not include the 10% retainage for the P&J

costs; therefore, approximately \$225,000 for retainage brings the total to just below \$3 million at this time.

EIGHTH ORDER OF BUSINESS

Consideration of Piggybacking Publicly Awarded Bids

Mr. Selchan requested to purchase the following items by piggybacking off the publicly awarded bids:

A. FMC Sprayer

- Sprayer Depot: Two, 100-gallon hydraulic sprayers at \$8,475 each, for a total of \$16,950.

B. Culvert Inspections

- Fish Tec Inc.: \$19,500

C. Herbicides and Adjuvants for Invasive Plant Control

- Purchase herbicides and adjuvants at the bid prices from the approved vendors.

D. Triploid Grass Carp

- Florida Fish Farms Inc.: 3,500 fish at \$4.50 per fish, for a total of \$15,750.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, piggybacking off publicly awarded bid for two 100-gallon hydraulic sprayers at \$8,475 each, for a total of \$16,950, culvert inspections at \$19,500, herbicides and adjuvants at the awarded bid prices from the approved vendors and 3,500 grass carp at \$4.50 per fish, for a total of \$15,750, were approved.

- **Update on Coral Springs Christian Academy/Canal L ROW – Non-Exclusive Grant of Easement (Former SWCD Canal “L”)**

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

Mr. Malefatto recalled the request related to the Coral Springs Christian Academy (CSCA) and use of the Canal L right-of-way (ROW), which is owned by the District. CSCA is being sold and the purchaser requested approval from the District for continued use of the property. It was determined that PBSDC should acquire an easement from the District.

Mr. Malefatto distributed the Non-Exclusive Grant of Easement, which included that Riverside School Development LLC would be responsible for maintenance of the drainage facilities and the District is indemnified, in the event of any accidents or claims that might arise, with the exception of anything that is due to the District's own negligence.

Mr. Morera asked who would be responsible if the property required improvements and/or if issues arise with the parking lot. Mr. Malefatto stated that the school would be responsible for maintenance and the parking lot. Mr. Morera asked about the term of the Easement. Mr. Malefatto stated that the Easement runs with the land; once it is in place, it remains. Mr. Tornincasa questioned why the District cannot lease the property to the school as a source of revenue for the District. Mr. Malefatto stated that could be an option; however, he was not aware of the District typically leasing a ROW to an entity. Ms. Cerbone stated that the District cannot sell the property but was not aware of a provision against leasing it.

Mr. Tom Mullins, of Nason, Yeager, Gerson, White & Lioce, P.A. (Nason Yeager), representing the purchaser, stated that this was viewed as a cleanup. The parking lot has been in place for a dozen years, a permit was issued and the Easement would memorialize and recognize the existing use of the property, as it should have been 12 years ago.

Mr. William Ryan, representing the First Presbyterian Church of Coral Springs, stated that, to date, there were no problems with the parking lot and it was represented to the purchaser that there was no problem; however, documentation of permission, through an easement, could not be located. Mr. Morera asked who maintains the culvert now. Mr. Selchan stated that the church maintains it and would continue maintaining it, as part of the new Easement; if maintenance or repairs are needed, it would be at the church's expense. Ms. Debra Hernandez, of IBI Group (IBI), stated that an official inspection was conducted on May 28, 2018 and the pipes and structure were found to be in generally good condition.

Mr. Tornincasa reiterated his position that the District should lease the land but understood that the District is not in the business of leasing land. Discussion ensued regarding determining the value of the land. Mr. Morera asked if the Easement allowed for the District to take back the property or terminate the Easement. Ms. Cerbone stated that would require removal of the words "successors and assigns forever" from the Easement. Mr. Malefatto stated that step would be unusual as, once an easement is granted, it runs with the land, in

perpetuity. Mr. Tornincasa asked if a future buyer could do what they wanted with the property. Mr. Malefatto stated the Easement allows for the parking lot and related parking lot improvements; permission from the District must be obtained for other uses.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with Mr. Prudhomme and Mr. Morera in favor and Mr. Tornincasa dissenting, the Non-Exclusive Grant of Easement for Former SWCD Canal "L", was approved. (Motion passed 2-1)

NINTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of June 30, 2018

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2018

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of June 30, 2018, were approved.

TENTH ORDER OF BUSINESS

Approval of July 11, 2018 Regular Meeting Minutes

Ms. Cerbone presented the July 11, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the July 11, 2018 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Morera stated that the International Dinner Dance would be held on September 15, 2018 and was expected to sell out.

TWELFTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto reported the following:

➤ IBI Group (IBI) Litigation: Mediation was scheduled for September 12, 2018. Special Counsel suggested that Mr. Morera, Mr. Maguire, Mr. Malefatto and Ms. Cerbone attend the mediation. As the mediation would be the same day as the next Board meeting, scheduling a Shade/Executive Session prior to commencement of the regular meeting, was requested. Also, those involved in the mediation should meet prior to the mediation. If the case does not settle, discovery would continue and the trial would likely be December or January.

➤ Claim by Cineus/Cambroune Update: A lawsuit has not been brought against the District; however, Counsel for Sample Road Investments (SRI), the Developer of Coral Lago, filed a motion to allow them to file a third-party suit against the District. The hearing on that motion will be August 15, 2018. The District's Special Counsel in this case expects the court to allow SRI to file suit against the District. The District has numerous defenses. In this case, any costs, legal fees, etc. are covered by the District's insurance carrier. The plaintiff in the lawsuit is expected to oppose SRI's motion to include the District, as their attorney does not think there is a valid claim against the District.

B. District Engineer: *Craig A. Smith & Associates***i. Monthly Engineer's Report**

Mr. Rubio reported the following:

➤ Permits: Eight Letters of No Objection (LONO) were issued in the last month. Team Members have discussed the District's permitting procedures with the City and reduce the amount of non-value added activity.

Ms. Cerbone stated that she spoke with Mr. Jim Hickey, City of Coral Springs Assistant Director of Development Services, and the City fully understands the District's situation and possibly heard complaints from permit applicants regarding the slow process. She would speak with Mr. Alex Hernandez, City of Coral Springs Chief Building Official, next week and was confident that this issue could be resolved.

➤ SWCD ROW Permit Application – Coral Springs Commerce Center II (CSCCII), Submitted by Sun Tech Engineering (STE), on Behalf of Exeter Group, for Site Improvements at 4250 Coral Ridge Drive, CAS Project No. 15-1826-P19

Mr. Maguire stated that approval was recommended. Discussion ensued regarding the scope of the project. An additional Special Condition would be added requiring the applicant to maintain the canal bank to the water's edge.

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the Coral Springs Commerce Center II (CSCCII), Submitted by Sun Tech Engineering (STE), on Behalf of Exeter Group, for Site Improvements at 4250 Coral Ridge Drive Permit Application, CAS project #15-1826-P19, subject to the requirements, specifications and special conditions, as set forth in the CAS letter dated July 25, 2018 and as amended to include an additional Special Condition requiring the applicant to maintain the canal bank to the water's edge, was approved.

C. District Engineering Consultant: *John McKune*

There being no report, the next item followed.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan stated that the District received approximately 8" of rain since the last meeting. Very little minor pumping was required twice in the West Basin. Weeds are growing rapidly and staff is working to keep the weeds under control. He noted the news coverage about blue-green algae, which is toxic, and stressed that the algae in the canals is not the toxic type; it is harmless to people and animals.

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

Ms. Cerbone discussed the following:

➤ **Website Compliance with the Americans with Disabilities (ADA) Requirements**

Ms. Cerbone stated that a complaint has not been filed against the District but that does not mean it could not. The insurance carrier has stated that it will place a rider on the insurance policy and would not cover claims for lack of ADA compliance on the District's website, if the District does not bring its website into compliance. This District has much more than is required by Statute, for Districts. Management's recommendation is to remove items from the website that are not required or that are complicated to convert, such as maps, graphics, videos, photographs, etc.

Ms. Cerbone noted the high cost for a full technical audit and the need to determine what should remain and what should be removed from the website. Mr. Malefatto stated that the ADA Laws are very broad and it requires accessibility to all public facilities and resources, including websites. Mr. Morera questioned if removal of certain items would make the District not compliant with requirements of the Florida Statutes. Ms. Cerbone stated that Management would not make a recommendation to remove items required by Statute. She discussed the items required by Florida Statutes and the length of time items are required to remain on the website. Mr. Morera wanted to know if ADA compliance was required of other types of municipalities. Ms. Cerbone asked if Mr. Morera was directing Mr. Malefatto to research a matter beyond the Sunshine Water Control District. Mr. Morera stated that he wants Mr. Malefatto to find out if the law is applicable to other municipalities. Ms. Cerbone stated that the District is a municipality and it applies to this District.

Ms. Cerbone requested approval to remove items from the website that are not required by Statute or for which the required time has expired. A chart of other items and estimate to convert the more complicated items would be presented at the next meeting. Mr. Malefatto suggested including a statement on the website advising who to contact for items not on the website. Ms. Cerbone stated that it was already added to the website.

- i. **NEXT MEETING DATE: September 12, 2018 at 6:30 P.M. (*Public Hearing, Regular Meeting and Executive Session*)**

The next meeting, including the Executive Session and Public Hearing, will be held on Wednesday, September 12, 2018 at 6:30 p.m., at this location.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 8:09 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Cindy Cebone
Secretary/Assistant Secretary

Jim & Mary
President/Vice President