

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on March 13, 2019, *immediately following the Landowners' Meeting 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	Engineering Consultant
Mark Sirchio	Rio-Bak Corporation

FIRST ORDER OF BUSINESS

Call to Order

Ms. Cerbone called the meeting to order at 6:40 p.m.

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 were no public comments.

Ms. Cerbone provided an update of the actions taken by District Staff, after a meeting was held to address the questions and public comments posed at the last meeting in order to agree on and provide an appropriate response. District Counsel reviewed the responses before submitting them. Of the three, only Ms. Cheri Tishman responded, which resulted in several discussions with Ms. Cerbone and ended on a fairly positive note.

Ms. Tishman asked Ms. Cerbone to present her request for an exception to allow her to execute the Option 3 Agreement. Ms. Cerbone explained that Option 3 was presented awhile ago, as a one-time offer; however, she suggested to Ms. Tishman that she attend a meeting to make her request or provide Ms. Cerbone a written statement to present to the Board on her behalf, along with an executed Agreement, in case the Board approved the exception. Ms. Cerbone did not receive anything from Ms. Tishman, but will be following up with her in the next few weeks regarding the completion of the irrigation and sodding in the right-of-way (ROW). In response to a question, Ms. Cerbone stated Ms. Tishman’s original issue was that the slope was too steep for her to maintain it and she would have to replace it with artificial turf. Ms. Cerbone explained to Ms. Tishman that it was too soon to make that determination, as several variables and portions of the project were not yet completed and the issue may have resolved itself.

Ms. Cerbone stated Mr. Michaud, with the City of Coral Springs, was also forwarded the email response to the residences. Although the response was comprehensive, he asked what the next steps were, if they decided to involve a Commissioner or hold a meeting with District Staff only. She explained the process to him. She thanked those involved in being able to provide the residents a comprehensive response.

FIFTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor *(the following to be provided in separate package)*

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Prudhomme. Mr. Prudhomme was familiar with the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - i. Form 1: Statement of Financial Interests**

- ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - iii. Form 1F: Final Statement of Financial Interests
- D. Form 8B – Memorandum of Voting Conflict

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2019-04, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors for the Sunshine Water Control District

Ms. Cerbone presented Resolution 2019-04. At the Landowners’ meeting, Mr. Prudhomme nominated himself, received 11 votes and would serve a three-year term.

On MOTION by Mr. Morera and seconded by Mr. Tornincasa, with all in favor, Resolution 2019-04, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors for the Sunshine Water Control District, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2018-05, Electing Officers of the District and Providing for an Effective Date

Ms. Cerbone presented Resolution 2019-05. Mr. Morera nominated the following slate of officers:

- | | |
|---------------------|------------------|
| President | Joe Morera |
| Vice President | Daniel Prudhomme |
| Secretary | John Tornincasa |
| Treasurer | Craig Wrathell |
| Assistant Treasurer | Jeff Pinder |
| Assistant Secretary | Craig Wrathell |
| Assistant Secretary | Cindy Cerbone |

No other nominations were made.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the nominations for the slate of officers, were approved.

On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, Resolution 2019-05, Electing Officers of the District and Providing for an Effective Date, as nominated, was adopted.

EIGHTH ORDER OF BUSINESS**Update: West Outfall Canal (WOFC) Project
– Construction**

Mr. Rubio and Mr. Maguire reported the following:

- The project was going very well and on track with the suggested target dates.
- Phase 1B, which was the beginning of the project, from Canal Z extending about 100' from the Coral Springs Bridge was completed. New irrigation lines from the canal were installed, system tests were performed in the presence of each resident and some minor punch list repairs related to sprinkler heads, pumps, etc., were made; the feedback from more than 30 residents was that they love it. The fence on Phase 1B was being removed Monday and sod would be installed on Wednesday.
- The Coral Springs Bridge presented a challenge. Mr. Selchan had mentioned the restrictions associated with it numerous times over the years.

Mr. Maguire distributed and reviewed photographs of the bridge, after the canal was dewatered, which showed one side of the fill and sand fell. Mr. Selchan believes the bridge is held up by the pillars and not the sand; only the sand under the pilings fell. Mr. Maguire stated that the project was placed on hold in order to reevaluate the issue and provide a correct solution to support the wall and finish the work.

- Phase 1B: Met with several Engineers and Broward County, who responded that the County was not currently able to perform work on its section of the bridge. CAS consulted with a Geotechnical Engineer to work on a combination of the original proposal, which was to add a flowable fill (pumped concrete) behind the Gabion systems. The material behind the baskets that were placed under the bridge must still be stabilized.

Discussion ensued regarding the type of material being used for fill, the basket material and placement and the water level mark. Mr. Morera was concerned about the County's stance, since the County should have been provided project updates and timelines from the beginning. Mr. Rubio was concerned about leaving it in its current condition and the County wanting to engage a contractor under its procurement process, rather than engaging the District's contractor. Mr. Tornincasa suggested submitting a reimbursement request to the

Federal Emergency Management Agency (FEMA) for the County's portion of the project, once the work is completed.

As an alternative to help reduce the additional cost to complete the entire project, Mr. Maguire contacted several Construction Project Managers that needed dirt and suggested giving the fill away. He found two parties interested in purchasing the fill, who would incur the costs to haul the fill; however, the District would pay a service a nominal fee to fill the trucks. This would save the District around \$300,000 in costs to haul the fill to the dump. This alternative, at the time, was not available because no one was ready to accept any fill.

Mr. Maguire stated that Mr. Sirchio, with Rio-Bak Corporation (Rio-Bak), was expected to arrive around 7:00 p.m. The Phase 1C unit price for hauling was the same as for Phase 1B, which was \$31 per cubic yard. He negotiated a price with Rio-Bak where they keep approximately \$2 (later negotiated to \$4/CY) from the unit price to load the material into another contractor's trucks. It was noted the fill in Phase 1B would test similar to Phase 1C and be suitable for commercial use.

Mr. Maguire stated if they make a change in the bridge plan and use the gabion, with \$81,000 for flowable fill, \$22,000 for the modified gabion flooring, \$25,000, if needed, for the bedding stone to shore up the bottom, and \$15,000 for Geotechnical Services, and to be cautious, suggested installing an interim pump to build a buffer, in lieu of building a dam, due to the upcoming rainy season and the condition of the basins. The pump would pump the water from the West Basin into the East Basin to buy time and keep the water levels lower in the West Basin. The cost was \$25,000 per month, reduced from \$50,000 but he would obtain additional estimates. Discussion ensued regarding whether additional flooring was already anticipated, the actual material being soft as opposed to what the Report indicated, not hitting rock and the inability to perform readings under the bridge when preparing the budget.

In order to complete the project before the rainy season, because time is of the essence, and since they have only verbal or non-confirmed dollar amounts, Ms. Cerbone suggested approval of the items Mr. Maguire and Mr. Rubio listed, in an aggregate amount of \$180,000 plus the cost of the pumps, for a not-to-exceed amount of \$205,000. She recommended recessing this meeting, instead of adjourning, and continuing it to Wednesday, March 20, 2019, in case once the estimates are firmed up, they exceed the amount the Board approved. In response to the question of budget, Ms. Cerbone stated unassigned funds could

absorb the additional \$180,000, which would bring the unassigned fund balance to an all-time low and if there was a savings in other areas, it would help absorb the expense. If the pumps were still wanted, she suggested adding funds for the pumps, and increasing the aggregate not-to-exceed amount to \$205,000.

Mr. Morera understood the need to perform this work but was concerned that there was no assurance from Staff that, by performing the work under the bridge, the District would realize the benefits it was striving for. Mr. Maguire recalled that it was indicated in the beginning that the bridge was the biggest restriction but the end result was substantial improvements to the hydraulics and the flow; however, now the cost was more than expected. In response to a question about receiving any reimbursement from the County for its part, Mr. Maguire stated it most likely would be zero or a very low amount. The contractor's subcontractor, whose expertise is in this type of work, would be performing the work. Mr. Rubio would let Mr. Morera know the life expectancy of the equipment and warranty.

Mr. Maguire stated the good news was Rio-Bak set up safety measures in the park to allow residents to continue to walk in the park and no complaints had been received from residents or from the City. All encroachments were removed and at the end of this project, with the improvement of the hydraulic flow, the District would be very proud of the results. Roads were built on both sides of the canal and staff would begin digging up the fill and loading it into the truck. The project was on track to be completed by mid-May or late April.

Mr. McKune stated that Staff was doing the best job they can, with the knowledge they have and the conditions. No one can offer a good firm answer; however, the approach is the only one they can use and the reality was that the costs were up in the air.

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, a lump sum not-to-exceed amount of \$205,000, in aggregate, to cover the Rio-Bak Change Order, Services of a Geotechnical Engineer and pump rental, to perform the additional work on the bridge, as discussed, was approved.

Ms. Cerbone confirmed this meeting would be adjourned and, if necessary, a Special meeting would be called.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2019-06, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019; and Providing for an Effective Date

This item was deferred to the next meeting.

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

Discussion continued.

Mr. Sirchio stated the work scheduled next week was mostly positive; sod would be installed, the entire irrigation project was completed and the fences were taken down. The Phase 1B project was mostly completed, up to the bridge, except for the resident who was informed that the work on her property at the corner of Canal Z would be completed at the end of the project.

TENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of January 31, 2019

Ms. Cerbone presented the Unaudited Financial Statements as of January 31, 2019.

Mr. Malefatto stated that, before amending the Fiscal Year 2019 budget, the “Legal-litigation” line item required further discussion. He believed the proposed increase for Fiscal Year 2019, of \$200,000, was too high and some funds should transition to Fiscal Year 2020, since trial-related costs would be expended then.

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the Unaudited Financial Statements as of January 31, 2019, were approved.

ELEVENTH ORDER OF BUSINESS

Approval of February 13, 2019 Regular Meeting Minutes

Mr. Morera presented the February 13, 2019 Regular Meeting Minutes. Edits were previously submitted to Management. The following changes were made:

Line 179: Change “Prudhomme” to “Tornincasa”

Line 325: Change “blotters” to “bladders”

On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the February 13, 2019 Regular Meeting Minutes, as amended and to incorporate edits previously submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Morera and Mr. Tornincasa welcomed Mr. Prudhomme back to the Board.

Mr. Tornincasa voiced his opinion that what occurred tonight was called a "lay down" in the car business, where the sticker says one thing and you end up paying more. He believed that, instead of approving the not-to-exceed amount of \$205,000, the Board should have approved a lesser amount, causing further negotiations in cost. It did not sit well with him being 58% over the original budget, especially if it was his project or his money.

Mr. Maguire stated, even though a not-to-exceed amount was approved, the contractor would still work diligently to complete it below that amount and get the best price possible. Mr. Selchan explained that the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and other agencies have print sheets and everyone essentially works off those price sheets. In most of the District's contracts, the costs were reviewed to make sure the numbers match the standard pricing or are less. The worst-case scenario was presented but Staff is working towards a best-case scenario and would thoroughly scrutinize all costs associated with this project. He did not believe the costs would be near that amount and stated his track record indicates he would not spend a dollar more than necessary. Mr. Tornincasa appreciated the efforts towards saving the District \$300,000.

Mr. Morera stated elections were held yesterday and Mayor Scott Brook was reelected. An election for Commission Seat 2 is scheduled for June 18, 2019. He received no additional comments from residents along the West Outfall Canal, aside from the ones Ms. Cerbone spoke about.

Mr. Morera stated he hopes to attend the Florida Association of Special Districts (FASD) Annual Statewide meeting in Fort Myers, in June. Those interested in attending should visit the FASD website for blocked room rates; expenses can be submitted to the District. Because the

FASD meeting conflicts with the District’s June 12th scheduled meeting, the date would be changed if a quorum could not be established.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Malefatto provided the following update:

- Discovery continued on the IBI litigation; activity had slowed, now that the trial date was pushed back to December.
- An hour long Executive Session was requested for April 10th, during the regular meeting, to discuss the status of the IBI litigation, scheduling, acknowledging concerns for use of public dollars, costs associated with the litigation and the possibility of a settlement.

In response to Mr. Morera’s question about the litigation costs to date, Ms. Cerbone stated Broad & Cassel’s Agreement was executed January 2016; she would provide a history of the spending, to date, broken down by year. She would notice the attendees of the Executive Session, who would be her, District Counsel, Litigation Counsel, the three board members and the Court Reporter.

- Lewis, Longman & Walker, P.A. was represented at the FASD annual legislative meeting today in Tallahassee.
- Representative Kristin Jacobs introduced a new bill, on behalf of Councilman Dan Daley, to convert and change the voting methods for Special Districts in Coral Springs to single-voter districts, as opposed to property owner voters. The Districts were comprised of the Sunshine Water Control District, Pine Tree Water Control District, Coral Springs Improvement District and North Springs Improvement District. The bill was turned over to the Oversight, Transparency & Public Management Subcommittee for review. As noted in the previous minutes, Coral Springs Improvement District (CSID) hired Lewis, Longman & Walker, P.A., to oppose the bill; he believed their opposition would apply to all Districts.
- A new bill was being introduced in which all government fees, assessments and impact fees would be considered taxes. There is existing case law that treats taxes different from assessments and, if approved, it could make it difficult to raise assessments.

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

- **Monthly Engineer’s Report**

Mr. Rubio had nothing further to report.

Mr. Morera asked about the calculations in excavating and using the fill for Phase 1C, which resulted in additional charges of \$1,200, rather than a reduction in costs, since the dirt excavated was then used as fill. Mr. Rubio stated he addressed the permit fee with the County but was told the District needed to pay those costs.

C. District Engineering Consultant: *John McKune*

Mr. McKune stated he understood the Board’s concerns regarding the bridge issue but their job is to do the best they can of estimating a cost and, to do that, they must know what work has to be done. As Mr. Selchan stated, he would also be watching the dollars and not do anything more than necessary; everyone would know what is necessary to get the job done, in completed form; however, they do not know what is necessary to build it, because they are at the mercy of the walls. The contractor did not know what they needed until they were able to do the work and it may change from one side of the bridge to the other. It was good to have a little cushion. Both Mr. Selchan and Mr. Rubio would ensure the contractor does not do anything that is not necessary. There were a lot of unknowns.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan welcomed Mr. Prudhomme back to the Board. While trying to complete the project in the dry season the District receive 4” of rain, over the last two months, which raised water levels in the West Basin; however, it was not necessary to pump any water and the levels were slowly decreasing. Daily operations continued, as usual, with no unforeseen problems.

Since Mr. Hollweg, was retiring, Ms. Cerbone was directed to prepare a letter of appreciation, on behalf of the Board, acknowledging his years of service. The Board would sign and have it presented to him in a matted frame.

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

- **NEXT MEETING DATE: April 10, 2019 at 6:30 P.M.**

The next meeting will be held on April 10, 2019 at 6:30 p.m., and will begin with a Shade Session.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 8:46 p.m.



Secretary/Assistant Secretary



President/Vice President