St. Lucie West Services District
Board of Supervisors Meeting Minutes
January 6, 2009 at 9:00 a.m.
Sunlight Community Church
477 S.W. Cashmere Boulevard, Port St. Lucie, Florida 34986

(Please note: This is not verbatim. A CD recording of the Board Meeting is available on file.)

Board Members Present

Everett Child, Vice-Chairman
Sal Mancuso, Secretary/Supervisor
David Kessner, Supervisor
Charles B. Altwein, Supervisor

Board Members Not Present

Harvey Cutler, Chairman

Staff Present

John Imperato, District Manager, St. Lucie West Services District ("SLWSD")
Bill Hayden, Public Works Director/Assistant District Manager, SLWSD
Dennis Pickle, Utilities Director, SLWSD
Maddie Maldonado, Administrative Assistant, SLWSD
Jason Pierman, Assistant District Treasurer, Special District Services, Inc. ("SDS")
Tricia Beechler, SDS
Dan Harrell, District General Counsel, Gonano & Harrell
Bob Lawson, District Engineer, ARCADIS-US, Inc.
Heidi Snyder, GSG, Inc.
Kaamilya Pereira, GSG, Inc.

Guests Present (Sign-In Sheet Attached)

I - Call to Order

Vice Chairman Child called the meeting to order at 9:00 a.m.

II - Pledge of Allegiance

III - Invocation

IV - Roll Call

Mr. Imperato announced that Chairman Harvey Cutler was not present today for the record.

V - Public Comment

Mr. Kennah of Country Club Estates, representing Presidential Cove, inquired about the trimming in the wetland areas surrounding their development. Mr. Hayden stated that the District is on a three year rotation with all the wetlands due to the amount of wetlands and preserves we have within the District and that they would try to work it into their rotation.

Vice Chairman Child then asked if there were any further comments from the public. There being none, Vice Chairman Child moved on with the other items on the agenda.

VI - Minutes – December 16, 2008, Regular Board Meeting

Vice Chairman Child asked if there were any changes or corrections to the minutes of the December 16, 2008, Regular Board Meeting, which was provided to the Members of the Board previously.

There being no changes or corrections, a **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to approve the minutes of the December 16, 2008, Regular Board Meeting, as presented. The **motion** carried 4 to 0.

VII - District General Counsel

Vice Chairman Child asked District General Counsel Dan Harrell for an update. Mr. Harrell stated that he had no items to review at this time.

VIII - District Engineer

Vice Chairman Child introduced the next item on the agenda, the District Engineer's Report.

DE 1 – Execution of a Quit Claim Deed from the St. Lucie West Services District to the City of Port St. Lucie for rights underlying a 6.47 acre parcel of property at the northeast quadrant of the Crosstown Parkway and I-95 Interchange.

Mr. Lawson stated that the subject of the Quit Claim Deed, the 6.47 acres of property, is an accentuated "L" shaped parcel. He stated that the City of Port St. Lucie is currently in negotiations with the HOA for the purchase price of that particular property. The District maintains an easement right over that particular right of way parcel and the City has asked to quit claim any interest they might have under that parcel. Mr. Lawson reviewed the legal description, and Mr. Harrell has reviewed the substance of the quit claim deed, and agreed with the City that it would be one way to make sure that any right that the District had under that particular parcel within the right of way of I-95 would be traceable for us releasing that to the City of Port St.

Lucie. Both he and Mr. Harrell have reviewed it recommend that the District execute the quit claim deed from SLWSD to the City of Port St. Lucie for that 6.47 acre parcel.

Mr. Altwein asked if the District owned the property.

Mr. Lawson replied that we do not and that we have a drainage right over it that this quit claim deed would release.

Vice Chairman Child asked for any other questions. Upon there being no further questions, he asked for a **motion** on the matter.

A **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to execute the quit claim deed from the SLWSD to the City of Port St. Lucie for the rights underlying the 6.47 acre parcel of property necessary for the construction of the Crosstown Parkway and I-95 interchange, as recommended by Staff. The **motion** carried 4 to 0.

DE-2 – Execution of a Temporary Construction Easement (TCE) from SLWSD in favor of the City of Port St. Lucie for the construction of a ditch and piping system to replace a ditch that was blocked by the construction of the I-95 interchange.

Mr. Lawson stated that this item is also associated with the same general piece of property. There is a triangular shaped property that falls directly to the left of the Lake Charles property, between Lake Charles HOA property and the ramp for the parcel of property that was quit claimed over to the City. Parcel No. 41, the underlying parcel, had an old ditch that ran from the western boundary of Lake Charles westward toward the I-95 interchange and it turned and went northward up into the I-95 lake into the southern tip of the I-95 lake along Lake Charles. When the ramp was built a portion of that ditch that previously provided drainage for that Upland area under the FPL transmission line, it was blocked. It was determined that this ditch required relocating and replacing so that the function that it was intended to perform was again restored and so there would not be ponding water in that area under the power line. The City agreed to go ahead and relocate that ditch and to reroute the portion that was truncated by the ramp construction and build us a new ditch that goes parallel to the ramp towards the north. This will be a combination of a ditch that is constructed and sodded and also a pipe to get through the FPL area to transfer the water from the ditch into the ditch on the north side and ultimately into the lake itself.

The Temporary Construction Easement (TCE) is for the purposes of allowing the City to construct or reconnect and construct the new ditch to restore the function of the old ditch in that particular area. The District does not own the property underlying this triangular piece. We do have a drainage right, the same drainage right that we reserve when we assigned our dedication over to the HOA. Mr. Lawson stated that he did not know if it was appropriate to grant a TCE over that property since we do not have the underlying interest in the property. The City said that what they are looking for us to do is simply grant this TCE from our prospective, acknowledging that

they are going to be constructing the reconnecting of this ditch and they will go to the HOA, the underlying property owners, and get a TCE from them as well, relative to the underlying property. Mr. Lawson recommended that the District go ahead and execute the TCE with the understanding that the City would still have a TCE to gain from the underlying property owners.

Supervisor Altwein voiced concern that the District's approval might be used as leverage to persuade the HOA to approve the easement, and recommended executing the TCE and holding it until the HOA approves the project.

The **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to execute the TCE by SLWSD in favor of the City of Port St. Lucie for the construction of a ditch and piping system to replace a ditch that was blocked by the construction of the I-95 interchange, subject to District Counsel Harrell holding the executed instrument in escrow until and unless the City acquires permission from the HOA. The **motion** carried 4 to 0.

Item DE 3 – Action by the Board of Supervisors to authorize staff to execute a requisition from the Stormwater Acquisition and Construction Fund in the amount of $325,000 for reimbursement for cost of construction of the Crosstown Parkway drainage by-pass piping and overflow structures in accordance with the Interlocal Agreement between the District and the City of Port St. Lucie, Florida.

Mr. Lawson stated that this item is associated with an action taken by the Board in the past. In September of 2007, the Board approved reimbursement to the City of Port St. Lucie for a drainage improvement that the Board would have ultimately have funded through its water management bonds. The Districts portion of the improvement is $325,000 to move water from west to east. There is approximately $3.2 million in the construction fund for the water management bonds, from which the $325,000 will be funded.

A **motion** was made by Supervisor Altwein and seconded by Supervisor Mancuso to authorize staff to execute a requisition from the Stormwater Acquisition and Construction Fund in the amount of $325,000 that was previously agreed to by the Board several months ago for reimbursement for cost of construction of the Crosstown Parkway drainage by-pass piping and overflow structure in accordance with the Interlocal Agreement between the District and the City of Port St. Lucie, Florida. The **motion** carried 4 to 0.

IX - Consent Agenda

Vice Chairman Child introduced Consent Agenda Item **CA 1** – St. Lucie West Services District 2009 Holiday Schedule. Mr. Imperato stated that the Board has had the privilege of reviewing this matter since last week and asked for approval of CA 1 and CA 2, as presented.

A **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to approve Consent Agenda Items CA 1 and CA 2, as presented.

At this point, Supervisor Mancuso stated that he had a couple of questions regarding Consent Agenda Items CA1 and CA 2 and asked if he was at liberty at this time to discuss them.

Vice Chairman Child ruled that the items were not up for discussion because Supervisor Mancuso did not request that the items be pulled from the agenda and requested that roll be called.

A **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to approve Consent Agenda Items CA 1 and CA 2, as presented. The **motion** carried 4 to 0.

Vice Chairman Child then advised Supervisor Mancuso that if he wished to ask any questions regarding Consent Agenda Items CA 1 and CA 2, that it even though the items have been passed, if he wished to comment, he could do so at this time.

Supervisor Mancuso stated that he is not seeking a response at this time, but just for information purposes, he believes that CA 1 regarding the holiday schedule, that the Board actually never approved the two holidays that were under discussion under the old union contract. Regarding Consent Agenda Item CA 2, we have Resolution 2009-04 and he does not recall having Resolution Nos. 02 and 03. He requested further explanation at a later time.

Supervisor Altwein then stated that he believes that allowing any discussion on the consent agenda, even after the vote, is improper.

Mr. Imperato, just for the record, stated that these Resolutions are issued in the number sequence by the Clerk of the Board. We had an appointment of the Treasurer; we had 3 prior Resolutions to this one. Therefore this one is No. 04.

X - District Manager

DM 1 – Approval for District Manager December invoice, which is included in the Board packet.

A **motion** was made by Supervisor Altwein and seconded by Supervisor Kessner to approve District Manager Agenda Item DM 1, District Manager December invoice, as presented. The **motion** carried 4 to 0.

DM 2 – Other Items, and stated that he had several other items, such as updates and things that have happened in the past week.

Mr. Imperato stated that the sweeper component has been removed from the truck. He noted that they had looked at Mr. Altwein's suggestion to make it re-attachable,

but the way it was built, it did not lend itself to that. The District now has a truck with very low mileage that can be used more efficiently within the District rather than let it sit there and rust in between storms that don't always occur every year. Mr. Imperato requested that Mr. Hayden have it declared "surplus". They will see if they can sell the sweeper box as it was taken off in such a way to preserve its integrity.

Surplus equipment bids were received and some were a disappointment, so staff is assessing the bids and reserving the right to not accept unreasonable bids.

Mr. Hayden provided an update on the Aquatic Queen, stating that parts were expected today and the refurbishing would be completed in approximately two to three weeks. Mr. Imperato stated that an article was written by the Cooperative Extension, the University of Florida, congratulating the District on its aquatic maintenance program.

Mr. Imperato advised at a prior meeting that the District had received a plaque for the District's financial accounting – he showed those present the plaque they were awarded and stated that he would like another one next year as well.

Mr. Imperato advised the Board that the District has queried South Florida Water Management District (SFWMD) – the District requested SFWMD to approve of the stormwater drainage system update in mid-November. Mr. Imperato noted that of the $2.9 Million left in the construction bond, they are looking to fund some improvement to the drainage system. They've queried the SFWMD and still do not have a response. They have brought it to their environmental people to look at taking and cutting the notches in all the drainage facilities to a two foot below control level. From an environmental point of view, no environmental damage will be done by allowing water to go out twice as fast and containing it when it reaches one foot below control, which is what the environmentalists are interested in. The City understands that the District has applied for a grant on the premise that they will approve it; SFWMD understands that the District has applied for a grant to FEMA on the basis that they are going to approve it. Mr. Imperato explained that the expectation is that no community can ever exclude itself from flooding, but he is comfortable that the modifications to the system will likely allow us to maintain water in the streets.

Mr. Imperato stated that the District received a permit from the DEP for the recommissioning of the 2 million gallon potable water tank. Once that is on-line there will be a 3+ day water supply in the event of any kind of an outage in the plant and since we have been replacing one of a kind pipes, fiberglass with stainless steel, we're going to get 4 million gallons of water in the tanks that we can pump out without taking from the wells.

Mr. Imperato questioned Mr. Harrell concerning the procedures surrounding workshops. He explained that the Board wishes to discuss protocols of the Board and District Staff and the community, and that discussion was labeled a workshop. Mr. Imperato asked if there were special parameters surrounding a workshop in terms of public announcements.

Mr. Harrell gave a brief overview of the Sunshine provisions, and stated that if the workshop is a stand-alone meeting, it must be advertised. However, the workshop could also take place as part of a regularly scheduled Board meeting, in which case the advertisement criteria has already been satisfied.

Mr. Imperato stated that the District has engaged Teri Pinney, who is Dept. of Education certified to teach business computers, to provide 3 one hour sessions of learning on the computer in the District conference room. The Board Members will bring their individual computers to that meeting for the sole purpose of learning how to use the thumb drive, the computers, Windows XP. Mr. Imperato asked Mr. Harrell's opinion on advertising for those instructional sessions.

Mr. Harrell responded that due to a recent Seminole County court case, he would recommend posting notice of those sessions. However, because the sessions are for information gathering and there will be no interplay between Supervisors, there was no need to advertise in the paper. Mr. Harrell recommended posting notice on the door of the meeting room, on the door of the District office, and on the District website that an informational session is going to occur, and no District business will be discussed.

Mr. Imperato agreed to those provisions and suggested utilizing the HOA communications list for e-mail as well.

Mr. Imperato continued with the Culpepper and Terpening report and the fact that he was asked for it – it is a work in progress – he asked the Board to review it and if they had any questions to please give him a call or stop by the office. He further requested that if anyone wanted to meet to discuss this matter, to please call the office to schedule an appointment instead of just dropping in to his office unannounced.

Mr. Imperato also had information on a public information request – he stated that the District is obligated to provide information to people that come in. The cost of providing that data is on a per sheet basis and if there is excessive staff work required to put that data together, then we can recover that cost as well. Mr. Imperato distributed a copy of the information so everyone knows what the protocol of a public information request is.

The last item on the District Manager Agenda was PIGS. Mr. Imperato explained how a PIG is used to efficiently and inexpensively clean pipes, and that they are called PIGS because they "squeal" as they are pulled through the pipe. After looking at the situation in the pipe in the golf course adjacent to Presidential Cove, Mr. Imperato recommended the use of the PIGS to clean the pipes as an affordable solution after identifying the problem with an underwater camera.

Mr. Pierman distributed sheets that also had attached to it a Form W-9 and advised the Board that SDS typically pays their Supervisors as contractors, rather than putting them on payroll. He explained that this would do two things: they would

receive their checks at the meeting and they would receive a 1099 at the end of the year, as they would not have anything withheld from their checks. Mr. Pierman explained that this will be effective at the next Board Meeting, so long as the Board approves.

Supervisor Altwein stated that his check is directly deposited into his checking account and asked if that would continue. Mr. Pierman stated that none of their other Boards have direct deposit set up, but that he would inquire about that possibility. In the meantime, Mr. Pierman stated, physical checks would be brought to each meeting.

Supervisor Mancuso **moved** to adopt the suggestion recommended by SDS regarding the change of payment process for Supervisors dated January 6, 2009.

Supervisor Kessner asked Mr. Harrell if making the Supervisors "contractors" violated any state laws.

Mr. Harrell responded that it is not a state matter. The only question is whether or not for withholding purposes you might be considered to be employees, and that is a mixed issue – most of the districts that Mr. Pierman's organization and he represents handle it the way Mr. Pierman is suggesting. He stated that it is purely a question of withholding. He further stated that this is a tax issue and he could not comment on it.

Vice Chairman Child asked for a second to the **motion**. Supervisor Kessner seconded the **motion**.

Supervisor Altwein expressed concern about the FICA withholding and how Supervisors would pay that, since half of FICA is paid by the employer. Ms. Snyder of GSG clarified that one must earn over $6,000 annually to pay FICA.

Vice Chairman Child reiterated the **motion** made by Supervisor Mancuso and seconded by Supervisor Kessner to accept the recommendations of SDS. The **motion** carried 4 to 0.

Mr. Imperato stated that that was his last item, but that he wanted to remind the Board Members that they are not supposed to go to contractors or subcontractors to communicate with them directly and requested that the matters be brought to the District Manager.

XI - Supervisors' Requests

Vice Chairman Child stated that he would start at one end of the table for Supervisors' Requests and recognized Supervisor Mancuso as having the floor.

Supervisor Mancuso stated that he appreciates the move to computers, and would like to see the District do a better job at organizing its records. Using the City of Port

St. Lucie as an example, Mr. Mancuso requested that the Districts records be catalogued so that they may be easily accessed electronically in the District office.

Vice Chairman Child thanked Supervisor Mancuso for his comments and acknowledged that Supervisor Altwein had the floor at this time.

Supervisor Altwein asked Mr. Imperato if the City has completed their improvements of the landscaping on St. Lucie West Boulevard. Mr. Imperato stated that he believed they were completed, but if he advises of the areas of concern he will bring those areas to the City's attention.

Supervisor Kessner then asked if the invitation was extended to Congressman Rooney to take a look at the District facilities.

Mr. Imperato stated that the only reservation he had at this moment is until SFWMD approves our major project, which is the stormwater drainage improvement, then he does not have something to go to Congressman Rooney to say that I have an approval and the only thing I am lacking is funding. Right now I don't even have an approval.

Supervisor Kessner asked if we could use the Culpepper numbers, to which Mr. Imperato responded he could not in good conscience go to Congressman Rooney and request money for those projects when they were based on new construction standards.

Vice Chairman Child interrupted briefly to ask Mr. Imperato "What about lift stations?"

Mr. Imperato stated that he personally would not feel right asking the federal government to underwrite our costs of operation.

Vice Chairman Child reiterated Supervisor Kessner's question: Has an invitation been put forth to Congressman Rooney?

Mr. Imperato stated "Not as of yet" - he is waiting for SFWMD to agree with their plan so he could go to Congressman Rooney with something meaningful that is a help and welfare, an emergency issue. Mr. Imperato went on to list some emergency items that he felt would be appropriate to request funding for.

Mr. Imperato requested that the Board Members go through the budget and the capital improvement plan and the projects and identify those things that they think are worthy to bring to Congressman Rooney's attention.

Vice Chairman Child asked if there were any other Supervisors Requests and Supervisor Mancuso asked to have the floor. He stated that he read something in the *Palm Beach Post* regarding the DEP was going to amend its water pipe rule and he apologized for not giving to Board Members previously. The article stated that

back flow preventers, if they approve it, are going to cost a lot of money. He will present to Mr. Imperato for his information. Mr. Imperato thanked him for it.

Vice Chairman Child expressed his concern about the Policies & Procedures manual and the process by which it is updated. He requested that a replacement page be issued every time an update is made.

Mr. Harrell explained that his firm is currently creating CDs of the book for the Board. In the meantime, he stated that there were some corrections that needed to be made and would forward them to Mr. Imperato for distribution.

Mr. Imperato stated that the District had been run on scrap paper for several years, and that the process of getting things into an electronic form is slowly happening.

XII - Adjournment

Vice Chairman Child entertained a motion to adjourn.

A **motion** was made by Supervisor Mancuso and seconded by Supervisor Altwein to adjourn the meeting at 10:40 a.m. The **motion** carried 4 to 0.

Meeting Minutes Signature Page

Chairman/Vice Chairman

Secretary/Assistant Secretary

Date Approved 1-20-08