

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on February 8, 2023 at 6:30 p.m., at Sartory Hall, 10150 NW 29 St., Coral Springs, Florida 33065.

Present were:

Joe Morera	President
Ivan Ortiz	Vice President

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Steve Smith	Craig A. Smith & Associates (CAS)
Cory Selchan	Field Superintendent
Tom Mullins	Radise
Mark Sirchio	Rio-Bak Corporation (RBC)
Tommy King	Rio-Bak Corporation (RBC)
Carol Smith	Resident
Richard Smith	Resident

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Roll Call

Supervisors Morera and Ortiz were present. Supervisor Khouri was not present.

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.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2022

Ms. Sanchez presented the Unaudited Financial Statements as of December 31, 2022.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of December 31, 2022, were accepted.

SIXTH ORDER OF BUSINESS

Approval of January 11, 2023 Regular Meeting Minutes

Mr. Morera presented the January 11, 2023 Regular Meeting Minutes.

An edit previously submitted to Management by District Counsel is reflected in the minutes included in the agenda.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the January 11, 2023 Regular Meeting Minutes, as presented, were approved.

SEVENTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Ortiz wished everyone a Happy Valentine's Day.

Mr. Morera echoed Mr. Ortiz's good wishes and stated it would be a mixed day, as it marks the five-year anniversary of the tragedy at Marjory Stoneman Douglas (MSD) High School and the community will be scarred for a long, long time to come. The City is working on building an MSD monument near the golf course at Heron Bay; the project is in the early stages and will hopefully receive enough funding to complete it.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Lewis, Longman & Walker, P.A.***• Update: Notice of Intent to Seek Legislation**

Mr. Malefatto stated his firm was retained to draft and submit a bill to reinstate the SWCD because of legislation passed last year calling for certain Districts to sunset as of June 1, 2023. The Governor called a special legislative session, for this week, to address the District's bill and several other affected Districts and most specifically, the Reedy Creek Improvement District that covers Disney World. Mr. Malefatto, Mr. Lyon and Mr. Morera attended a recent Broward County Legislation Delegation meeting where the SWCD's bill gained support and moved on to be considered by the Government Affairs Committee earlier today, which is a bipartisan Committee. The bill was introduced by Representative Daly and approved unanimously. It will be considered by the full House of Representatives tomorrow, and the State Senate on Friday. If the bill is approved by both houses, it will go to the Governor for signature. The SWCD's bill is in good shape, as there has been no objection or criticism, thus far.

Mr. Morera asked Mr. Malefatto to relay his and the Board's gratitude to Mr. Lyon and Representative Daly for their work on this in Tallahassee.

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

Mr. Rubio presented the February Report and highlighted the following:

- At a recent field meeting, a project change order (CO) from Rio-Bak (RBC) was presented for the Pump Station 1 (PS1). Mr. Mullins is present to answer any questions about the Change Order. The CO is \$704,290.
- The bulk of the work is the revetment system.
- To date, the work completed for the Phase 2B Outfall Canal totals \$2.2 million. This work, upon completion, will bring the final contract price to \$2.9 million.

Mr. Rubio and Mr. Smith responded to questions about the timing of the electrical repairs and canal work, the RBC Change Order, fabri-form revetment, sheet pilings, dewatering process and riprap removal and disposal.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the Rio-Bak Change Order for project 21-2182, in the amount of \$704,290, was approved.

Mr. Rubio presented a proposal from Radise International for structural engineering services during construction.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the Radise International PS1 Fee proposal, in a not-to-exceed amount of \$5,436, was approved.

- **Discussion: FDOT License to Enter District Property for Enhancement**

Mr. Rubio presented a License Request from the Florida Department of Transportation (FDOT) for esthetic improvements on Sample Road, near Riverside Drive.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the License Request from the FDOT, Federal Project ID 4461941, was approved.

Following discussions with team members as recommended by the Board to obtain clarification, Mr. Rubio brought back for discussion, Radise International's presentation the matter pertaining to the work performed under Riverside Drive Bridge.

Referencing slides, Mr. Tom Mullins, of Radise International, stated the additional excavation at the Riverside Bridge deepened the canal under the bridge, decreased the cross-sectional areas and lowered the canal flow, resulting in some improvement in the flow characteristics, such as slowing down the flow and a potential reduction of erosion. Unfortunately, the excavation appears to have created nearly vertical slopes on the side of the canal. The difficulty with that is that, the steeper the slope embankments, the greater the potential for sloughing and sliding of that area. Because of the increase of verticality of that slope, there is a concern that there could be some long-term sloughing.

The following options for the board to consider were presented:

- Option 1: Do nothing and see how it performs. The risk is higher simply because it is an increased vertical slope and, if it does slough, the sloughing will undermine the footing close to the footing of the canal. Should some sloughing occur, the South Florida Water Management District (SFWMD) would have to make repairs and Broward County might shut it down.
- Option 2: Radise can line the bottom of the canal with fibra-form and fill it with concrete, which will provide erosion protection in the canal. This is considered an average risk option. The cost is \$160,000.
- Option 3: The least risky option involves removing the vertical slope, which requires cutting a portion of the apron and maybe the entire footing, cutting the slope back and installing a fabri-form covering over the slope and making improvements that increase the stability. This option would remove the potential for sloughing of the slope. This approach will require Staff to prepare graph drawings representing the conditions and submit them to Broward County for review and comments.

Mr. Selchan favored the option to do nothing, as he did not think the bridge will fall. In his opinion, it does not make sense for the District to correct a problem that it did not create and Options 2 and 3 would not serve any benefit to the operation of the District.

Discussion ensued regarding which option to employ, bridge safety, sloughing, the footing, potential for litigation, Broward County, material costs and bridge replacement. Mr. Smith is on record that in accordance with the opinion of Radise International, no guarantees can be made that the material will not slough off and that solutions were presented by Radise International and cannot ascertain when it will happen or not. Mr. Smith ascertained that CAS's recommended that the district move forward with Option 2.

Mr. Ortiz thought the best approach might be to do nothing at this point and revisit this in four or five years.

Mr. Malefatto stated, from a legal perspective, he would engage with RBC to see if they can fix the perceived problem. If a liability were to occur, the District would likely not escape the liability.

Mr. Morera stated he does not want to reject Mr. Mullins' recommendation outright; however, based on the discussion, there is not an urgent safety concern.

A decision was to take no action until the PS1 project is completed and to keep this item on the agenda.

C. District Engineering Consultant: *John McKune*

There was no report.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan reported the following:

- The average annual rainfall in the District is 67" to 69" and, in 2022, it was 79", which is unusual.
- The District received 2.8" of rain in January and, this past weekend, received that amount in one day.
- One resident in The Clusters refused to remove obstructions around his home but would like the District to remove part of an overgrown Australian pine tree on his property.

Discussion ensued regarding whether the tree is in the District right-of-way (ROW), the homeowner's position, safety concerns and the District's policy to remove all materials free of charge to the resident.

Mr. Morera stated, once the tree location is confirmed, the policy in place will be enforced and the resident has the option to accept or decline it. The District is not responsible for selective removal of a particular tree while not implementing the agreement that is already in place. Staff will offer the resident an Option 2 Agreement and proceed from there. The resident's emails to Management's office will be forwarded to Mr. Malefatto.

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

- **NEXT MEETING DATE: March 8, 2023 at 6:30 PM (*Landowners' Meeting and Regular Meeting*)**

Ms. Sanchez stated, regarding the Landowners' meeting, Mr. Ortiz's and Mr. Khouri's terms will be expiring.

Mr. Rubio will prepare a Landowners' Report for the next meeting.

○ **QUORUM CHECK**

The next meeting will be held on March 8, 2023.

NINTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the meeting adjourned at 8:02 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


President/Vice President