

SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING

*** **AGENDA** ***

THURSDAY, DECEMBER 18, 2008

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

- 01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- 02. PUBLIC COMMENT
- 03. APPROVAL OF NOVEMBER 20TH BOARD OF COMMISSIONERS MEETING MINUTES
- 04. DIRECTOR'S REPORT:
 - A. DISCUSSION ONLY RE: SELLING ½ OF DISTRICT HEADQUARTERS PROPERTY TO TOWN OF SOUTHWEST RANCHES
 - B. CRITERIA MANUAL SECTION 13:9/WORK WITHOUT PRIOR APPROVAL
 - C. TIERNEY APPEAL
 - D. SFWMD GRANT SIGNATURE AUTHORIZATION
 - E. DISPOSAL OF SURPLUS EQUIPMENT
 - F. OTHER
- 07. ATTORNEY'S REPORT:
 - A. GRAND PALMS LAWSUIT OVERVIEW
 - B. INTERCHANGE PARK PARCEL 10/11 INDEMNIFICATION AGREEMENT/ RESOLUTION NO. 2008-12: APPROVAL OF QUIT-CLAIM DEED FOR A PORTION OF LAKE-TRACT 11 AND PARTIAL RELEASE OF LAKE- MAINTENANCE EASEMENT
 - C. CRITERIA MANUAL REVISIONS RESOLUTION APPROVAL
 - D. ACADEMIC VILLAGE/STONERIDGE ESTATES/CITY OF PEMBROKE PINES TRESPASS AGREEMENT
 - E. OTHER
- 08. APPROVAL OF LEGAL BILLS
- 09. BOARD MEMBERS QUESTIONS/COMMENTS
- 10. OTHER
- 11. MEETINGS:
 - A. BOARD MEETING THURSDAY, JANUARY 29, 2009
 - B. MANAGEMENT COMMITTEE - SET DATE IF NEEDED
- 12. ADJOURNMENT

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RE-SPENT 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 TESTI-MONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED.

IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STA-TUTE 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
DECEMBER 18, 2008**

Present:

Scott Hodges, Chairperson
Thomas Good, Vice Chairperson
James Ryan, Treasurer
Alanna Mersinger, Commissioner
Vicki Minnaugh, Commissioner
Mercedes Santana-Woodall, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
Jack McCluskey, PP Commissioner
Carl Lanke, Miramar Commissioner
Bert Wrains, SWR Administrator
Jose Lopez, SFWMD
General Public: See Attached List

Absent:

Robert E. Goggin IV, Secretary

01. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Meeting called to order at 9:40 A.M. followed by roll call and the Pledge of Allegiance.

02. PUBLIC COMMENT

None.

03. APPROVAL OF MINUTES

Motion to approve November 20th Board minutes as submitted made by Commissioner Mersinger, seconded by Commissioner Ryan; carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. Tierney Permit-Fee Request - Mr. & Mrs. Christopher Tierney purchased a home at 10001 Southwest 6th Street, Pembroke Pines that had an existing dock. When they applied for a SBDD fence permit, it was discovered that the dock had never been permitted, thus making them liable for the additional late fee on the dock permit which they must obtain prior to SBDD providing approval for the fence. They have requested that the "late" portion of the dock fee be waived, as the work was done by a previous owner long before they took possession of the property. Commissioner Minnaugh moved for approval of the request as submitted. Motion seconded by Commissioner Santana-Woodall; carried unanimously.

B. District Headquarters Property/Southwest Ranches - The possibility of the Town purchasing approximately one-half of the District's headquarters property has been discussed by Messrs. Schwartzberg and Wrains, as Mr. Wrains wanted to have an idea of the Board's position on such a possibility prior to taking it before the Town's Board.

The overall basic opinion of the SBDD's Commissioners was that they were not particularly interested in selling any of the property at this time. If that position were to change hereafter, any SBDD consideration would be based on the sales proceeds being sufficient to insure that SBDD incur no charges/fees of any kind involved with the sale as well as all costs involved in the construction of new District headquarters facilities if needed.

Mr. Bell added that selling any portion of the property would require a plat amendment that could take up to a year to finalize as well as be quite costly.

C. Criteria Manual Revision Section 13.9: Work Without Prior Approval - Several permit applications have been received which resulted in the discovery of unpermitted improvements for work done by former owners. Mr. Schwartzberg proposed that the staff be authorized to waive the penalty fees as imposed by current SBDD criteria in the

following situations: (1) The improvement meets all other SBDD criteria; (2) The property owner has never before failed to obtain a SBDD permit for an improvement that required one; (3) The improvement existed prior to the purchase of the property; (4) All required municipal permits were secured.

Commissioner Minnaugh moved for approval of Mr. Schwartzberg's request as submitted. Motion seconded by Commissioner Ryan for discussion purposes after which the motion was amended to include approval of Mr. Schwartzberg's request for one month only (or until the January Board meeting) during which time a new Resolution will be provided all Commissioners to allow them ample time to familiarize themselves with the language therein prior to a final vote. Motion carried unanimously.

D. South Florida Water Management District Grant Authorized Signature - The SFWMD has awarded SBDD a \$100,000, grant towards the Basins S-9/S-10 Project. The grant contract must be signed by an individual authorized to do so. After brief discussion, Commissioner Minnaugh moved that Mr. Schwartzberg be authorized to sign SFWMD Contract #4600001633 in the amount of \$100,000. Motion seconded by Commissioners Mersinger and Santana-Woodall. Carried unanimously.

E. Disposal of Surplus Equipment - The District owns several pieces of surplus equipment that Mr. Schwartzberg would like to sell on www.Publicsurplus.com, a web site specifically designed to aid government agencies to sell surplus equipment. The District has used this site before. After brief discussion, Commissioner Ryan moved for approval of the request as submitted. Motion seconded by Commissioner Santana-Woodall and carried unanimously.

F. Canal 12 Structure/Basins S-9/S-10 - Mr. Schwartzberg reported that the Canal 12 structure plans will be submitted to SFWMD in the early part of next year. Due to the time situation, the District will be bidding this on a piece-meal basis with each bid award to be made by the Board.

05. **LEGAL-COUNSEL REPORT**

A. Grand Palms Lawsuit - The next step in this lawsuit will be for Grand Palms to initiate discovery. Until that happens, nothing else will be done on the part of the District. The District's legal fees will be paid by Grand Palms via the tax roll if not paid direct by the property owner. Commissioner Good asked that a Power-Point presentation be prepared on the history of this law suit through the present time. Mr. Schwartzberg will do so.

B. Interchange Park Parcel 11 - Mr. Bell is still working with the property owner's attorney and awaiting additional information before he can finalize this for submittal to the Board for action. This should done either at the January Board meeting or the February Board meeting at the latest.

C. Criteria Manual Revisions/Resolution No. 2008-09 Approval - Mr. Bell asked that overall Criteria Manual Revisions be approved at this time per Resolution No. 2008-09 and that any new changes be included at a later date. Commissioner Mersinger moved for approval of the recommendation as submitted to approve Resolution No. 2008-09. Motion seconded by Commissioner Santana-Woodall; carried by unanimous vote.

D. Academic Village & Stoneridge Estates - Mr. Bell is still working on the matter of of the canal between the Academic Village and Stoneridge Estates that runs north and south and has a SBDD right-of-way on the west side on which the police will not enter to arrest trespassers due to the liability that the City (Pembroke Pines) claims would be incurred on the part of the City by the police doing so. This issue came about at the request of the Stoneridge Estates.

E. Broward County Soil and Water Conservation Committee - The bill submitted by this group requesting authority over all County municipalities/entities dealing with water was defeated.

06. **APPROVAL OF LEGAL BILLS**

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

07. **BROWARD COUNTY TASK FORCE**

Commissioner Good recognized that this District was able to participate in a recent event of this group which was attended by some very important SFWMD staff members as well as several of the SBDD Board members. This was a great event, and Commissioner Good felt it was good to have “outside” water-management persons here for those deal-in with water to hear very helpful information provided by many of the attendees as well as the SBDD District Director. Mr. Lopez interjected that all attendees were very pleased with all of the information provided which was extremely beneficial. There will be another similar event probably in the first part of February for those who were unable to attend this December meeting. It was noted that Mr. Schwartzberg did an excellent job on behalf of SBDD.

08. **MEETING ATTENDANCE “THANK YOU’S/INFORMATION REQUEST”**

Commissioner Hodges expressed his appreciation to Messrs. McCluskey and Fisikelli for attending the meeting as well as his hope that they will continue to do so as it is helpful to the District to have that representation as well as the city/town where each serves on the Board.

Commissioner Hodges also noted that all SBDD Commissioners as well as those from any municipality within SBDD boundaries having any questions or concerns about SBDD operations are welcome to meet one-on-one with Mr. Schwartzberg. This would be of great help, as perhaps he could answer their questions/concerns without having to bring the issue(s) before the Board at its meetings.

09. **DISTRICT DIRECTOR - VACATION**

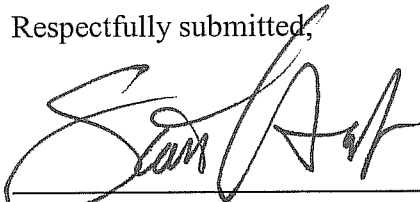
Mr. Schwartzberg explained that he will be away on vacation from December 19 through January 4. He can be reached by phone if necessary. Mr. Ochoa will be in charge during his absence. District staff are always available also to respond to any questions/concerns that might arise.

10. **MEETING DATE**

Board of Commissioners Meeting - Thursday, January 29, 9:30 A.M. At this time, it was felt there is no need for a Management Committee meeting prior to the January Board meeting. If that were to change, all would be notified.

Adjournment at 10:25 A.M.

Respectfully submitted,



Scott Hodges, Chairperson
in the absence of Robert E. Goggin IV, Secretary
South Broward Drainage District

/jl