

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on April 12, 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
Carol Smith	Secretary

Also present were:

Jamie Sanchez	District Manager
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Steve Smith	Craig A. Smith & Associates (CAS)
Cory Selchan	Field Superintendent
Ron Foertmeyer	Current Connections
Mark Perry	Amera Downtown Development (Amera)
Michael Rejal	Amera Downtown Development (Amera)

FIRST ORDER OF BUSINESS

Call to Order

Ms. Sanchez called the meeting to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Roll Call

All Supervisors were 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

Administration of Oath of Office to Newly Elected Supervisors (the following to be provided under a separate cover)

Ms. Sanchez stated the Oath of Office was administered to Ms. Carol Smith prior to the meeting commencing. She provided and briefly reviewed 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**

Ms. Sanchez explained third-party communications, note-taking, District email address, conflicts of interests, Supervisor compensation and health insurance.

- **Amera Corporation Appraisal**
- **City Village Project Special Exception Application**

These items, previously Items 11AI and IIAII, were presented out of order.

Mr. Malefatto distributed an aerial photograph and purchase contract and noted the following:

- Amera is re-developing the former City Hall site and, as a part of that, would like to acquire a portion of the right-of-way (ROW) or easement along the west side of the property.
- The property was appraised at \$100,000, or \$5 per square foot.
- Mr. Mark Perry, Counsel for Amera, prepared the contract to purchase the property.
- Staff reviewed the contract for \$100,000 and Amera is paying all costs including the District’s legal fees for the transaction.
- The acceptance date of the contract is April 14, 2023 but it can be extended if needed.
- If the Board is amenable, the transaction can be approved and a \$10,000 down payment would be held in escrow, with \$90,000 paid to the District at closing.

Discussion ensued regarding the sale of the parcel, ROW application, use of the property for drainage purposes and a special exception approval letter executed by Mr. Morera.

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, the sale of the easement on the west side of the former City Hall site to Amera Downtown Development for \$100,000, and authorizing District Counsel to finalize the Agreement with Amera, was approved.

- **District Engineer Staff Report**

This item, previously Item 11B, was presented out of order.

Mr. Smith stated Current Connections Inc. (CCI), the District's electrical contractor, is retro-fitting the electrical equipment in both pump stations. Mr. Rubio presented a change order and stated the electrical work at Pump Station 1 (PS1) is almost complete and the current focus is on Pump Station 2 (PS2), starting with the slab for the concrete fuel tank. Delivery of the new fuel tank will be in June. Since it is not advisable to wait that long, purchasing a temporary fuel tank is recommended, along with presenting CCI with a change order to install the temporary fuel tank to connect to the new generator and to remove the connection once the permanent tank is delivered. As simultaneous work was done with another contractor at PS1, Staff was able to obtain a credit from CCI for a bypass pumping included in the change order for \$33,585. The cost to complete the connection to the temporary fuel tank is \$59,295; the net increase in the change order is \$25,710. Mr. Smith stated the change order is necessary and the installation time period is one month.

Mr. Smith and Mr. Rubio responded to questions about what caused the fuel tank delivery delay, the generator, timeliness, penalties, scope of the change order and warranties.

Mr. Morera felt that the District should have a safety mechanism built into vendor contracts. Mr. Malefatto stated that can be negotiated if the vendor is amenable.

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, the change order for a temporary fuel tank, in a not-to-exceed amount of \$25,710, was approved.

- **Presentation: Monthly Engineer's Report**

This item, previously Item 11BI, was presented out of order.

Mr. Rubio presented the Monthly Engineer's Report and discussed the electrical repairs at PS1 and PS2, West Outfall Canal Phase 2B improvements and work at PS1.

- **Permit Applications(s)**

This item, previously Item 11BII, was presented out of order.

- CJC Capital, LLC [Ladybird Academy] Permit 2022-14 Extension Request

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, extension of CJC Capital, LLC [Ladybird Academy] Permit No. 2022-14 for 180 days, for the development of an institutional facility adjacent to canal "L" and subsequent canal de-mucking work, was approved.

- Foundry Commercial Acquisition – Access Roads to Canal RR

This item was an addition to the agenda.

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, CAS Project No. 08-23-023 (18-1826-P36), submitted by Langan Engineering on behalf of Foundry Commercial Acquisition, LLC for construction of two roads with associated drainage north of Canal RR on a City parcel to allow access to the previously approved culverting of the canal and canal demucking performed with the installation of stormwater outfall headwall, subject to the Special Conditions in the April 10, 2023 recommendation letter, was approved.

SIXTH ORDER OF BUSINESS

Update: ROW Communications

Ms. Sanchez recalled discussion at the previous meeting about sending a second letter to six residences with ongoing ROW violations. Letters were mailed to the homeowners, who were given until April 18, 2023 to remove the obstructions. Mr. Selchan stated there is no indication that the homeowners took any action. He believes they are not going to do anything.

In response to Mr. Morera’s question, Ms. Sanchez stated the letters were sent via FedEx, with signatures required and proofs of receipt. Mr. Morera asked Management to notify the City that a second notice was sent to the homeowners.

Discussion ensued regarding the next steps if no action is taken by April 18, 2023, litigation, collecting legal fees, District removal of the obstructions and recouping costs.

Mr. Morera asked Staff to determine which option to take and stated the District cannot ignore violations of the ROW, especially when proper steps were taken to notify homeowners.

SEVENTH ORDER OF BUSINESS

Discussion: District Access at 9725 NW 36 Manor

Referencing photographs, Ms. Selchan reported that a resident wants to install a hedge around his property but it would block District access. In an effort to work with the District, the resident is asking the District to install a wooden gate and he will then install clusia hedges around his home for privacy. Mr. Selchan informed the resident that he would present the request to the Board. If the Board is amenable to installing a gate, as requested, it could be done without “improving” private property because there is a public ROW along the roadway and the posts could be set just off the property. There is no other easy access along this canal. He reiterated the resident wants the District to install a wooden gate in the ROW and he will then install hedges all around it and the District will still have access.

Discussion ensued regarding the homeowner, the District’s options, gate installation costs, obtaining pricing, how District access will be impacted if and when the property is sold and if an agreement can be executed.

Mr. Morera felt that, from the economic standpoint and ease of work, the gate would be the most efficient way to resolve the matter. Mr. Selchan will obtain quotes for the next meeting. This item will be included on the next agenda.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023

On MOTION by Ms. Smith and seconded by Mr. Ortiz, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.

NINTH ORDER OF BUSINESS

Approval Minutes

A. March 8, 2023 Landowners’ Meeting

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, the March 8, 2023 Landowners’ Meeting Minutes, as presented, were approved.

B. March 8, 2023 Regular Meeting

Ms. Sanchez stated Staff received Mr. Malefatto’s edits, which were made and included in the version in the signature folder. The following changes were made:

Line 194: Delete “\$5,000”

Line 154: Insert “to re-establish the District” after “proposed”

Line 158: Change “wishes to purchase” to “is redeveloping”

Line 159: Change “and a drainage” to “and wishes to purchase a drainage”

On MOTION by Mr. Ortiz and seconded by Ms. Smith, with all in favor, the March 8, 2023 Regular Meeting Minutes, as amended and to incorporate changes submitted to Management by District Counsel, were approved.

TENTH ORDER OF BUSINESS

Supervisors’ Communications

Mr. Ortiz welcomed Supervisor Smith to the Board and hoped everyone had a wonderful and blessed Passover and Easter.

Mr. Morera echoed Mr. Ortiz’s good wishes and stated the Governor signed the bill to reinstate the District. He thanked Staff for their hard work and dedication.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

I. Amera Corporation Appraisal

II. City Village Project Special Exception Application

These items were addressed following the Fifth Order of Business.

Mr. Malefatto welcomed Supervisor Smith to the Board. He recalled it was noted at a previous meeting that the House and the Senate approved the bill reinstating the Sunshine Water Control District (SWCD), which would have expired on June 1, 2023. The Governor signed the new bill re-establishing the District as of May 31, 2023.

Mr. Malefatto distributed and discussed bills that will impact Water Control and Special Districts, as follows:

- House Bill 199 involves ethics requirements for officers and employees of Special Taxing Districts. On January 1, 2024, SWCD Supervisors and Staff must complete four hours of ethics training by taking an ethics education course and verifying attendance.

Mr. Malefatto responded to questions about the compliance time period, online ethics classes, Florida Association of Special District (FASD) and who proposed the bill.

- CSHB-3267 prohibits dumping of litter/waste materials into District canals.

Discussion ensued regarding the bill, illegal dumping, enforcement, signage on District canals, best practices and an upcoming South Florida Water Management District (SFWMD) workshop on illegal dumping and canal debris.

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

I. Presentation: Monthly Engineer’s Report

II. Permit Applications(s)

- **CJC Capital, LLC [Ladybird Academy] Permit 2022-14 Extension Request**

These items were presented following the Fifth Order of Business.

C. District Engineering Consultant: *John McKune*

There was no report.

Discussion ensued regarding the Broward County Property Appraiser incorrectly assessing certain parcels and reimbursing the District.

D. District Field Supervisor: *Cory Selchan*

Mr. Selchan reported the following:

- The District received 1.1” of rain prior to today.
- There were several complaints about the low water levels.
- The pump station projects are progressing well.

Mr. Selchan would obtain pricing to de-muck an area and enter into a cost-share agreement with the City.

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

- **NEXT MEETING DATE: May 10, 2023 at 6:30 PM [Presentation of Fiscal Year 2024 Budget]**
 - **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Public Comments

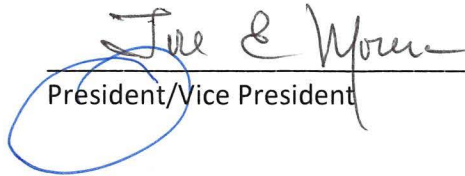
No members of the public spoke.

THIRTEENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 8:30 p.m.


Secretary/Assistant Secretary


President/Vice President