

Naples, Florida, March 12, 1980

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" in 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; Mr. Byron Koste, Coral Ridge-Collier Properties; Tracy Bolesky, Attorney for the District and Jean Swindle, Recording Secretary.

AGENDA

1. Roll Call
2. Approval of minutes of meeting held February 13, 1980
3. Consideration of Engineering Agreements
 - a) Extension of Water & Sewer Facilities - Ridgewood Dr. & Laurel Oak Boulevard
 - b) Pelican Bay Boulevard and Gulf Park Drive
4. Consideration of Pelican Bay, Unit III, Plat
5. Engineer's Report
 - a) Status of Construction
 - b) Certificates of Payment
6. Supervisors' Requests & Audience Participation
7. Manager's Report
8. Treasurer's Report
9. Approval of Invoices
10. Adjournment

ROLL CALL

President Scuderi asked that the record show all members of the Board present.

MINUTES OF FEBRUARY 13, 1980 - APPROVED AS CORRECTED

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that the minutes of February 13, 1980 be approved with the following corrections:

Page 678 - Under Engineer's Report - Construction Status Report Fourth sentence - Delete the word "only" and add to the end of paragraph - "additional work on storage tank and on the waste-water treatment plant and other site improvements before being completed." per Mr. Harmon's request.

Page 680 - Second to the last sentence on the page - change the words from "Secretary and Treasurer" to President and Secretary" per Mr. Harmon's request.

ENGINEERING AGREEMENT FOR EXTENSION OF WATER/SEWER FACILITIES RE RIDGEWOOD DRIVE AND LAUREL OAK BOULEVARD - APPROVED

District Manager Gary Moyer reviewed the proposed engineering agreement between the District and the Coral Ridge-Collier Properties Corporation saying it is standard in nature and deals with the corporation's desire to extend the water/sewer facilities south along the proposed route of Ridgewood Drive, being approximately 902 feet west of U.S. 41 to the intersection of Laurel Oak Drive, plus the extension of non-potable water east along the proposed route of Laurel Oak Drive for a distance of approximately 800 feet. Mr. Moyer said that the Board had authorized the Engineer to proceed with the preparation of the necessary engineering plans - subject to the Developers' concurrence - during the meeting of February 13, 1980. He concluded that the Developer has agreed and requested the Board to approve and execute the proposed Agreement as submitted.

President Scuderi questioned Item 3 on Page 2 of the proposed Agreement, asking that the sentence--- "the engineering design fees as outlined in EXHIBIT "A", shall be considered a project cost and reimbursed to Corporation under the same terms and conditions that will apply to the purchase by the District of the total project from Corporation" -- be explained. Mr. Moyer said there have been two sets of agreement forms approved previously by the Board, the present agreement is the one that concerns itself with the payment of engineering fees while the second agreement is employed when the District actually receives bids and awards the contract -- this agreement states that the Corporation will make monies available to the District; the District will pay the Contractor and in turn, agrees to repay the Developer such monies out of the connection fee and revenue surpluses. When President Scuderi asked if this was the agreement that states the District will pay the Corporation interest after certain period of time and will be in effect "forever", Mr. Moyer answered in the affirmative.

Following Mr. Turner's statement that he had reviewed the document and found it to be in line with the District's other agreements of this nature, he moved, seconded by Mr. Brown and carried 4-1 with President Scuderi dissenting, that the Agreement be approved and the President and the Secretary be authorized to execute same. President Scuderi asked that the record show his reason for voting against the proposed agreement as the same reason he voted against every other amendment where the developer thinks he is entitled to interest.

UNIT III PLAT, PELICAN BAY - APPROVED

Mr. Byron Koste identified the subject property as lying between the Golf Course and Pelican Bay Boulevard and to the north of Golf Course Drive as being the land considered for the designation of Pelican Bay Unit III Plat.

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Mr. Koste stated the new plat will carry a zoning classification of Group 3 but in reality, is the same zoning as a parcel in Unit 1, which allows construction of something other than "garden apartments/Group 3" and as such some construction under the Group 4 classification can be done.

Mr. Moyer explained that the wording on the plat acknowledges that the District will accept the drainage of all lands contained within the plat and must bear one signature of the Board's before the County will review it for recordation. The referenced signature also indicates that the District's Engineer has reviewed the plat and has found it meets the water management plans of the District. This, in turn, signifies that the water management system can accommodate the drainage of the land contained within the plat. He stated that the easement noted in the document has already been accepted by the District as recorded in OR 790 - Page 1807.

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

ENGINEERING AGREEMENT FOR EXTENSION OF WATER/SEWER FACILITIES RE PELICAN BAY BOULEVARD AND GULF PARK DRIVE - APPROVED

Following Mr. Moyer's request that the engineering agreement for extension of water/sewer facilities from the intersection of Pelican Bay Boulevard and Gulf Park Drive north for a distance of approximately 1,400 feet be approved, Mr. Turner moved, seconded by Mrs. Wenzel and carried 4-1 with President Scuderi dissenting, that the Engineer's proposal of \$6,000 for design and \$5,000 for layout and inspection of the water and sewer lines on Pelican Bay Boulevard and Gulf Park Drive north, be approved. President Scuderi asked that the record show he once again voted against the agreement.

Following clarification that the Engineer's proposal as referenced above,

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C-1 Water Plant	Installation Substantially Complete, Startup & Test cannot proceed until electrical gear arrives and is hooked up.	Scheduled Progress 100% Actual Progress 86%
C-2 Storage and Treatment	Potable & Irrigation Storage Complete, Temporary Potable Water in service January 14, 1980 Site electrical 97% complete, piping 99% complete Electrical gear final delivery promised mid April, 80 Paving Operations to start week of March 17, 1980	Scheduled Progress 100% Actual Progress 94.8%
D Water & Sewer	Project Complete Except pumping station checkout, record drawings 100% complete	Scheduled Progress 100% Actual Progress 100%
E Grading and Drainage	Project complete Record drawings complete	Scheduled Progress 100% Actual Progress 100%
F Grading and Drainage	Progress complete Record drawings complete	Scheduled Progress 100% Actual Progress 100%

Certificates of Payment

Following Mr. Biery's presentation of the following Certificates of Payments and his statement that, as such, they had been reviewed by Mr. Turner and himself, Mrs. Wenzel moved, seconded by Mr. Brown and carried unanimously, that the Certificates of Payment, listed below, be paid.

<u>CERTIFICATE NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
W/S - Administrative No. 18	Tracy Bolesky, Attorney	\$ 52.50
W/S - Contract C-2 No. 12	Biltmore Construction Company	\$119,773.10
W/M - Administrative No. 13	Tracy Bolesky, Attorney	\$ 217.50
W/M - Contingencies No. 2	Coastline Equipment Company	\$ 28,495.00
304-001.00B/304-002.00B	Financial and Management Support PBSJ	\$ 4,033.01
	TOTAL ALL INVOICES	\$152,571.11

SUPERVISORS' REQUESTS & AUDIENCE PARTICIPATION

None

MANAGER'S REPORT

District Manager Moyer reported that in the early part of March, 1980, the district had an inspection by the North Naples Fire Department and at that time, the Fire Department told the District that there was not enough pressure being made available for fire protection. He gave a quick history of the District's interim system for fire protection which consists of a valve having been installed that allows pumping to take place directly from the wellfield into the irrigation system. At the time the system was inspected, only one well was running and this indicated that the pressure at the hydrants were not sufficient. After a meeting with Mr. Parmalee, it was decided that the solution to the problem would be to run two wells at the same time which has, in turn, increased the pressure and the amount of water available for fire protection. Mr. Moyer and Mr. Biery both stated the Fire Department has made follow-up inspection and found the system to now be satisfactory. Mr. Biery reminded the Board that the present interim system will be operated until that time when the permanent water system is completed.

The other item, Mr. Moyer had for the Board's consideration, was the submission of the District's Annual Financial Report, prepared by John R. Hill, C.P.A. of Rogers, Silva, Moon & Company which, when signed by President Scuderi, must be sent to the State Comptroller.

TREASURER'S REPORT

Prior to Mr. Moyer's presentation of the Treasurer's Report, Mr. Turner asked that Mr. Moyer prepare a list of the agreements now in effect between

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the Developer and the District, identifying the services involved in each one and should there be other agreements with other entities, list those also. Mr. Moyer answered in the affirmative, following which he gave the report shown below:

**PELICAN BAY IMPROVEMENT DISTRICT
 WATER MANAGEMENT OPERATING SUMMARY
 PERIOD ENDING MARCH 12, 1980**

CASH RECEIVED:

Maintenance Tax Revenue	\$ 51,952.46	
Coral Ridge-Collier Properties, Inc.	<u>4,704.54</u>	
		<u>\$ 56,657.00</u>

EXPENDITURES:

	<u>Budget</u> Year to Date	<u>Actual</u> Year to Date	<u>Variance</u>
Meeting Expense	\$ 3,000.00	\$ 3,000.00	
Office Expense	500.00	92.37	\$ 407.63
Secretarial Expense	500.00	403.86	96.14
Legal Fees	3,000.00	4,826.08	(1,826.08)
Accounting Fees	750.00		750.00
Advertising Expense	150.00		150.00
Insurance	2,210.00	80.50	2,129.50
Travel	300.00	91.14	208.86
Administrative Expense	3,250.00	3,250.00	
Professional Fees	3,000.00	2,287.45	712.55
Payroll	8,875.00	4,500.00	4,375.00
Payroll Taxes/Benefit	1,318.00	276.00	1,042.00
Trustee Fees	750.00		750.00
Transportation	900.00	342.06	557.94
Swale Maintenance	10,000.00		10,000.00
Water Quality	2,500.00		2,500.00
Contingencies	2,500.00		2,500.00
	<u>\$ 43,503.00</u>	<u>\$ 19,149.46</u>	<u>\$ 24,353.54</u>

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Before the submission of the Water & Wastewater Operating Summary for the period ending February 13, 1980, Mr. Moyer explained that because the swales in the District are continuously partially wet, an attempt is being made to plant "pennywort" in test patches and if successful, this will solve the problem. He then submitted the above-referenced Treasurer's Report:

**PELICAN BAY IMPROVEMENT DISTRICT
 WATER & WASTEWATER OPERATING SUMMARY
 period ending-FEBRUARY 13, 1980**

REVENUE:	Budget Year to Date	Actual Year to Date	Variance
Meter Fees	\$ 7,660.00	12,992.00	5,332.00
Connection Fees	27,720.00	49,480.00	21,760.00
Water & Sewer Revenue	1,099.00	-0-	(1,099.00)
Irrigation	<u>45.00</u>	<u>10,370.66</u>	<u>10,325.66</u>
TOTALS	<u>\$36,524.00</u>	<u>72,842.66</u>	<u>36,318.66</u>
EXPENDITURES:			
Payroll	\$18,625.00	7,750.00	10,875.00
P/R Taxes/Benefits	2,473.00	276.00	2,197.00
Chemical Expenditures	3,145.00	-0-	3,145.00
Electricity	17,336.00	4,221.90	13,114.10
Maint./Repairs	1,500.00	-0-	1,500.00
Prof. Fees	4,524.00	4,695.08	(171.08)
Other Expenditures	<u>11,532.00</u>	<u>3,187.64</u>	<u>8,344.36</u>
TOTALS	\$59,135.00	20,130.62	39,004.38
SUMMARY:			
TOTAL REVENUE	\$72,842.66		
TOTAL EXPENDITURES	<u>20,130.62</u>		
 NET GAIN	 <u>\$52,712.04</u>		

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the Treasurer's Report be approved.

APPROVAL OF INVOICES

The following invoices were submitted for the Board's consideration:

PBS&J	\$4,033.01	
BCC (Secretarial)	78.77	
Naples Daily News	9.69	
Neptune Water Meter Co.	416.37	
" " " "	163.33	
Reynolds & Reynolds	23.86	
J.N. Environmental Service	283.75	
Smith-Lesher Ins.	86.00	
FPL	2,353.01	(Wellfield)
"	628.63	
NDN	3.52	
Spectrum Lab	100.00	(Pennywort delivery)
Attorney Varnadoe	976.96	(Special Act legislation; sales tax issue; Economic Impact statement preparation)
Lease/Utility Site	1,207.13	(To be paid from W/S acct)
Installment pymt/Well-field	(\$17,000.00	- approximately)(To be recalculated a certificate prepared and paid from the Construction Trust Fund)
Mr. Hassel (Street Lighting District work)	139.40	
Light Bulbs	3,040.13	
FPL	75.70	
"	78.03	
	71.13	

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that the invoices be approved as submitted with the installment payment for the wellfield to be recalculated at 4½%.

OPINION BY ATTORNEY BOLESKY REGARDING THE CONTRACT WITH GATOR UTILITIES

Attorney Bolesky, in answer to the Board's question as to whether or not the Board may retain from Gator Utilities Services, Inc., the sum of \$5,000 as retainage on the contract with Gator Utilities and extend the contract for Gator Utilities to hold and perform any additional services at the stated prices of the contract for small jobs remaining or to become needed in the future, stated that in his opinion - "it would be a subterfuge of the statute. The statute is very plain in its language and it is therefore the opinion of this writer that the competitive bids must be received if the services and commodities

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exceed \$2,500." (See the entire Opinion 80-1 on file with the Clerk's office)

Following Attorney Bolesky's rendition, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that the District Manager be authorized to instruct the Engineer to proceed with the preparation of plans for the two extensions - previously approved by the Board - (1) Laurel Oak Blvd/Ridgewood and (2) Pelican Bay Boulevard/Gulf Park Drive and advertise for bids.

Mr. Turner stated he had submitted a bill to the Developer in the amount of \$100.00.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by order of the Chair - Time - 5:45 P.M.

PELICAN BAY IMPROVEMENT DISTRICT BOARD

Salvatore C. Scuderi, PRESIDENT