

Naples, Florida, August 22, 1979

LET IT BE KNOWN, that the Pelican Bay Improvement District Board met on this date in Regular Session at 4:30 P.M. in Building "F" of the Collier County Courthouse Complex with the following members present:

PRESIDENT: Salvatore Scuderi  
SECRETARY: Douglas Brown  
TREASURER: Elinor Wenzel

Joseph Fernandez  
Harmon Turner

ALSO PRESENT: Gary Moyer, District Manager; Fred Biery, Post, Buckley, Schuh & Jernigan; Messrs. Koste, Penn, Bunetmeyer and Obley; Coral Ridge-Collier Properties; George Varnadoe, Attorney for Smith, Young and Blue and Tracy Bolesky, Attorney for the District and Jean Swindle, Recording Secretary.

#### AGENDA

1. Roll Call
2. Approval of minutes of July 18, 1979 meeting.
3. Public Hearing and Board discussion of the proposed fiscal 1980 budget
4. Consideration of street lights and Lease Purchase Agreement with First Municipal Leasing Corporation.
5. Supervisors' Requests
6. Engineer's Report
  - a) Status of Construction
  - b) Confirmation of Certificates for Payment
7. Manager's Report
8. Treasurer's Report
9. Adjournment

#### ROLL CALL

President Scuderi asked that the record show all members were present - Secretary Brown arriving at 4:40 P.M.

MINUTES OF JULY 18, 1979 - APPROVED WITH CORRECTIONS

Mr. Turner moved, seconded by Mr. Fernandez and carried unanimously, that the minutes of July 18, 1979 be approved with the following correction:

Page 612 - Third paragraph - Should read "unanimously, that the Engineers be instructed to 'give the contractors notice to proceed'----"

PUBLIC HEARING AND BOARD DISCUSSION OF THE PROPOSED FISCAL 1980 BUDGET

Legal notice having been published in the Naples Daily News on August 6 and 13, 1979 as evidenced by the Affidavit of Publication, public hearing was opened to consider the proposed 1979-1980 fiscal budget for the Pelican Bay Improvement District. Mr. Moyer presented the budget and during the review made the following changes as they were indicated.

Page one - WATER MANAGEMENT OPERATION -	Recommended Total Figure
Office Expense	\$ 1,000
Payroll	17,750
Tax & Benefits	<del>2,236</del> 2,636
Water Quality	5,000

Making the new total for the above-referenced proposed budget:

\$87,006 as opposed to the original \$94,747

Page one-a WATER MANAGEMENT OPERATION/Total Budget Requirement	
Operation/Maintenance	\$ 87,006
Debt Service Requirement 1980	143,600
1981	<u>143,600</u>
Total BUDGET REQUIREMENT	\$374,206
Total TAX LEVY	+ \$ 23,885
TOTAL AMOUNT	<u>\$398,091</u>

Page six - WATER/SEWER BUDGET -	Recommended Total Figure
Chemical Costs	\$ 4,000
Electric	35,000
Mtnce/Repair	3,000
Salaries/Benefits	42,196
Other/Addtl category/Small tools = \$2,500	9,048
TOTAL EXPENSES	<u>\$116,308</u>

Professional Services

Mr. Moyer stated that for a period of time, the District will operate at a deficit, due to the fact that the system is dependent upon connection fees

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and because there will be no revenue from such fees until July and September of 1980, Coral Ridge Collier Properties has been approached to fund such a deficit until the cash flow can be of such proportions that the operation will be self-supporting. Discussion followed which covered the possibility of taxing the landowner for the needed operational monies and from the legal advice given it was determined to be "not legal" when a revenue bond issue is involved; Mr. Buntmeyer's statement that Coral Ridge Collier Properties will make the funds available to the District when necessary with the payback being with a minimum amount of interest and Mr. Moyer's indication that he will prepare for the next meeting, an agreement between the District and the Developer for such monies.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the public hearing be closed.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unaimously, that the Water Management Budget, as corrected, be approved; that the District Manager be authorized to present said budget to the Tax Collector and that the President and the Secretary be authorized to sign the Resolution levying the tax.

Mr. Moyer explained that the District's Water/Sewer Budget does not have to be adopted until October 1, 1979 and it was his recommendation that this budget be postponed until the September meeting so that the proposed agreement with the Developer may be reviewed and the budget, itself, corrected as determined at today's meeting.

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CONSIDERATION OF STREET LIGHTS AND LEASE PURCHASE AGREEMENT WITH FIRST MUNICIPAL LEASING CORPORATION - DISCUSSED

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Mr. Tracy Bolesky, Attorney for the District, presented two Resolutions, which were adopted by the Board of County Commissioners in regular session on August 21, 1979, and stated that said Resolutions waive the Bid requirements for the purchase of street lights in the district and authorize the District

to negotiate a purchase agreement for same with the stipulation that such an agreement be reviewed by the County Attorney before signing. Mr. Bolesky pointed out several items in the standard agreement between the District and First Municipal Leasing Corporation (Sterner Lighting Systems, Inc.) which he did not like and these were discussed by the Board - i.e. "not assert any right of setoff or counter claim ---"; "Lessee has complied with all bidding requirements if required"; the complete Indemnity clause and the Disclaimer of Warranties paragraph.

Following the discussion regarding the points of the agreement that were unclear, Mr. Moyer recommended that more research be done on the document and that all necessary backup material would be included in the next month's packet to the Board.

PLAT OF UNIT TWO/ PELICAN BAY - APPROVED - PRESIDENT AND SECRETARY AUTHORIZED TO EXECUTE SAME

Mr. Fred Biery of Post, Buckley, Schuh & Jernigan, Inc. presented the proposed plat of Unit Two - Pelican Bay and gave each member of the Board a copy of the plat. He stated all easement of record are correctly on the document and the plat, itself, covers all the boundaries and land with the golf course. Quoting from the letter given to the Board, dated today's date, Mr. Biery stated - "On December 20, 1978 the Board of Supervisors entered into a license Agreement with Coral Ridge-Collier Properties, Inc., and individuals with the Collier Company who own land at Pelican Bay covering the entire area of the golf course. The License Agreement also covers the entire area of the Unit Two Plat. The Agreement gives the Improvement District right-of-entry for the purpose of construction of facilities. Upon completion of construction, proper easement will be prepared and recorded. When all easements are recorded

the License Agreement will terminate. The water management systems are designed to accommodate the drainage of all lands contained within the Plat." It was his recommendation that the Board approve proposed plat of Unit Two/Pelican Bay.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that Pelican Bay Unit Two Plat be approved and that the President and the Secretary be authorized to sign same.

#### SUPERVISORS' REQUESTS

None

#### ENGINEERING'S REPORT

##### Project Progress Report

Mr. Fred Biery reported the progress on the contracts as follows: Contract A - essentially completed; Contract B - completed; Contract C-1 - 15% completed; Contract C-2 - Behind schedule - problems with Biltmore construction that will be solved; Contract D - essentially completed; Contract E - completed and Contract F - completed with only "final seeding" still to be done.

Mr. Turner said he had had a telephone call from a property owner regarding the installation of the pipeline, saying the cleanup work has not been done properly and he asked Mr. Biery to look into the matter.

Photographs of the construction progress were given each member of the Board by Mr. Biery and identified.

##### Certificates of Payment

Following Mr. Biery's statement that all the certificates of payments had been reviewed and signed by Mr. Harmon Turner and as such had been sent to the bank for payment, Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the Certificates of Payment be confirmed.

##### Status of Construction Funds

Mr. Biery presented for the record tabulations he had compiled regarding the Construction Account Funding as of August 20, 1979 which included the Water/Bond Bond Issue-Phase 1; Water Management Bond Issue - Phase 1 and the Developer's Agreement - Coral Ridge Collier Properties. It was Mr. Biery's suggestion that this tabulation be sent to the bond fund trustees for verification.

In conclusion of his Engineer's report, Mr. Biery stated that at next month's meeting, he will be in a position to start authorization of final payments and acceptance of same by the Board which means that the problem of the sales tax question must be "tackled". Prior to the final authorization, a Change Order will need to be in effect so that such payments may be "finalized-out", Mr. Biery continued, and asked for directions from the Board.

Mr. Turner asked if there were available monies to pay the sales tax, if it were necessary, and Mr. Biery answered in the affirmative. Attorney Bolesky said the District will probably have to pay the taxes and in turn, file for a refund through the courts.

Temporary Connection from Transmission Line (at the Utility Site) to  
the Inlet Side of the Non-Potable System - Approved in the amount, not  
to exceed \$1,200

Mr. Biery had one more item to bring before the Board and that was the issuance of a Change Order, in an amount not to exceed \$1,200, for the installation of a temporary valve in the transmission line at the utility site to allow water to be put into the irrigation system. He explained this water would be used by construction firms; for fire protection; etc. and that homeowners would pay for such water via the metered system. Discussion followed which covered the fact, that without this temporary connection, homebuilders would have to drill their own wells; that this is simply an interim action because when the system is completed it will not be needed for use as fire protection and the fact that this installation will generate revenues sooner even though the original payment will come from District funds.

Mr. Turner moved, seconded by Mrs. Wenzel and carried 4-0 with Mr. Fernandez abstaining, that the necessary Change Order, in amount not to exceed \$1,200, for the installation of a valve which will supply pressure to the non-potable water supply, be authorized.

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PUBLIC HEARING RE PELICAN BAY IMPROVEMENT DISTRICT APPROVED RATE SCHEDULE -  
AUTHORIZED FOR SEPTEMBER 19, 1979

Mr. Biery stated that on August 14, 1979 the Board of County Commissioners had approved, without change, the Pelican Bay Improvement District's rate schedule and Mr. Moyer could now advertise the approved rate schedule for public hearing. It was determined that the date of September 19, 1979 would be the correct one to allow for the requirement of publishing the legal ad two times within the 30 day period.

REGISTERED AGENT WITH REGISTERED OFFICE FOR THE DISTRICT NOW REQUIRED BY THE  
DEPARTMENT OF COMMUNITY AFFAIRS NEW STATUTES/DISCLOSURE ACT OF 1979

Attorney Bolesky reported that according to a letter received from the Department of Community Affairs, a new Statute involving the Disclosure Act of 1979 had been adopted and it is now required of the District that it appoint a Registered Agent - a Registered Office and file the name and address of same with the Department of Community Affairs. Both the office and the agent must be within the District. Also audits, financial statements and lists of bond issues must be filed with the Department the same as any other corporation, Mr. Bolesky continued. It was the consensus of the Board, that since this does not have to be done until the 1st of October, 1979, that the item could wait until the September meeting.

TREASURER'S REPORT

Mrs. Wenzel presented the Treasurer's report for the period July 19, 1979 through August 22, 1979 - Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the Treasurer's report be approved as submitted.

Mrs. Wenzel submitted the following bills:

Attorney Tracy Bolesky	\$1,035.00
Naples Daily News	7.60
Accountants	250.00
BCC	46.30
Invoice 24/PBS&J	970.56
PBS&J re Bid/Tierra Mar	<u>16.17</u>
	\$2,325.63

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the bills as presented be approved for payment.

ESCROW FUND AGREEMENT BETWEEN TIERRA MAR AND THE NATIONAL BANK OF COLLIER COUNTY  
RE CONSTRUCTION - APPROVED WITH STIPULATION

Mr. Moyer asked for the Board's approval of the completed Escrow Fund Agreement between the National Bank of Collier County and Tierra Mar, saying it is in the same form as previous construction trust agreements.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that the Escrow Fund Agreement between Tierra Mar and the National Bank of Collier County be approved with the stipulation that Attorney Bolesky review the document before the President and Secretary execute same.

ADJOURNMENT

Mr. Turner moved, seconded by President Scuderi and carried unanimously, that the meeting be adjourned - Time: 6:25 P.M.

PELICAN BAY IMPROVEMENT DISTRICT BOARD

*Salvatore Scuderi*  
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Salvatore Scuderi, President