

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on Wednesday, November 14, 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
Mark Sirchio	Rio-Bak Corporation
Gary and Rechilda Shurack	Residents
Sarah Rudin	Resident
Elizabeth Tsourou Kdissian	Pulice Land Surveyors
Susan Liberatore	Resident
Elizabeth Jones	Resident
Ching Ng	Resident

FIRST ORDER OF BUSINESS

Call to Order

Mr. Morera called the meeting to order at 6:31 p.m.

▪ **Moment of Silence**

Those in attendance observed a moment of silence in honor of Coral Springs Mayor Skip Campbell, who passed away unexpectedly.

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.

▪ Public Comments

This item was an addition to the agenda.

Mr. Gary Shurack, a resident, stated that he has a spot in the community garden by the CDD lake, near the SportsPlex. His wife received a text that the District was having a meeting and would address the water tests from the lake. He wanted to know the test results of the lake water as they were ordered to stop using City water for the garden and must use lake water instead. He wondered about herbicides in the water and whether Mosquito Control puts anything in the water. He wanted to know if the water is treated and, if treated, whether that would adversely affect the crops he is growing. Mr. Morera stated that Staff will follow up and provide Mr. Shurack with a response.

Ms. Sarah Rudin, a Margate resident, stated that she is a member of the Coral Springs Community Garden and Food Forest (CGFF) organization, which has an organic garden. Previously, City water was used to irrigate the garden but the City recently switched them to lake water. As this is an organic garden, the CGFF is concerned about the quality of the lake water, as they believe the canals that empty into the lake are sprayed with herbicides. The City had a State-certified lab test the lake water. Mr. Morera reiterated that Staff will follow up and provide a response.

Mr. Selchan stated that the District does not treat the lake with anything, as it is a private lake, which the City contracts with someone to spray the aquatics in the lake. The District does some water testing mandated by the State, such as testing for phosphorus, nitrogen, etc., but does not test for pesticides or any other toxins. He stressed that the canals are not intended to be used for irrigation; the purpose of the canals is for drainage. Residents who use the canal water for irrigation are doing so at their own risk. The District cannot control what might be in the water in that lake. He was not aware of any private testing that revealed anything toxic enough to harm someone.

Mr. Prudhomme asked if the CGFF received a water bill when they were using City water. Ms. Rudin stated that they were never billed for it but now it became too expensive for the City to continue providing irrigation water. She believed there were many breaks in the pipes, which caused a lot of water was wasted. The CGFF received a notice from the City just before the City switched them off of City water, which reflected very high usage during the summer, which was odd because no one was irrigating, as there was plenty of rain; she suspected an issue with the meter. Mr. Prudhomme asked if the CGFF would be comfortable with rainwater. Ms. Rudin stated that they would appreciate a rain water collection system. Mr. Prudhomme suggested the CGFF hold a fundraiser for tanks. Mr. Morera asked if there was a charge for those using the community garden. Ms. Rudin stated there is an annual fee to join, which is paid to the Rotary Club.

Ms. Cerbone suggested that District Staff notify Mr. Rich Michaud, Director of Public Works, that several residents attended the meeting and asked questions regarding the City's change from City water for irrigation to canal or lake water. There is nothing that the District can do but the District can make the City aware of the residents' concerns.

A resident asked why the City did not look into the issue of being changed over before doing it to make sure there were no herbicides coming into the water pumped into the lake. She wondered if the Dog Park was changed over, as well. The issue of the water quality is important to those using the garden and Dog Park. She disputed the amount of water that the City claimed they used.

Mr. Selchan reiterated that the lake is not owned by the District; therefore, the District has no say in what happens to it and the District does not have any responsibility for the lake.

Ms. Cerbone stated that the District will alert the City of the residents' concerns but residents should also contact the City with those concerns. Mr. Morera suggested they contact Commissioner Dan Daley.

▪ **Plat Approval – Cornerstone Downtown Coral Springs**

This item, previously part of Item 9B, was presented out of order.

Mr. Rubio stated that replatting a portion of the tract related to the Cornerstone Downtown Coral Springs site was being proposed. The property is at the southwest corner of

Sample Road and University Drive. It is an existing development with an existing building and parking surrounding it, with drainage on site. The owner plans on redeveloping the property with residential, commercial, etc. As long as what is developed in the future complies with the Permit Criteria Manual and the South Florida Water Management District (SFWMD) Master Permit Conditions, he had no issues recommending approval of the replat.

Mr. Maguire stated that a statement was added to the replat documents, subsequent to the version in the agenda book, stating that approval was subject to execution or signing by the property owner, as they have not executed it either. He was confident that the owner will execute it. Mr. Rubio stated that the additional language was included in the version brought to the meeting for execution.

Mr. Morera stated that the current drainage has no permeable surface; it is a parking lot and asked if the SFWMD or the District will determine the new requirements for discharge or water mitigation, as the project goes forward. Mr. Maguire stated that the District follows the master permit of the SFWMD; when the property is redeveloped, it must meet the storage requirements of the master permit. The District Engineer will review everything for those requirements, along with any right-of-way (ROW) issues.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, as amended, with all in favor, the replat of the Plat related to Cornerstone Downtown Coral Springs, was approved.

▪ **Update: West Outfall Canal (WOFC) Project**

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

Mr. Rubio and Mr. Maguire reported the following:

- Work commenced, including clearing the canal banks, installation of the buffer fence, irrigation lines removed and set aside for reinstallation, outreach to residents was completed.
- Receipt of the bladder dams was pending and should be received by Friday; once received, dewatering can commence.
- All shop drawings were reviewed.
- Project is on schedule.

➤ To date, no significant resident feedback has been received; 30 of 48 residents were contacted.

Mr. Mark Sirchio, of Rio-Back Corporation (RBC), reported the following:

➤ Once the bladders are received, they will be installed and dewatering will commence, followed by excavating the banks.

➤ Everything on the east side of the canal was stripped.

➤ The project was ahead of schedule.

➤ There had been no significant resident reaction.

Mr. Maguire reported the following:

➤ Phase 1C: The area was surveyed and he met with most of the ten residents possibly impacted.

➤ Mr. Rubio is working on the canal plan before they make a recommendation to the Board.

➤ Residents will be contacted regarding commencement of the project; communication would likely start in early 2019.

Mr. Sirchio responded to questions regarding the WOFC Project, as follows:

➤ Major excavation will not likely occur until after Thanksgiving.

➤ Project will be completed in three phases: 1) from the bridge heading north halfway up the canal, 2) from the canal up to Canal Z, and 3) the other side and underneath the bridge.

➤ Fish, turtles, etc. will be moved out of the area being dewatered.

FOURTH ORDER OF BUSINESS

Update: Bond Refunding

Ms. Cerbone stated that the bonds have been refunded. At the January meeting she will point out where the funds were being held, on the Unaudited Financial Statements as of November 30, 2018, and use of the bond funds will be discussed. The bonds were refunded and any remaining funds in the Revenue Fund for the Debt Service Reserve fund were transferred but the approximate \$200,000 in the Construction Fund has not been transferred. CAS presented a requisition related to the WOFC work, which is being reviewed and will be

submitted to the Trustee and then the District will be reimbursed approximately \$200,000 spent on the WOFC Project.

FIFTH ORDER OF BUSINESS

Update: West Outfall Canal (WOFC) Project

This item was presented following the Third Order of Business.

SIXTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of September 30, 2018

Ms. Cerbone presented the Unaudited Financial Statements as of September 30, 2018 and noted the figures presented here might be different than the figures in the actual Fiscal Year 2018 Audit, as invoices received in October and/or November, related to activity that occurred in Fiscal Year 2018, will be recorded for the purposes of being included in the actual Audit. No updates have been received from the Federal Emergency Management Agency (FEMA). Health insurance renewal will likely be presented at the December meeting. Discussion ensued regarding various line item expenses. Mr. Morera asked how many projects were pending that the District Engineer cannot close that the District has uncollected cost-recovery funds that are owed to the District. Mr. Rubio believed the Coral Springs Commerce Center II Project and possibly a road project that is not completed.

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

SEVENTH ORDER OF BUSINESS

Approval of October 10, 2018 Regular Meeting Minutes

Ms. Cerbone presented the October 10, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 40: Change "h" to "to"

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the October 10, 2018 Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Prudhomme expressed his condolences to the Campbell family on the passing of Mayor Skip Campbell. He was happy to hear that the Financial Plaza is being taken down.

Mr. Tornincasa stated that there is a Commission meeting tonight regarding two new charter schools proposed for Mullins Park; it appears one will replace the Coral Springs City Centre and the other will be adjacent to the Gymnasium. Mr. Rubio stated that he met with the consultants hired for that project. There is a parking issue and they want to consider culverting the canal adjacent to the property, which would be a very large endeavor. Discussion ensued regard the City's progress on the project, potential impacts on the District and neighbors, resident resistance, etc. Mr. Tornincasa wished everyone a happy Thanksgiving.

Mr. Morera discussed the passing of Mayor Skip Campbell and his contributions to the City and hoped that current and future elected officials will emulate his skills and demeanor that he brought to the City Commission. The staff luncheon must be discussed. Mr. Josh Simmons was elected to the City Commission and Commissioner Daley was reelected. He wished everyone a happy Thanksgiving.

NINTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto reported the following:

- Litigation has been expensive.
- During discovery, in the litigation versus IBI Group (IBI), it was discovered that IBI did the permitting for the pumps, issued by the SFWMD within the last several years. The District was accused of violating the permit but he did not believe that was occurring; furthermore, IBI did not advise the Board or Staff of any of the permitting changes.

- Through discovery it was also determined that Mr. Jim Fox, an IBI mechanical engineer, signed the pump design documents even though the actual design of the pump system was done by an IBI engineer in Michigan.
- For those reasons, Counsel wants to further amend the complaint to include the allegations of negligent permitting and negligence by Mr. Fox. This would mean that there would be three IBI Engineers who were personally responsible, in addition to IBI.
- There is a \$5 million cap on damages from IBI but there is no cap on damages against the individual Engineers; therefore, the District's recovery could exceed \$5 million, if the court rules in the District's favor.
- Special Counsel wants authorization to file a Third Amended Complaint to include the claims against Mr. Fox and add him as a defendant, which Mr. Malefatto agrees with. The Board can agree by consensus. One downside might be that the case could be pushed back for trial.

Discussion ensued regarding the assets of IBI and the insurance coverage of the Engineers involved.

- Mr. Selchan was deposed and did well and Mr. McKune is scheduled for November 22nd. The trial is currently scheduled for April 2, 2019.

The Board's consensus was agreement with filing the Third Amended Complaint.

- Mr. Malefatto stated that Mr. Lewis was advised that Commissioner Daley was again pushing for legislation that would convert special districts operating in Coral Springs to a single vote system.

Mr. Morera believed that this was prompted by issues the City has had with other special districts. He was assured that the SWCD was not the cause of this approach; rather, it is by the City's perceived poor management of other special districts.

B. District Engineer: *Craig A. Smith & Associates*

▪ **Monthly Engineer's Report**

There was nothing additional to report.

▪ **Plat Approval – Cornerstone Downtown Coral Springs**

This item was presented following the Third Order of Business.

C. District Engineering Consultant: *John McKune*

There was nothing to report.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan stated that 2" to 2.5" of rain was received since the last meeting. Water levels are dropping rapidly. Everything was running smoothly.

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

Ms. Cerbone discussed the following:

➤ Holiday Luncheon: The options were December 7th or 14th. The employee holiday luncheon will be on December 14, 2018.

i. NEXT MEETING DATE: December 5, 2018 at 6:30 P.M.

The next meeting will be held on Wednesday, December 5, 2018 at 6:30 p.m.


TENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 7:50 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


President/Vice President