

## SOUTH BROWARD DRAINAGE DISTRICT

Management Committee

Meeting Minutes

December 6, 2005

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### **4:05 P.M. MANAGEMENT COMMITTEE MEETING CALLED TO ORDER.**

#### **PRESENT**

SBDD: President Tom Gill, Vice President Vicki Minnaugh, Secretary Jack McCluskey, Supervisor Scott Hodges, Supervisor John Eastman, Director Leo Schwartzberg, District Legal Counsel Douglas Bell, Recording Secretary Joann Long, CG&A Engineer Shahin Hekmat. Other: John Canada/SWR, Alex Marieja/Williams Paving Co., Bob Busch.

#### **PRESENTATIONS**

##### **13-A & 205 AVENUE CULVERT PROJECT**

At the November 17<sup>th</sup> Board meeting, Messrs. Eastman and Hodges had questions on the bids for the 13-A & 205 Avenue Culvert project. Therefore, Mr. Schwartzberg's recommendation to approve the low bid submitted by Williams Paving Co., Inc., in the amount of \$393,808, was tabled. Messrs. Eastman and Hodges have discussed the matter with Mr. Schwartzberg and are now satisfied to move forward with accepting Williams bid with the understanding that several possibilities will be pursued which could reduce the project cost. Mr. McCluskey moved for approval of Williams Paving Co., Inc.'s bid in the amount of \$393,808. Motion seconded by Mr. Hodges and carried by unanimous vote.

##### **SOUTHWEST RANCHES LEASE**

At the November 17<sup>th</sup> Board meeting, the Board agreed to not approve the SWR's lease-extension request unless the Town was amenable to including a provision whereby at the expiration of any new lease, the Town would procure a sponsor for deannexation of the District's property from the Town, move the request through the legislative process and be responsible for all costs incurred. SWR's legal counsel advised the Town would not enter into any agreement with such a provision. Therefore, there was no further discussion on the issue as the majority of the Board was adamant in its position. Mr. Canada affirmed that the Town Council also remains firm on their decision.

Mr. Schwartzberg asked if this item should be continued on the meeting agendas, and most felt that wasn't necessary. Mr. Eastman felt that the Town has legal rights and that the District should continue with negotiations to avoid any conflict at the termination of the current lease. After brief discussion, it was agreed that the item will be dropped from any future agendas but that Mr. Canada can come before the Board at any time should he wish to discuss the matter.

The question was raised that if SWR and the District don't come to terms on the lease issue, will it be difficult to get them to remove their facilities/property from the District's premises. While Mr. Eastman felt it would be, Mr. Bell was of the legal opinion it should not be difficult; and he explained how an eviction, if necessary, would work. It was agreed that Mr. Eastman is welcome to go before the SWR Council to explain how firmly the SBDD Board feels about this situation.

### **HURRICANE WILMA UPDATE**

(A) TREES/CULVERT CLEANING - Three tree-removal contracts have been let to date, and all should be completed within the next two weeks. There are three more contracts in process that total under \$30,000 which does not exceed the District's current bid threshold. Therefore, no Board action will be necessary for those. The contractor(s) is/are required to furnish proof of all required insurance coverages and to follow OSHA standards, and no monies are paid until all work is completed in a satisfactory manner. There will be three more tree contracts to be awarded next month and possibly a culvert-cleaning contract for which FEMA has agreed to reimburse 75% of the cost based on the cleaning being needed as a result of "Wilma".

All tree-removal work should be awarded and pretty well completed by the end of January as well as the culvert-cleaning work. By the end of February, the District is hopeful of being down to the final cleanup work. The total cleanup cost will be considerably less than originally anticipated which is most likely due to there being so many contractors from out of state/town involved.

(B) EROSION - The second erosion workshop will be held tomorrow, and there are 30 RSVPs as of this time. There will be representatives from SFWMD, Broward County and Pembroke Pines attending. This will include a bus tour to several sites, one being where considerable erosion occurred and another being where there has been a solution to an erosion problem. Mr. Schwartzberg has sent a letter to Representative Debbie Wasserman Schultz on this issue requesting that she assist in getting monies from all possible sources to help with a resolution to the problem which is huge and also to encourage FEMA to cease from changing its position on a regular basis.

Mrs. Minnaugh noted that she has received a number of phone calls, many from attorneys, who said they are going to submit for seawalls; and when the District denies approval, they will file a lawsuit against the District.

Mr. Schwartzberg explained that he has taken the position that the District is not liable for the cost of repairing the erosion damage. He is of the opinion that the District should play a role in coming up with a resolution to the problem and perhaps could create a special assessment basin for the affected area(s), which assessment would be repaid by the property owners. The property owners and homeowner associations have to determine how they wish to finance the repairs. The method of resolution must be approved by the District (as well as other governmental entities) and will require permitting.

Mr. Gill questioned if the District should send a letter to SFWMD asking them to change their position re: allowing seawalls only on 40% of the lake(s) as while only the east and west sides of the applicable water bodies suffered great erosion, that was due to the way the winds blew; and the direction(s) could be different during future storm events. Mr. Schwartzberg felt that people of good faith understand that SBDD is doing its best to provide assistance. Those with questionable morals will not be agreeable to anything. It is not going to be easy to come up with an acceptable solution to everyone, but the District and the other governmental entities will do their best to come up with a workable solution that will be acceptable by the vast majority.

As of this time, FEMA has agreed to pay the District only for the work needed to restore the easements and not for any work outside of those areas. This still leaves the question whether or not only those areas that were damaged will be addressed, or will preventative measures be included for those areas around the water bodies that were not affected by this particular hurricane. The question then arises how the work over and above what FEMA will provide reimbursement for will be paid/financed. There is no easy solution for any part of the work.

(C) SBDD PROCEDURE CHANGES - Mr. Hodges questioned if there is a list of things that the District can improve upon re: hurricane preparedness both before and after an event. Mr. Schwartzberg responded affirmatively, noting that it consists mostly of small items, i.e., for a category 3 or higher approaching event, some of the SBDD vehicles/equipment will be moved into pump stations prestorm for added protection from the elements. Post storm, there will be an assessment team available to immediately after the storm begin with pump-station assessments. The next teams will assess the primary canals with the secondary canals to follow. We will be purchasing some satellite phones to supplement the regular phones/radios. Additional small tools and safety equipment also will be more readily available.

Mr. Schwartzberg explained that “Wilma” was a first for the type of erosion that occurred and that everyone has learned a great deal from this event and will continue to learn for a long time to come.

#### **RELEASE/VACATION OF DRAINAGE-EASEMENT & SURFACE-WATER MANAGEMENT AREAS/FARIAS**

Mr. Schwartzberg explained that after several attempts, the Farias are finally satisfied re: drainage-easement and surface-water management areas on their property. It took several documents to accomplish this which resulted in earlier dedications now requiring release/vacation. Mr. Schwartzberg requested approval of the release/vacation documents (drainage easement area and surface-water management area) as submitted which will bring the Farias issue to a close. Mr. Eastman added that this has been a very trying matter and that Mr. Schwartzberg is to be commended for the manner in which he handled it. He moved for approval of the release/vacation documents as submitted. Motion seconded by Mr. Hodges and carried unanimously.

## **BUSINESS CARDS/SUPERVISORS**

Mr. Eastman would like to have business cards identifying him as a Supervisor of SBDD as when he is at meetings and is asked for his card, it is embarrassing to him not to be able to have any for exchange. Mrs. Minnaugh noted that she personally doesn't care to have any because she is opposed to anything that might make it appear that one person is acting on behalf of the entire Board when that may not be the case. Mr. Eastman clarified that he does not act as a representative of the overall Board (unless asked to do so) at meetings and wants cards only for exchange purposes. Mr. McCluskey agreed with Mrs. Minnaugh re: any Supervisor making it appear they are speaking for the entire Board.

Mr. Gill agreed with Mr. Eastman that cards should be provided for any Supervisor who would care to have them with the understanding as expressed by Mrs. Minnaugh and Mr. McCluskey.

Mr. Eastman moved that the District provide cards for any Board member who wants them. Motion seconded by Mr. Hodges with the condition that it be made clear that an individual Board member does not represent the entire Board unless asked to do so. Motion carried by majority vote with Mr. McCluskey opposed.

## **ROLLING OAKS CULVERT UPGRADE**

Re: the upgrade of a 163' long culvert in Rolling Oaks, based on information from the Town, the District's portion of the cost would be \$14,018. (At the May 26, 2005, Board meeting, the Board agreed to pay the differential cost not to exceed \$20,000.) Mr. Schwartzberg has had recent conversation with the Town's engineer who advised there may be some change(s) made in this information. The Board will be kept apprized of same.

## **LOCAL LEGISLATION/AD-VALOREM TAX/DEANNEXATION/BID THRESHOLD**

Mr. Bell reported that the local delegation approved the three bills as submitted. While the deannexation issue is still on their agenda, it was suggested that the District discuss this with SWR's Mayor Fink before the next session to determine whether or not the District wants the delegation to continue this on their agenda. On the other two bills, Representative Nan Rich will sponsor the threshold-increase bill but is still reviewing the ad-valorem tax bill as she is concerned about the effect on the small business properties which Mr. Bell has advised her will be minimal.

## **GRAND PALMS/HOMELAND SECURITY**

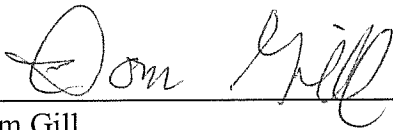
Mr. Bell explained that the District has been named as a third party to a lawsuit between Grand Palms against Homeland Security re: the use of a Grand Palms easement by an adjacent property owner, Homeland Security, who suggested that the District join

in a request to dismiss the law suit. Mr. Bell will answer the complaint and join in a summary judgement motion. Legal fees should be minimal. While it is unlikely the court would award legal-fee reimbursement to the District, it was agreed that a request for same should be included in the motion in the event we prevail. Another option to recoup legal fees would be to assess Grand Palms on the tax bill for the applicable property owner(s).

**TOWN OF SOUTHWEST RANCHES/PROOF OF INSURANCE**

When questioned, Mr. Schwartzberg responded that the District has not as yet received the proof of general-liability insurance coverage for SWR which was due as of October 1<sup>st</sup>. It was agreed that a copy of Mr. Schwartzberg's November 30<sup>th</sup> letter to Mr. Canada be provided to the individual Council members.

**ADJOURNMENT 5:00 P.M.**

A handwritten signature in cursive script, appearing to read "Tom Gill", written over a horizontal line.

Tom Gill  
Meeting Chairperson

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