

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on April 10, 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 |
| John Tornincasa  | Secretary      |

**Also present were:**

|                 |                                   |
|-----------------|-----------------------------------|
| Cindy Cerbone   | District Manager                  |
| Lisa Dao        | Wrathell, Hunt and Associates LLC |
| 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               |
| Dan Clark       | Resident                          |
| Stephanie Clark | Resident                          |

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Morera called the meeting to order at 6:45 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.

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

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

Mr. Dan Clark, a resident, expressed his concerns regarding flooding in his community and stated the following:

- He has lived in Coral Springs since the 1970s.
- The previous Developer was advised, by the South Florida Water Management District (SFWMD), to build retention ponds, outfalls and a canal, which was not done.
- The District and the City provided the Developer with variances to build on what was retention area and three homes were constructed, along with a smaller, inadequate retention area.
- The biggest problem was the properties were elevated 3' and all the water runs through the drainage system.
- During the development stage, there were a number of turbidity issues, silt was not controlled and the Developer was non-compliant.
- Currently, the drainage system is filled with dirt and the outfall has a pile of dirt, causing flooding and trouble exiting the community whenever it rains heavily.
- Regarding the West Outfall Canal Project (WOFC), Mr. Clark noted that there seems to be no sense of urgency in completing the work, which was troubling as the rainy season was fast approaching.
- The District should look into cleaning out the canal and getting rid of the holly.

Mr. Clark asked if the "District Permit Criteria" listed on the agenda was related to obtaining new construction permits in the City or if it involved the District doing work in its own systems. Ms. Cerbone replied, "Only within the Sunshine Water Control District (SWCD) and only related to fences."

**FOURTH ORDER OF BUSINESS**

**Recess Regular Meeting/Commencement of Executive Session**

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, recessing the Regular Meeting at approximately 6:54 p.m., and commencing the Executive Session, was approved.**

**FIFTH ORDER OF BUSINESS**

**Termination of Executive Session/Reconvene Regular Meeting**

The Executive Session adjourned at 7:57 p.m., and the Regular Meeting reconvened at 8:04 p.m.

**SIXTH 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.)*

This item was addressed following the Third Order of Business.

**SEVENTH ORDER OF BUSINESS**

**Update: West Outfall Canal (WOFC) Project - Construction**

Mr. Rubio and Mr. Maguire reported the following:

- The excavation on Phase 1B was nearly completed; the irrigation systems were installed and the area was being sodded and watered.
- Pay application #5 was reviewed, approved and forwarded to Management for processing.
- Phase 1C canal work was 60% completed.
- To date, 8,400 cubic yards of debris had been hauled to the alternate site, for a net savings of \$227,976.00.

Regarding the Coral Springs Bridge, Craig A. Smith & Associates (CAS) encountered unforeseen conditions that required some re-evaluation of how to build the planned cross-section for the bridge. CAS consulted with geotech companies, Broward County and a structural engineer to provide an opinion on the design bottom elevation for the stability of the bridge and to refer this to a specialty contractor that can evaluate the situation to determine how to remedy it and create a safe working condition for the contractor to install the gabion system. It became apparent that the solution was for CAS to have designed a system to hold back the dirt on the top part of the bridge so the crews could work underneath it without it falling on top of them but this would have required a lot of design and planning and there was not enough time to accomplish it before the wet season; it was too great of a risk. As a team, CAS decided that, in lieu of the original design section, an alternate section should be completed. It would not be as hydraulically sound as the planned, original section but would be an improvement over the current scenario. A change order was necessary for the change in

project scope, for a contractor to remove the gabion system and install a stabilized system on the bridge, as the best available option, as the wet season was fast approaching. CAS coordinated with a contractor and considered two options to rectify the situation; rock riprap or sand cement bags and, since the riprap was more cost-effective, it was the chosen method. The change order would result in a net decrease in project costs for the alternate bridge section. Based on the current situation, this was the best available option to complete the job prior to the end of May.

Mr. Tornincasa commented that, although it was a change of scope price reduction, it was still an increase over the original cost. Mr. Rubio stated the \$255,000 gabion system would be cancelled and replaced with the riprap method, which would cost approximately \$143,500. As to the effectiveness of the riprap method, Mr. Rubio stated it would be a permanent, stabilized solution and, although it was not the same hydraulic opening that was previously planned, it was much better than the existing section. Mr. Tornincasa asked how much difference there would be in the open area. Mr. Rubio stated, at elevation 7½, the District's controlled water level, the open area in the gabion system would be 423 square feet and the riprap method would be 297 square feet, which would be a reduction of 30% but with a 44% improvement over the existing section. Mr. Maguire stated that, although the solution was not ideal, it was better than what is there; the project must proceed because the contractor cannot work while the bridge is up in the air and there are a lot of costs associated with the contractor not being able to work on the project. CAS had to find the best solution for the current situation, which, first and foremost, was the integrity of the area under the bridge and, secondly, completion of the project prior to the start of the rainy season.

Mr. Morera expressed his disappointment in CAS's performance and stated that it was unfortunate that the project must be re-configured and a "band-aid remedy" was now necessary because of the time constraints and forthcoming weather conditions. Discussion ensued regarding the bridge, Phase 1C, installing riprap and flooding.

Mr. Maguire reported that, with the exception of one resident in Phase 1C, everything went smoothly and 98% of the residents were very happy. There was one complaint about a pump, which would be referred to the irrigation expert for resolution.

Mr. Malefatto asked about the change order. Ms. Cerbone stated, since the District Engineer presented a recap of the project and there was a plan change in the bridge area, it

was necessary to formally present a change order and obtain Board approval. Mr. Rubio stated that the change order involves eliminating bid items 15 and 16, which involves the gabion system for \$255,806.65, and adding the riprap section for \$143,500 and an irrigation pump of \$1,200, for a total of \$144,700. Mr. Morera asked about the irrigation pump. Mr. Maguire stated that CAS bought and replaced two pumps and 30 sprinkler heads for residents.

**On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the Change Order, in a net amount of \$111,106.65, was approved.**

**Mr. Sirchio left the meeting.**

**EIGHTH 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 (deferred from April 1, 2019 Regular Meeting)**

This item was deferred to a future meeting.

**NINTH ORDER OF BUSINESS**

**Discussion: Draft Update to Sunshine Water Control District Permit Criteria Manual**

Ms. Cerbone recalled that, two meetings ago, she informed the Board about a situation that she and Mr. Selchan periodically encountered with some requests to install a fence on or within the property line. In order to obtain a permit from the City, a Letter of No Objection (LONO) issued by the District is needed. In researching the properties, Staff typically finds that one in five have encroachments on the right-of-way (ROW). Staff thought it would be helpful to withhold the LONO until the ROWs are cleared. Once residents began asking the District to execute an obstruction removal agreement at the District's costs, as a one-time option, the Board directed Management to draft a document and present it at the next meeting. On Page 14 of the Permit Criteria Manual, a "Letter of No Objection (LONO) for Non Right-of-Way Fence Requests" paragraph was added, which addresses an individual that wants to obtain a letter for a permit but has obstructions in the ROW. In response to Mr. Morera's question regarding

available budget funds, Ms. Cerbone stated, based on the District’s reserves, she felt comfortable that the District could absorb the ROW obstruction removal costs. Mr. Selchan stated that obstruction removal could get costly but it was at the will of the Board. When the funds are exhausted, the requester could be informed that they were too late and that the funds for that program were exhausted and they should be urged to re-apply another time or remove the obstructions at their own expense. Mr. Malefatto suggested adding “subject to budget availability” in that section of the manual.

**The meeting recessed at 8:37 p.m.**

**The meeting reconvened at approximately 8:38 p.m.**

Discussion ensued regarding the City, LONO requirements and clearing the ROW. Mr. Selchan stated this was a useful tool for getting rid of obstructions and binds the homeowner to an agreement where the District no longer has to worry about obstruction removal in an area. Ms. Cerbone stated, if the Board was interested in approving the Manual modification, she would add a third clause that states, “Removal by the District, subject to budget availability.”

**On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, authorizing Staff to modify the Permit Criteria Manual to include a section regarding a Letter of No Objection for non-ROW fence requests, as discussed, subject to budget availability, was approved.**

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2019**

Ms. Cerbone presented the Unaudited Financial Statements as of February 28, 2019.

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of February 28, 2019, was accepted.**

**ELEVENTH ORDER OF BUSINESS**

**Approval of Minutes**

Ms. Cerbone presented the minutes of the March 13, 2019 Landowners’ Meeting and the March 13, 2019 Regular Meeting. Edits were previously submitted to Management.

**A. March 13, 2019 Landowners' Meeting**

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

**B. March 13, 2019 Regular Meeting**

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

**TWELFTH ORDER OF BUSINESS**

**Public Comments**

Mr. Morera asked if the second public comment section on the agenda was new. Ms. Cerbone stated that most of Management's agendas have public comments at the beginning and at the end of each meeting. She asked Mr. Malefatto to determine if the District should have two public comment sections or if one was sufficient. Discussion ensued. The consensus was to leave the item as is, as an effective way to hear from the public.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Communications**

Mr. Prudhomme suggested holding next month's meeting at the La Quinta Inn due to the bug issue in the current meeting location. La Quinta is a good option; it would be a more comfortable meeting space and is located within the District.

Ms. Cerbone stated, initially, it was challenging for her to prepare the room for the meetings and, since she did not want to suffer an injury, she enlisted the help of one of Mr. Selchan's crewmen to help her set up. The La Quinta Staff would provide everything for the meetings and set up the meeting room. La Quinta's rental fee would be \$200 per meeting and there would be 12 meetings per year. Per Mr. Prudhomme's suggestion, Ms. Cerbone would try to negotiate a lower rental fee and provide an update at the next meeting.

Mr. Tornincasa stated that he was appreciative of Mr. Rubio's efforts regarding the WOFC project, despite the unforeseen bridge issues and certain things cannot be avoided.

Mr. Morera stated that the 13<sup>th</sup> Annual WorldFest event, held on March 31<sup>st</sup> was a success, with over 4,500 attendees. The next event would be a National Day of Prayer, at Coral Springs Charter School.

In response to Mr. Morera’s request for a FEMA update, Ms. Cerbone stated everything was submitted. Management was waiting for the funds to be obligated and, once obligated, the onus would be on the consultant and herself to sign off on certain documents and submit them to Tallahassee; Management should receive a check four to six weeks after that.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Malefatto provided the following update:

- **Consideration of Easement for Coral Springs Hebrew Congregation, Inc.**

**This item, previously part of Item 14B, was presented out of order.**

Referring to the Consideration of Easement for Coral Springs Hebrew Congregation Inc., Mr. Malefatto distributed an aerial photograph of the area where the easement is proposed. During refinancing of the Temple, it was revealed in the title that the sale of the school is up and part of the congregation’s parking lot was paved over the District’s ROW, so an easement was being requested. Staff responded that it would entertain the request for easement but, in return, the ROW should be cleared of vegetation consistent with a prior discussion; the Temple was informed of Option 2 in the Permit Criteria Manual. They agreed to that option. This was consistent with previous actions. Mr. Selchan stated that the only thing left out was the language in the agreement also covers the paved area and culvert, which serves the Temple and not the District; they would be locked into maintaining the paved and the culvert areas going forward. There was no such agreement in place prior to this, which is very important. Mr. Malefatto pointed out that, in the second paragraph of the easement, the Grantee, which is Temple Beth Orr, agrees to maintain the area; this clause was included in both the Easement and the Obstruction Removal Agreement. Mr. Morera stated that he was under the impression that the easement was offered to homeowners only and not non-profit organizations or businesses. He believed that there should be a mutual expenditure of both parties as the Temple is not devoid of funds and this action could result in other businesses, in worse condition than the Temple, asking the Board to clear their canal banks and signing a waiver.

Discussion ensued regarding offering obstruction removal to residential versus commercial applicants, current documents, amending Option 2, stormwater management, the bidding process and splitting the costs with the Temple. In response to a question, Mr. Selchan stated the work would probably cost about \$4,000. Mr. Malefatto suggested voting on another motion saying, contingent upon their agreeing to pay 50%, the Board would have approved the easement. The easement could be signed tonight and be held in escrow pending the Temple's agreement to pay 50%.

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, to split the cost of obstruction removal with the applicant 50%/50%, was approved.**

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, offering the easement if the applicant agrees to pay 50% of the obstruction removal costs, was approved.**

Mr. Malefatto reported the following legislative report:

- The bill that was previously discussed that would change the method of voting within the SWCD and other Districts within Coral Springs is stuck in committee and not likely to go forward.
- The legislation that would consider all assessments to be taxes is moving through albeit slowly. There are discussions that this change would only apply in jurisdictions with ad valorem taxing authority, meaning mostly cities and counties.

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

- **Monthly Engineer's Report**
  - **Discussion: Permit 2016-06, Sawgrass Place North**

CAS recommended extending the permit for one year from today, as requested by the project engineer.

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, extending Permit 2016-06 for Sawgrass Place North for an additional 12 months, was approved.**

- **Permit Application: Golden Nest Properties, LLC – Residential Triplex, 11571 N.W. 36<sup>th</sup> Street**

This is a ROW permit submittal for Golden Nest Properties to develop a lot located at 11571 N.W. 36<sup>th</sup> Street for a multi-family development. CAS conducted a site visit. No tree removal was required and there was no work needed; the drainage pipe would go across the District’s ROW and the District would only be granting a ROW permit for the stormwater system.

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the Permit Application for Golden Nest Properties, LLC – Residential Triplex, 11571 N.W. 36<sup>th</sup> Street, was approved.**

- **Consideration of Easement for Coral Springs Hebrew Congregation, Inc.**

This item was addressed during Item 14A.

Mr. Morera stated that his Engineering concerns were a simple direction to Mr. Rubio and he wanted to make it clear that there was no loss of confidence in Mr. Rubio’s ability and expertise.

**C. District Engineering Consultant: *John McKune***

Mr. McKune stated that he planned to speak about Pump Station #2 and when the District could commence making some changes but would first confer with Management, as it involved funding, timing and IBI Group.

**D. District Field Supervisor: *Cory Selchan***

Mr. Selchan reported the following:

- The District received nearly 3” of rainfall since the last meeting.
- The Board previously approved a temporary pump, and, on the day that it was installed, the water level was 7.72 but, as of today, it was 6.48; the water level decreased by 1½’.
- The District was recharging the City’s well field because it was pumping that into the East Basin, where water was needed.
- The pump is located behind the animal hospital on University Drive, south of Royal Palm Boulevard and runs 24 hours per day.

Ms. Cerbone stated that the expenses for running the pump would go under “Capital outlay.” Mr. Selchan stated, for Mr. Tornincasa’s information, when the ROWs are under

construction, a trash bond is obtained so that, if any construction materials or trash are placed in the canal, the District has leverage over the property owner to maintain it.

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

Ms. Cerbone stated that she would contact the City regarding the meeting location and, if the City does not assure her that the bug issue has been resolved, she would reserve a meeting room at the La Quinta and advise of the change in the meeting location.

- **NEXT MEETING DATE: May 8, 2019 at 6:30 P.M.**

The next meeting will be held on May 8, 2019 at 6:30 p.m.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned at 9:33 p.m.

  
Secretary/Assistant Secretary

  
President/Vice President