SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING

AGENDA

THURSDAY, FEBRUARY 28, 2013 AT 8:00 A.M.

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

02. PUBLIC COMMENT

03. APPROVAL OF JANUARY 31, 2013 SOUTH BROWARD DRAINAGE DISTRICT (SBDD) BOARD OF COMMISSIONERS MEETING MINUTES

04. DIRECTOR'S REPORT

    A. APPROVAL OF ANNUAL FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012
    B. AWARD CONTRACTS:
        1. SBDD HOMELAND SECURITY OUTFALL CULVERT RELOCATION PROJECT LOCATED IN PEMBROKE PINES, FL
        2. SBDD HOLLYBROOK OUTFALL CULVERT REPAIR PROJECT LOCATED IN PEMBROKE PINES, FL
    C. RELEASE AND VACATION OF A PORTION OF A SBDD CANAL RESERVATION IN SOUTHWEST RANCHES, FL
    D. RELEASE AND VACATION OF SBDD DRAINAGE EASEMENTS IN COUNTRY LAKES N.W. QUADRANT
    E. OTHER

05. ATTORNEY'S REPORT:

06. APPROVAL OF LEGAL BILLS

07. BOARD MEMBERS QUESTIONS/COMMENTS

08. OTHER

09. MEETINGS:

    A. NEXT REGULAR BOARD MEETING WILL BE HELD ON **THURSDAY, MARCH 28TH AT 8:00 A.M.**

10. ADJOURNMENT

****

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING/MEETING MAY NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY WISH TO INSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD IS TO BE USED FOR TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED.

IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS W/DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE DISTRICT AT (954) 680-3337 AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS FOR ASSISTANCE.

SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
FEBRUARY 28, 2013

Present:

Scott Hodges, Chairperson
James Ryan, Vice Chairperson
Vicki Minnaugh, Treasurer
Robert E. Goggin, IV, Secretary
Alanna Mersinger, Commissioner
Mercedes Santana-Woodall, Commissioner
Thomas Good, Commissioner

Kevin M. Hart, District Director
Douglas R. Bell, Legal Counsel
Reina Muniz, Recording Secretary
General Public: See Attached List

Absent:

---

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Meeting called to order at 8:06 A.M., followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

Mr. Robert MacFarlane, resident of the Town of SWR, requested that the District waive its assessment fee on properties owned by 100% disabled veterans. He said there are only seven (7) properties owned by permanent and totally disabled veterans in the Town of SWR, and that the Town has waived its non-advalorem assessments on these properties.

Commissioner Minnaugh said she is in favor of waiving the fees, and would like District Director Hart to do research regarding all veterans that are 100% disabled related to their military services within the District's boundaries, so that the Board may consider waiving the assessments and exempting their taxes paid to SBDD District-wide. She suggested that the Board add this item to the Agenda at the next Board meeting for further discussion. Chair Hodges said this matter is to be presented before the Board in the form of a Resolution at the next Board meeting. Commissioner Mersinger requested information on the total number of disabled veterans within the District's boundaries in order to have an idea on what the District will be looking at if they go District-wide on this matter.

03. APPROVAL OF MINUTES

Prior to the approval of the minutes, Commissioner Good noted the following changes:

- Item 5, on the topic of the variance request for the Montecino property, Commissioner Good stated that minutes should reflect "All electrical elements, with the exception of the conduit, has been removed from the dock, etc."

- In the 1st paragraph following the numbered items on the variance request, Commissioner Good

stated that the minutes should reflect that the requested variance is to allow a dock to "remain" and not to be constructed . . . .

Commissioner Minnaugh moved for approval of the January 31, 2013, South Broward Drainage District Board meeting minutes as corrected. Motion was seconded by Commissioner Goggin and it was carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. APPROVAL OF ANNUAL FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012

District Director Hart introduced Barry Fink, CPA, a partner with Margolies, Fink and Wichrowski, Certified Public Accounts (MFW), to present the final report of the SBDD Financial Statement for the Fiscal Year Ending September 30, 2012. Mr. Fink indicated that there were no changes made since the draft report was presented at the previous Board meeting of January 31, 2013.

Commissioner Minnaugh moved for approval of the Annual Financial Statement for the Fiscal Year ending September 30, 2012. Motion was seconded by Commissioner Goggin and it was carried unanimously.

B. RELEASE AND VACATION OF SBDD DRAINAGE EASEMENTS IN COUNTRY LAKES N.W. QUADRANT

Agenda item #4D was moved up on the agenda.

District Director Hart stated that South Broward Drainage District (SBDD) received a request to vacate the following SBDD Drainage Easements located within the Miramar Centre Business Park – Building B development:

1. A 30' Drainage Easement (DE) previously dedicated by separate instrument under OR Book 26332, Page 651, BCR.

2. A portion of the Drainage Easement previously dedicated by separate instrument under OR Book 41063, Page 200, BCR (Retention Areas D and E) .

The property is owned by Miramar Centre B, LLC.

As part of this request, the property owner will be dedicating a new Drainage Easement to SBDD to replace the vacated easements for the retention areas.

The reason for the request is to accommodate the proposed development plan for the property. SBDD has reviewed the proposed water management and drainage plan and has determined that the proposed plans meet SBDD Criteria.

SBDD staff has no objection to this vacation request.

There will be no financial impacts to this Agenda Item, other than SBDD administrative costs; all other costs will be incurred by the property owner.

Commissioner Minnaugh moved for approval to vacate the Drainage Easements located within the Miramar Centre Business Park – Building B development as presented by the District Director. Motion was seconded by Commissioner Goggin and it was carried unanimously.

C. AWARD CONTRACT

1. SBDD Homeland Security Outfall Culvert Relocation Project

District Director Hart stated that SBDD advertised for bids for the Homeland Security Outfall Culvert Relocation project in Pembroke Pines. They received a total of nine (9) bids. The bid amounts ranged in price from $70,060.00 to $143,935.00. The lowest bid received was submitted by Pierson, Inc. in the amount of $70,060.00. SBDD has reviewed the bid submitted by Pierson, Inc. and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. SBDD has checked references for Pierson, Inc. and all references were positive.

This project is part of the Settlement Agreement between 15500 Pines Boulevard Corporation and Pembroke Plaza Partners, LLC (Pembroke Plaza); Grand Palms Golf & Country Club (Grand Palms); and SBDD, which was ordered and adjudged on November 11, 2012.

The Settlement Agreement states in part that "the maximum exposure of the SBDD for the cost of construction of the Improvements shall not exceed $25,500.00".

The Settlement Agreement also states in part "if Pembroke Plaza agrees in writing, in its sole discretion, to be responsible for the amount of the lowest responsible bid price for constructing the Improvements in excess of $60,000.00, the SBDD shall be obligated to proceed with awarding the bid to said lowest, responsible bidder."

In accordance with the Settlement Agreement, District Director Hart recommended that the District award the contract for the Homeland Security Outfall Culvert Relocation project to Pierson, Inc. as the lowest, responsible bidder in the amount of $70,060.00, subject to the receipt of payment from Pembroke Plaza as outlined in Paragraph 15 of Settlement Agreement. This will complete the work required under the Settlement Agreement. Funding for this project will come from the SBDD Capital Improvement Committed Account.

Commissioner Minnaugh moved for approval to award the Homeland Security Outfall Culvert Relocation project to Pierson, Inc. for a not to exceed amount of $70,060.00; contingent upon all parties fulfilling Paragraph 15 of the Settlement Agreement. Motion was seconded by Commissioner Goggin.

District Director Hart said that the work should begin between May 1st and May 15th.

Commissioner Good asked for clarification on who has ultimate maintenance responsibility for the improvements. Attorney Bell clarified that the new owner of the Homeland Security property, NGP-V, will have ultimate responsibility to maintain the improvements.

The question was called and it was carried unanimously.

2. SBDD Hollybrook Outfall Culvert Repair Project

District Director Hart stated that SBDD advertised for bids for the Hollybrook Outfall Culvert

Repair project in Pembroke Pines. They received a total of three (3) bids. The bid amounts ranged in price from $74,550.00 to $186,370.00. The lowest bid received was submitted by Shenandoah General Construction Company (Shenandoah) in the amount of $74,550.00. SBDD has reviewed the bid submitted by Shenandoah and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. Shenandoah has performed similar work for SBDD in the past and the District has been satisfied with their work.

Repairs to the Hollybrook outfall culvert are included as part of the District's 2012-2013 Capital Improvement Plan (CIP). The budgeted amount under the CIP is $80,000. District Director Hart said that since this culvert also serves the City of Pembroke Pines as well as the District, the City has agreed to cost-share with the District in the amount of $24,000.00.

District Director Hart requested Board approval for the contract award of the SBDD Hollybrook Outfall Culvert Repair Project to Shenandoah General Construction Company in the amount of $74,550.00 as the lowest responsive, responsible bidder.

Funding for this project will come from the SBDD Capital Improvement Committed Account, and the City of Pembroke Pines has agreed to contribute $24,000 towards this project.

Commissioner Goggin moved for approval to award the SBDD Hollybrook Outfall Culvert Repair Project to Shenandoah General Construction Company in the amount of $74,550.00. Motion was seconded by Commissioner Minnaugh.

The work for this project is expected to begin towards the end of March, beginning April of this year.

Commissioner Mersinger had concerns on the type of response the District had from the community regarding the removal of the trees.

District Director Hart explained that the District has already received a permit from the City to remove the trees along the length of the culvert. Portions of the culvert are in the public right-of-way and therefore, require no approvals from property owners. However, on the trees within the easements, the District has coordinated with the property owners and have obtained their agreement to remove the trees. They have been very supportive and understanding of this, especially when the District showed the homeowners pictures of the extent of damage that the tree roots have caused. He said that the District has also coordinated with the HOA and property management company within the community, and made them aware of the work that will be taking place along the streets and within the right-of-way.

District Director Hart said that the City of Pembroke Pines is not requiring the District to do any tree replacements and have been very supportive of efforts by the District when it comes to drainage and trees that are causing damage to culverts, and in trying to protect the pipes.

Commissioner Good made the suggestion that pictures should be taken to show the process of the repair work from beginning to end. District Director Hart agreed.

Vice Chair Ryan asked District Director Hart if the District is held under the same standard that the City of Pembroke Pines has regarding a resident removing a tree and replacing it with two trees. District Director Hart replied no; since the tree removal work that is being done specifically impacts drainage, the District is not required to replace them on this particular

project.

The question was called and it was carried unanimously.

D. RELEASE AND VACATION OF A PORTION OF A SBDD CANAL RESERVATION IN SOUTHWEST RANCHES, FL

This item was pulled from the Agenda as it is no longer required. After further review by Attorney Bell, it was determined that the Canal Reservation in question was not recorded.

E. OTHER

1. Update on Capital Improvement Projects (CIP) for the current fiscal year

District Director Hart gave the Board an update on the District's CIP projects as follows:

- Upgrade of two water pump - Contract has been awarded and the project is currently under construction and going well.
- Project to rebuild the gear heads at the S-7 Pump Station in Miramar – Project is currently out to bid.
- Sluice gates at S-7 Pump Station – The construction drawings are complete (they were prepared in-house) and have been sent to SFWMD for permitting. The District has already received their first response letter from SFWMD and are confident they will be able to address the comments and obtain the permit. The District will then move forward with the construction and get the work done within the budget under the CIP.
- Hollybrook contract has just been awarded – Work is expected to begin within the next 30 to 60 days.
- Grand Palms Improvements – Contract has just been awarded and the work is expected to start by the beginning to middle of May.
- SWR Drainage Improvements – District Director Hart has had discussions with the Town Engineer regarding some of those improvements; preliminary sketches have been prepared. District Director Hart said that he will follow-up with the Town Engineer and will coordinate on their priorities and efforts as well.
- Remaining items are in the Preliminary research and design phase. He said that the District may postpone the pipeliner project on Johnson St. and Palm Avenue. District Director Hart said he has conferred with the City of Pembroke Pines on cost-sharing for this project, to see if it is possible to do this as a joint project, and if the City of Pembroke Pines can include it in their fiscal budget for next year.
- B-3 Improvements are 100% successfully complete.

2. *Article regarding taxing Districts* – District Director Hart commented on an article in the Sun-Sentinel regarding taxing districts and where the Sunshine Water Control District is having issues with the City of Coral Springs on tree removals. District Director Hart commented that Commissioner Mersinger alluded to this in her previous comments. District Director Hart commented that as far as SBDD, they will continue to work cooperatively with the cities.

3. *NatureScape Emerald Award* – District Director Hart stated that SBDD was selected by Broward County for the NatureScape Emerald Award. He said that the District was recognized for their efforts in water quality in the SWR area; and in implementing BMPs within the nursery businesses in Southwest Ranches; as well as improvements that were done on the District's property. A formal presentation will be held on March 9th at the Annual Broward Water Matters Day at Tree Tops Park.

4. Update on the Variance for Montecino property – District Director Hart updated the Board of Commissioners on the dock issue at the Montecino property. He said that the homeowner determined that the cost to raise the dock is not feasible for them; so they decided that it would be better for them to remove it.

   Discussion ensued among members of the Commission. After further review of the pictures of the dock/deck, the Board of Commissioners concluded that the construction seems to be superior to most dock/decks, and since the homeowner has an Engineer's certification that states the structure is solid, that perhaps this could be brought back for reconsideration.

   Commissioner Minnaugh made a motion to reconsider the variance for the Montecino property. Vice Chair Ryan seconded the motion and it was carried unanimously.

   Commissioner Minnaugh made a motion to approve the variance to allow the existing dock to remain approximately one (1) foot above the control water elevation with the condition that the platform and all electrical conduit is totally removed; and for the railing to be closed off; and when the title of the property is transferred out of both names, the entire dock/deck shall be totally removed including the concrete pillars in the water, or the homeowner will bring the dock/deck into total compliance. The homeowner is to pay 100% of all costs in getting this done, if agreed. Vice Chair Ryan seconded the motion.

   Commissioner Goggin had concerns regarding the removal of the electrical conduit/boxes. He had questions that if by removing the conduit/boxes from the tiki hut/dock/deck, this would jeopardize the integrity of the posts? District Director Hart replied that he does not see this as an issue.

   Attorney Bell suggested that the language should be worded that if the title is transferred out of either name, into a third party or subsequent property owner, then the dock/deck will be removed.

   The question was called and it was carried unanimously.

5. *FASD Annual Conference* – District Director Hart noted that this year's FASD Annual Conference will be held on June 10th thru June 14th at the Bonaventure Resort & Spa in Weston.

05. ATTORNEY'S REPORT:

Attorney Bell made mention of Senate Bill 538, which has a house companion and which Senator Ring has proposed. Attorney Bill said he spoke to Terry Lewis, FASD Attorney, and that Mr. Lewis indicated he does not see this Bill moving forward. Attorney Bell said that he will continue to follow this and will keep the Board apprised.

Attorney Bell indicated that Senate Bill 2 could possibly affect him, Commissioner Good, who works for the City of Miramar, and Commissioners working for the School Board. He said it is moving quite rapidly. He read Section 112-31-25 of the Bill and pointed out that depending on how this is interpreted, it could become a problem. He said that he will follow this Bill closely as well.

06. APPROVAL OF LEGAL FEES

Commissioner Minnaugh moved for approval of the legal bills. Motion was seconded by Commissioner Mersinger and it was carried unanimously.

07. BOARD MEMBER'S QUESTIONS/COMMENTS

Commissioner Santana-Woodall commented that a while back SBDD had a volunteer worker named Billy Moonen from West Broward High School. He is in his second or third year of college and he had such a good experience with SBDD that he decided to study engineering.

Chair Hodges mentioned that SBDD was well represented this past weekend at the Joe DiMaggio Tour de Broward by himself and District Director Hart.

District Director Hart commented that SBDD also hosted the Broward Leaders Water Academy meeting last month and the District was well represented.

08. MEETING DATE

A. The Next Regular Board Meeting will be held on **Thursday, March 28th at 8:00 a.m.**

Adjournment at 9:12 A.M.

Respectfully submitted,

Robert E. Goggin IV, Secretary
South Broward Drainage District

/rim