

**MINUTES OF MEETING  
NORTH SPRINGS IMPROVEMENT DISTRICT**

The regular meeting of the Board of Supervisors of the North Springs Improvement District was held Wednesday, March 2, 2011 at 5:00 p.m. in the district office, 10300 N. W. 11 Manor, Coral Springs, Florida.

Present and constituting a quorum were:

Steve Mendelson	President
David Gray	Secretary
Vincent Morretti	Assistant Secretary

Also present were:

Doug Hyche	District Manager
Dennis Lyles	District Counsel
Brenda Schurz	District Clerk
Nick Schooley	Drainage Supervisor
Kay Woodward	Accountant
Dan Daly	CSID Director of Operations
Donna Holiday	GMS-South Florida, LLC
Marcy Sneir	Heron Bay Commons
Stuart Krantz	Resident
Jim Weiss	Resident
Holly Krulik	Resident

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Hyche called the meeting to order at 5:00 p.m.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the February 2, 2011 Meeting**

Mr. Hyche stated the second item is approval of the minutes of the February 2, 2011 meeting.

On MOTION by Mr. Mendelson seconded by Mr. Gray with all in favor the minutes of the February 2, 2011 meeting were approved as presented.

**THIRD ORDER OF BUSINESS**

**Audience Comments and Supervisors Requests**

Mr. Weiss stated I was interested in getting an assessment of how the Commons makeover is going and a specific question about the playground area by the restrooms. I see that it has been taken down and I would like to know the plan for that area.

Mr. Hyche stated we are going to replace it, however, there are no funds in this budget to do so. We are going to have to look in our budget, see where we are and maybe budget for the playground in the next fiscal year. The original playground was deemed a hazard and safety issue and was taken down.

Mr. Weiss asked what about the overall makeover of the tennis facility and the building itself?

Ms. Schurz stated we are just about complete with phase 1 and they just finished putting together phase 2. Phase 2 hasn't been finalized or gone out to bid yet. Phase 2 is sidewalks and parking lot and we are looking at safety issues. We put it together and know what we need to do but whether that is going to be this budget year or next I can't say. We are doing an analysis of the budget at this time.

Mr. Gray stated so we are finished on the tennis courts, the lighting and the painting of the clubhouse.

Ms. Schurz stated yes.

Mr. Krantz stated I'm a resident of Parkland and I want to direct your attention to Wakodahatchee and Green Cay Springs, the Palm Beach County Water Utilities retention areas. If you go out there on a weekend with your family you will see how crowded and busy they are. People are always looking for a place to walk. I'm here to talk to you about County Line Road, we use Nob Hill as a divider, I will call east of that

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East County Line and west of that West County Line where you are presently building a two-lane road. It has been my dream since I was on the Broward County Bicycle Advisory Committee from 1998 to 2000 to connect County Line Road to the Broward County Greenway. Before the movement of the Wedge into Broward the greenway ended at County Line Road. I'm assuming the county will now extend it where the Wedge ends at the Hillsboro Recreation Area at the end of Lox Road. When the group MUST, Multi-Users Safe Trailways, existed in Parkland we were able to get WCI to make County Line Road with some type of connection to the very end, to the levee. Now all that is needed is a bridge to get over to the Broward County Greenway. I'm not here to ask you for that bridge. Why I wouldn't want to is your mission statement says, you are water treatment, wastewater collection, stormwater management and there is no mention of sidewalks so I'm not quite clear why I'm here except I was told by Roberta at the City of Parkland that you are now building the sidewalk next to the two-lane roadway you are building on County Line Road. Another thing I would like to ask you to do is any time almost any afternoon or any weekend if you go out to East County Line Road there are four lanes there, they are hardly ever used by cars but you will see plenty of people with skateboards, bicycles, whatever else doing all kinds of things. I have come here to ask you about the sidewalk, that you build a functional sidewalk. The present design and every time I would see the picture and ask Roberta she would say that is WCI and they are building that sidewalk and I'm asking why does it have all these curves in it. When I found out that it was still going to be curved I asked Parkland Commissioner Jarod Moskowitz to intervene and I believe he spoke to Mr. Hyche and you said you would not build a straight sidewalk that it was already on the plans to be curved. I'm going to ask you to reconsider for several reasons, one is the American for Disabilities Act, two is that walkers and riders use straight lines and even though I believe you mentioned to Commissioner Moskowitz that Parkland had curvy sidewalks I fought every single one of those curvy sidewalks because if you have a six

foot sidewalk and you have a child 4 or 5 years old and I don't recommend anyone above 5<sup>th</sup> grade ride the sidewalks but up until then I do, and if you look at Parkland's Holmberg Road where they added a bike lane and fixed up their sidewalks you still get a lot of people on the sidewalks. People are afraid of the traffic. People hang to the center and they don't even use 2 feet. You can go to the Federal Highway Administration's websites, which I have done in the past month and they talk about if there is a building next to a sidewalk you are just wasting 2 feet of sidewalk because nobody rides that close to the edge. Riders go A to B straight line, if you have a curvy sidewalk they can't pass each other and it makes problems and the next thing happens that I don't want to see happen is people are discouraged to use biking, walking because of those issues, they don't do it, price of gasoline goes up even more. You may not get on a bike or walk but I would say at least 10% to 20% of the country's population that does and for that reason I would like to see you lean towards making the sidewalk functional. When I talked to Roberta about the sidewalk and asked why do they make it curvy and she said it is beautiful and that is what car drivers want sidewalks to be and that is why a lot of those sidewalks are curvy but they are not the people that use them. The people that use them don't want them that way because they run into each other. Please create a sidewalk, keep the 2 foot clearance in terms of landscaping because that is another issue, it is what I talked about AASHTO and also the ADA calls for a 2 foot clearance along sidewalks and make the rest beautiful with landscaping and things but please try to keep the pathway straight.

Mr. Hyche stated I'm surprised Mr. Moskowitz didn't tell you but that sidewalk had to go through the City of Parkland for permitting and it was originally designed by WCI in that fashion and they originally approved that. In order for us to change it we would have to go back through the City of Parkland to get that reviewed.

Mr. Krantz asked anybody else besides them?

Mr. Hyche responded the county.

Mr. Krantz stated I will go back and talk to them, thank you.

Mr. Gray stated I was with WCI at the time the city actually preferred everything to be curved and I actually ride because I live near the Everglades to 441 or up to Powerline because I ride to the park over there on a fairly regular basis. As a rider on that thing I like the curves, I hate the long straight runs where you are riding that run for 15 minutes in a straight line. When you get past the building department it is a straight shot except for the little turn arounds, it is a straight shot to Powerline once you get out of Parkland. I am a rider and I ride just about every weekend and I like the curves.

Mr. Krantz stated I'm talking about the little curves.

Mr. Gray stated there are no real little ones, I ride through Parkland pretty much every weekend.

Mr. Krantz stated I'm talking about a curve with a radius of 10-12 feet and you are talking about a curve with a radius of half a mile or mile.

Mr. Gray stated no I like the curves when you go around the little round things, something to break up the straight lines. I think you are in a minority on a straight run. Straight runs are not exciting for a rider unless you are a speed rider. I'm not in it for the speed, I'm in it for the scenic part, I go curving through the parks on the bike paths. Having said that he is right it is a permitted deal and the city did want them curved because I was involved in a lot of that stuff back when it was done and it is a question of the City of Parkland.

**FOURTH ORDER OF BUSINESS**

**Staff Reports**

**A. Manager**

**Consideration of Change Orders**

- a. **Change Order No. 1 for Net Increase in the Amount of \$9,895.00 for Century Building Restoration USA, Inc. for Additional Work per RFI-043 Response for the Chemical Feed Building Project No. 406209**

Mr. Hyche stated the next item is consideration of change orders. The first one is change order no. 1 for a net increase in the amount of \$9,895.00 for Century Building Restoration USA, Inc. for additional work per RFI-043 response for the chemical feed building project no. 406209. This is a change order dictated by the city. They have come back and said we need more equipment, more runs and it is going to cost the contractor that much more so the change in the contract price. Basically that is going to be the same for all these change orders.

- b. **Change Order No. 2 for a Net Increase in the Amount of \$6,854.00 for Century Building Restoration USA, Inc. for Additional Work per RFI-044 Response for the Chemical Feed Building Project No. 406209**

Mr. Hyche stated item B is change order no. 2 for a net increase in the amount of \$6,854.00 for Century Building Restoration USA, Inc. for additional work per RFI-044 response for the chemical feed building project no. 406209.

- c. **Consideration of Change Order No. 3 for a Net Increase of \$43,513.00 for Century Building Restoration USA, Inc. for Additional Work per Revised Electrical Drawings of April**

Mr. Hyche stated item C is change order no. 3 for a net increase of \$43,513.00 for Century Building Restoration USA, Inc. for additional work per revised electrical drawings. This one is for the fire code.

Mr. Gray asked what was the issue with this one?

Mr. Hyche responded they wanted a tap line moved outside and away from the building, they wanted electrical enunciator panels reinstalled out, which requires electrical services to be installed and ran, besides the moving of the location of the water pumps.

On MOTION by Mr. Gray seconded by Mr. Mendelson with all in favor change orders no. 1, 2, and 3 for the chemical building contract with Century Building Restoration USA, Inc. were approved.

**Consideration of Approval to Purchase 2011 Ford Explorer Truck**

Mr. Hyche stated the next item is consideration of approval to purchase a 2011 Ford Explorer Truck.

Mr. Gray stated you have some real close pricing.

On MOTION by Mr. Gray seconded by Mr. Mendelson with all in favor the purchase of a 2011 Ford Explorer in from Sawgrass Ford in the amount of their low bid of \$23,892.00 was approved.

**Utility Billing Work Orders**

A copy of the utility billing work orders was enclosed in the agenda package.

**B. Attorney – Acceptance of Lake Known as Parcel "A" of North Additions, Plat Book 137, Page 15**

Mr. Lyles stated you have in your agenda package a copy of a letter from an attorney named David Murray directed to me as your district counsel and attached is a quit claim deed for a lake within an area called North Additions. This goes back to a point in time in the early to mid 1990's before my time with the district but essentially what happened was at that time the homeowners who had an up and running homeowners association at the time determined after discussions with the district to convey this lake to the district. It was part of our drainage basin part of our interconnected drainage program and it was their intent at the time to convey it to the district free and clear of any liens or encumbrances and at no cost to the district. It was

as I understand it the intention of the district at the time to go ahead and process that and accept it. The deed was prepared and signed and submitted to the attorney that represented the district at the time, it did not get forwarded on to the board of supervisors at the time nor did it ever get recorded. In the interim the homeowners association that had authorized all of this no longer needed to be active so they went inactive and they don't exist anymore. Several years ago the attorney who represented the district at the time, Joe Easthope, passed away and in going through his records, his files, things pertaining to his legal practice, by that time he had moved to North Carolina, the deed was discovered in an original form signed but not recorded. It made its way back to the successors in the North Additions Community who had been involved with the homeowners association board at that time, they contacted their previous attorney who knew about this, he contacted me and they have signed affidavits indicating the sequence of events and the authority that was given to submit this deed. We have the original affidavit from the people who served on the board of the homeowners association confirming it was their intention to convey this lake to the district and Mr. Murray's letter explaining in summary form the sequence of events is in your agenda package. We have looked at the lake and determined that so long as what the district is accepting is the lake only no maintenance easement or access easement around the entire perimeter of the lake but the lake, which makes-up what is referred to as Parcel A of their plat, which appears to be just the lake and no access easement around the perimeter. Is that consistent with your field inspection?

Mr. Schooley responded there is a right of way on the west side and east side and pretty substantial right of way.

Mr. Lyles asked within the footprint of this Parcel A? The affidavit and all the documents indicate lake only.

Mr. Schooley pointed out on the map the lake and stated these people have their fences all the way to water, which is fine they own it. Because there is a large right of

way they planted monster trees so it was my suggestion that we don't accept that, we accept waters edge only out.

Mr. Lyles stated that is evidently their intent because all of the documentation they have submitted refers only to the lake and not to any right of way or any area in the rear of residential lots.

Mr. Schooley stated the map that Brenda has shows a substantial piece of property along these homes.

Mr. Lyles stated that is not covered by this transaction.

Mr. Schooley stated no but that is in the parcel, the parcel includes that.

Mr. Mendelson asked do we have access to it?

Mr. Gray asked do we have an easement to it?

Mr. Schooley stated we don't want it because you are going to get into a big mess.

Mr. Gray stated in order for us to have a lake we have to access it. Do we have legal easement?

Mr. Schooley stated there is a pipe going under the road, I would assume there is already an easement there where the pipe is but this is all clear here and we can put in anywhere here and that is all we need, which we have done all along. Eight or ten years ago CH2M Hill said we don't own this lake and it has been brought up to previous management before but we can't just stop maintaining it. We have maintained it for 30 years.

Mr. Gray asked will anything change when we take it?

Mr. Schooley responded nothing will change. I was here when this was going to happen and the previous board was going to accept it. Everything was going to happen and it just got dropped.

Mr. Lyles stated we are going to be very careful to express your action today in terms of the motion that you will take up to say the lake within Parcel A of this plat. If

there is some other right of way that they may have included as Parcel A and I don't have that here, all I have and the only request that I have from this group of homeowners that did comprise the homeowners association and their attorney is the "lake" no additional rights of way at all, just the lake.

Mr. Mendelson asked what about their area from where the homeowners land ends to the lake, is that our responsibility?

Mr. Lyles responded no.

Mr. Schooley stated basically we want waters edge out. We have maintained that for 30 years it is not anything new.

Mr. Gray stated you said the association doesn't exist anymore. Is there anything from a legal standpoint since there are people who currently live in there who must have some legal claim in some fashion without the association?

Mr. Lyles stated what we have is the directors of the association at the time who are still there and still live on this lake they have signed the necessary affidavits to confirm that it was the association's action back in 1996, the association voted at a properly convened meeting of the board of the association to convey this lake by this quit claim deed and signed it for that purpose. I have the original affidavits. They can validate all this that they are the successors to the board that no longer exists because they don't pay their fees and they are inactive now. Their attorney put this together and presented us with the package in December 2010. A conveyance with or without money to a government body can only be completed by an act of acceptance by the board.

On MOTION by Mr. Mendelson seconded by Mr. Gray with all in favor the lake to the waters edge within Parcel "A" of North Additions, plat book 137, page 15 was accepted and staff authorized to record it in the public records.

Mr. Lyles stated the legislature is about to start its session. Our bill regarding the second phase of the annexation within the Wedge property has now been given a number, it is House Bill 861, its sponsor is Representative Evan Jenne, it has not been assigned a committee and no staff work yet because the legislature hasn't started but we are in the hopper for our additional 264 acres of property so during the session I will give you a couple more reports until that is completed.

**C. Engineer**

**Consideration of Amendments to Work Authorizations**

**a. Amendment No. 1 to Work Authorization No. 199 for Reverse Osmosis Plant Design Phasing and Water and Wastewater Revenue Bond Engineers Report for a Net Increase of \$108,669.00**

Mr. Hyche stated the next item is amendment no. 1 to work authorization no. 199 for the reverse osmosis plant design phasing and water and wastewater revenue bond engineer's report for a net increase of \$108,669.00.

On MOTION by Mr. Mendelson seconded by Mr. Gray with all in favor amendment no. 1 to work authorization no. 199 was approved.

**b. Amendment No. 1 to Work Authorization No. 198 for Construction Phase services for Water Treatment Plant Chemical Feed System Improvements for a Net Increase in the Amount of \$300,000**

Mr. Hyche stated the next item is amendment no. 1 to work authorization no. 198 for construction phase services for water treatment plant chemical feed system improvements for a net increase in the amount of \$300,000. I want you to look at task 4 under contingencies and you see the additional design, construction and permitting assistance services come to \$56,711 for a lump sum. However, staff because of the

numerous RFIs the city and county always come back to us for we put a contingency in there of \$248,298 to make it an even \$300,000.

Mr. Gray stated I had a conversation regarding the \$100,000, which was the additional cost for the engineer for the phasing. What is the other \$300,000 for?

Mr. Hyche stated it is only \$56,711. Staff put in the contingency to cover any issues under RFIs. That is not necessarily going to be spent, that is only contingency funds.

Mr. Gray stated we just gave them \$108,000 for the design phasing. What is the \$56,711 for?

Mr. Hyche responded the design phasing was for the R.O. plant this is for water treatment chemical feed system improvements. This is conversion from gas to sodium hypochlorite.

Mr. Gray stated I'm not real fond of a quarter million dollar contingency.

Mr. Mendelson stated it is really to cover us.

Mr. Gray stated it is just an authorization.

Mr. Mendelson stated I'm not saying it is going to be spent I'm saying if we have to the money is there.

Mr. Gray stated some people like to take all the money that is ever contingent in a contract and use it because they feel it is available.

Mr. Hyche stated they know they are going to do this for \$56,711. The contingencies are to cover any requests from the county and the city.

Mr. Lyles asked what is the process for them to get funds out of the contingency?

Mr. Hyche responded they have to give it to us in writing what they need from the contingency, we have to review it and approve it and then that money is disbursed.

Mr. Mendelson stated then it comes back to us.

Mr. Lyles stated I think the point is that the contractor, CH2M Hill is not in a position to draw on the contingency on its own.

Mr. Gray stated I hate the fact that they know there is one there that they can apply for, people tend to do that.

Mr. Morretti stated I think it is a lot of money also.

Mr. Mendelson stated if you look at it, it is really \$56,711. If the city comes through with other things they want to have done that money has already been appropriated and it has to come before the board in order for it to be disbursed. It's a cushion.

Mr. Gray stated but this is just their cushion, this isn't a building cushion, this is a design cushion.

Mr. Hyche stated in order for them to pull from that contingency fund they will have to come to this board in the nature of a task order.

Mr. Morretti asked what is their hourly rate?

Mr. Hyche stated it is about a page long I think the senior project manager gets \$175 an hour, staff gets around \$65 an hour.

Mr. Gray asked isn't that a huge contingency for design? It is five times the original price.

Mr. Mendelson asked do you want to table this until our next meeting when the engineer will be here?

Mr. Gray responded yes, I would like them to explain the possible contingencies we may be looking at.

Mr. Hyche stated that is fine with me.

**c. Amendment No. 1 to Work Authorization No. 193 for Record Drawings and Electronic Plans Update for Water Main, Force Main for a Net Increase for the Lump Sum Amount of \$15,000**

Mr. Hyche stated the next item is amendment no. 1 to work authorization no. 193 for record drawings and electronic plans update for water main, force main for a net increase for the lump sum amount of \$15,000. We originally halted this project because

they had exhausted the original amount of money for this and we wanted to see what they had produced for us under that program. They came back to us and in order to provide us with the remainder of the files for the force mains and the plans, the electronic files, they said they can do this for a closeout of \$15,000.

Mr. Gray stated I thought the issue was that it was originally in their contract to have it done and they were just not done with it so they are saying they need more money. Is that kind of a summary?

Mr. Hyche responded yes.

Mr. Gray stated I assume we need what they are going to do here.

Mr. Hyche stated yes.

On MOTION by Mr. Gray seconded by Mr. Mendelson with all in favor amendment no. 1 to work authorization no. 193 was approved.

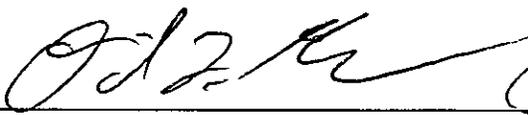
**FIFTH ORDER OF BUSINESS**

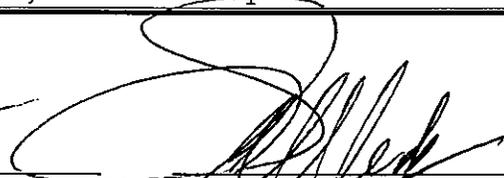
**Approval of Financials and Check Registers**

Mr. Hyche stated the next item is approval of the financials and check registers.

On MOTION by Mr. Gray seconded by Mr. Mendelson with all in favor the check registers were approved.

On MOTION by Mr. Mendelson seconded by Mr. Gray with all in favor the meeting adjourned at 5:32 p.m.

  
David Gray  
Secretary

  
Steve Mendelson  
President