

Naples, Florida, May 14, 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; George Varnadoe of Young, van Assenderp, Varnadoe & Benton and Jean Swindle, Recording Secretary.

AGENDA

1. ROLL CALL
2. APPROVAL OF MINUTES - of meeting held March 12, 1980
3. CONSIDERATION OF LEASE OF OFFICE SPACE FOR DISTRICT OPERATIONS
4. PRESENTATION OF BIDS FOR CONSTRUCTION OF WATER, WASTEWATER, AND STORM DRAINAGE FACILITIES
5. CONCEPTUAL APPROVAL OF THE STREET LIGHTING MASTER PLAN
6. ENGINEER'S REPORT - STATUS OF CONSTRUCTION
  - a) Utilities
  - b) Street Lights
- PRESENTATION OF CERTIFICATES FOR PAYMENT
7. MANAGER-ATTORNEY REPORTS
  - a) Status Report  
Request of Naples Cay to utilize District facilities
  - b) Status Report  
Amending Ordinance on Street Lighting District
8. SUPERVISOR'S REQUESTS AND AUDIENCE PARTICIPATION
9. TREASURER'S REPORT
10. APPROVAL OF INVOICES
11. ADJOURNMENT

ROLL CALL

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

MINUTES OF MARCH 12, 1980 - APPROVED AS PRESENTED

Mr. Turner moved, seconded by Mrs. Wenzel and carried 4-1, with President Scuderi abstaining, that the minutes of March 12, 1980 be approved as presented. President Scuderi stated he had not previously received his copy of said minutes consequently, he would abstain from voting.

CONSIDERATION OF LEASE OF OFFICE SPACE FOR DISTRICT OPERATIONS - AGREEMENT TO BE PREPARED FOR MEETING OF JUNE, 1980

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Mr. Moyer requested the Board's consideration of the leasing, in the District's name and for the District's use, office space of approximately 400 square feet from the Coral Ridge-Collier Properties. The building is located at 7364 Trail Boulevard, North and is directly across from the Pelican Bay development. The office space will establish a billing and customer service office for the District's users of the utility service (the office areas provided in the water treatment plant are not adequate for this purpose nor were they intended for customer service) and will cost approximately \$4.17 per square foot or \$139.00 per month. Additionally, the District will be responsible for the use of utilities as they relate to the office itself. Mr. Moyer explained that the above-referenced space will become available in July, 1980 as that is the time that Coral Ridge-Collier Properties will be moving their office into the Naples Federal building on-site at Pelican Bay. He concluded that in the next two months, he will hire someone to fill the clerk/secretary position that was approved previously by the Board.

Discussion followed which covered the time frame that this particular office space would continue to be applicable (two years); the possibility of finding the necessary area within the project and the added expense of same;

Mr. Turner's comment that because there is only one person presently employed in this area, the public is not getting prompt attention to their calls regarding the payment of utility bills and/or answers to their questions; the availability of space in Naples Federal building being more than a year away; and the fact that this particular lease/agreement will not be a long term commitment but will cover only an annual occupancy.

At this time, Mr. Turner asked that the District Manager be instructed to follow through with more information concerning the availability of space within the District itself and bring to the Board at the June, 1980 meeting, a prepared lease/agreement for the Board's approval. Other members of the Board concurred.

PRESENTATION OF BIDS FOR CONSTRUCTION OF WATER, WASTEWATER, AND STORM DRAINAGE FACILITIES - AWARDED TO LOW BIDDER - K & L CONTRACTORS, INC.

For the record, Mr. Biery presented the Affidavits of Publication from the Fort Myers News-Press, dated April 23 and 30, 1980 and the Naples Daily News, dated April 23 and 30, 1980, verifying that legal notice had been advertised for bids for construction of water, wastewater and storm drainage facilities (more specifically "Phase I Water & Wastewater Systems; Contract D-2; Distribution & Collection Facilities" and "Potable Water Service Installation"). Mr. Biery gave each member of the Board a copy of the Bid Tabulation which identified the four bidders as Gator Utilities Service, Inc.; K & L Contractors, Inc.; Kirkman Enterprises, Inc. and Mitchell & Stark Construction Co., Inc. with the low bidder being K & L Contractors, Inc. coming in with the figure of \$50,290.50.

The items of construction that were "bid on" are as follows:

1. Water, irrigation and wastewater facilities extending from Pelican Bay Boulevard south along the proposed route of Laurel Oak and Ridgewood Drive

2. Tapping the major water distribution main to service Chateaumere
3. Provision of a piped drainage system from the irrigation lagoon to an outfall detention area with the Golf Course.

There were questions raised regarding the legality of awarding the bid to Gator Utilities Service, Inc. even though their bid was approximately \$81.50 more than the low bidder - (The firm's familiarity with the project as a whole and past working experience with the project's engineering being cited as cause for such a review); Attorney George Varnadoe's statement that PBID's Special Act states such proposed construction must go out for competitive bid and upon completion of the bid tabulation - must be awarded to the low bidder without regard to other considerations - i.e. as mentioned above concerning Gator Utilities Service, Inc. with the possible additional expense to the District if an unfamiliar firm is awarded the bid.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that K & L Contractors, Inc., P.O. Box 7, Killarney, Florida be awarded the bid to construct Phase I Water & Wastewater Systems; Contract D-2; Distribution & Collection Facilities to include the water, irrigation and wastewater facilities extending from Pelican Bay Boulevard south along the proposed route of Laurel Oak and Ridgewood Drive and the tapping of the major water distribution main to service Chateaumere in the amount of \$50,290.50.

At this time, Mr. Biery explained, there had been an additional bid item included which covers the installation of a piped drainage system from the irrigation lagoon to an outfall detention area within the Golf Course. Following discussion which identified the responsibility of correcting an excessive water flow over one of the fairways of the Golf Course as being that of the District's, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that the inclusion of the above-referenced installation be awarded

to K & L Contractors, Inc for no additional monies.

CONCEPTUAL APPROVAL OF THE STREET LIGHTING MASTER PLAN

Mr. Moyer stated the requested conceptual approval of the District's Street Lighting Master Plan is a matter of form as the Board had, some three or four months ago, approved the concept as presented but had taken no formal action as it was felt that this would not be necessary. Since that time, the Board of County Commissioners has requested a letter of intent from the District, verifying that the District stands ready to provide the service of street lights to Pelican Bay in general and more specifically, to that area east of Pelican Bay Boulevard and just north of Gulf Park Drive - (more generally known as Pelican Bay Unit 3 Plat - part of Phase I of the Plan).

Following Mr. Biery's presentation of a progression map to each member of the Board and his explanation of the installation now taking place, Mr. Turner moved, seconded by Mr. Fernandez and carried unanimously, that the Street Lighting Master Plan be approved in concept as presented.

ENGINEER'S REPORT - STATUS OF CONSTRUCTION

Utilities: In addition to the following written progress report, Mr. Biery stated that the only other major piece of electrical equipment - a high service pump control panel - necessary for the utilities site completion, is on route to the District; the FPL transformer has been turned on; the electricians to hook-up the reverse osmosis plant will be in next week and potable water should be available from the RO plant by the June meeting of the Board.

Street Lights: Mr. Biery stated that the street lighting is still not complete, saying there were standards yet to be put up and there has been some problem with the installation of conduits. Yet, he continued, the contractor is within his contract time with 30 days more or less, to complete the installation.

PROJECT PROGRESS REPORT  
May 14, 1980

Progress Updated to May 14, 1980

Contract A Wellfield	Project Complete Record Drawings Complete	Scheduled Progress 100% Actual Progress 100%
B Transmission Main	Project Complete	Scheduled Progress 100% Actual Progress 100%
C-1 Water Plant	Installation Substantially Complete, Startup & Test should start week of May 19, 1980	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 99% complete, Piping 99% complete Electrical gear final delivery promised mid April, 80 All items received except High Service Pump Control Panel FPL hook-up of Transformer com- pleted 5-13-80 and released to Biltmore	Scheduled Progress 100% Actual Progress 99.1% Elapsed Time % 151%
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%

PRESENTATION OF CERTIFICATES FOR PAYMENT

Following Mr. Biery's presentation of the Certificates for Payment for the month of April, 1980 and his statement that all had been reviewed by Mr. Turner and Mr. Moyer and forwarded to the bank for payment (there being no meeting during April, 1980), Mrs. Wenzel moved, seconded by Mr. Brown and carried unanimously, that the Certificates for Payment for the month of April, 1980 be approved as presented.

PELICAN BAY IMPROVEMENT DISTRICT

APRIL 1980

CERTIFICATE NO.

W/S - Contingencies	No. 20	[Contract Obligation/Wellfield Coral Ridge-Collier Properties]	\$ 17,748.58
W/S - Contingencies	No. 21	Wilson, Miller, Barton, Soll & Peek, Inc.	\$ 42.25
W/S - Contract C-2	No. 13	Biltmore Construction Company	\$ 36,417.00
W/M - Contingencies	No. 3	[Two gate structures Coral Ridge-Collier Properties]	\$ 1,040.00
R&G - Tierra Mar	No. 5	Post, Buckley, Schuh & Jernigan, Inc.	\$ 229.83
Roadway Lighting	No. 1	Collier Electric Company	\$ 16,650.00
304-001.00B/304-002.00B		Financial & Management Support PBSJ	\$ 5,742.11
		TOTAL ALL AMOUNT ALL INVOICES	\$ 77,869.77

At this time, Mr. Biery identified the final Change Order #1 for the Layne-Atlantic Company, a division of Layne-Western Company, Inc., which will complete Contract "A" - Wellfield, in the amount of \$226,793.48 and stated this figure includes a payment of sales tax in the amount of \$4,567.26. Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously, that Change Order #1 for the Layne-Atlantic Company in the amount of \$226,793.48 which completes Contract "A" - Wellfield, be approved.

Pelican Bay Improvement District  
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Mr. Biery presented the Certificates of Payment for the month of May, 1980, pointing out that the \$11,509.75, as shown, will be the final payment to Layne Atlantic Company; the Certificate for Biltmore Construction in the amount of \$49,042.00 results in approximately \$175,000 still being held which is more than enough to finish the job; the \$2,080 Certificate in the name of Quaid Fence Builders, Inc. is for the additional four gates that were purchased; the Certificate for Jeff E. Hassell, P.E. is for the design of the roadway lighting system along Gulf Park Drive; the Certificate in the amount of \$3,394.33 will pay for PBS&J's design work on the utility extension of Ridgewood, Laural Oak and Gulf Park Drive and the final figure is the listing of PBSJ's financial & management support in the amount of \$4,626.05.

Mrs. Wenzel moved, seconded by Mr. Brown and carried unanimously, that the Certificates of Payment, as listed below, be approved for payment.

PELICAN BAY IMPROVMENT DISTRICT

MAY 1980

<u>CERTIFICATE NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
W/S - Contract A	No. 6 Layne Atlantic Company	\$ 11,509.75
W/S - Contract C-2	No.14 Biltmore Construction Company	\$ 49,042.00
W/M - Contingencies	No. 4 Quaid Fence Builders, Inc.	\$ 2,080.00
Roadway Lighting - Contingencies	No. 2 Jeff E. Hassell, P.E.	\$ 1,280.00
Utility Extension Ridgewood, Laural Oak, & Gulfpark Drive	No. 1 Post, Buckley, Schuh & Jernigan, Inc.	\$ 3,394.33
304-001.00B/304-002.00B	Financial & Management Support PBSJ	\$ 4,626.05
	TOTAL AMOUNT ALL INVOICES	\$ 71,932.13

MANAGER-ATTORNEY REPORTS

1. Status Report on the request of Naples Cay to utilize District facilities:

Mr. Moyer explained that the owners of the property directly south of Pelican Bay, Naples Cay, have requested they be permitted to tie in with the Pelican Bay system and facilities, giving their reason for such a request as being the inability of the City of Naples, at this time, to give them such service. Mr. Moyer stated he had furnished this information to the District's attorney, Mr. Tracy Bolesky, and had received a return letter from him which states that the Act, creating the District, specifically says that the District can not provide service outside its boundaries. Because Mr. Bolesky could not attend the meeting, Mr. Moyer's explanation of conversations between the City Attorney and Mr. Bolesky regarding the situation was, as he said, sketchy but it was his understanding, in order to stay within the limitations of the Act, the City of Naples was prepared to purchase such services and in turn sell same to Naples Cay. Mr. Moyer also referred to a letter from the Environmental Advisory Council to the District which supported the possibility of Naples Cay being serviced by the Pelican Bay rather than adding yet another small "package plant" to the area.

It was the consensus of the Board, after comments by Mr. Clinton Greenland, Technical Staff/Naples Cay and the following statement by Attorney George Varnadoe: "The Act clearly states that the district is to provide services to those lands of the District only and the only justification the District might have for supplying such a request with another governmental agency as opposed to a private individual, is the authority the District has to contract with special tax districts and other governmental agencies if it be necessary, incidental, convenient or proper in connection with any of the powers, purposes or duties of the District.", that the District could not provide the services requested by Naples Cay.

2. Status Report on the Amending Ordinance re Street Lighting District:

Mr. Moyer reported that the amending Ordinance which will include more area in the present Street Lighting District, will be heard by the Board of County Commissioners at their meeting of June 17, 1980 and upon approval, will be included in the 1981 budget.

3. Status report on the utility system:

Mr. Moyer stated there are now customers on the utility system - eight (8) at the present time with more coming on line almost daily. The first month of operation has been hectic but that many of the problems and customer complaints have been solved satisfactorily.

SUPERVISOR'S REQUESTS AND AUDIENCE PARTICIPATION

Mr. Turner asked the question of Attorney Varnadoe if there had been any further information regarding the paying and/or non-paying of sales tax by the District to which Mr. Varnadoe replied he was checking with Tallahassee regarding the disposition of the two appeal cases already in the courts and will report to the Board at next month's meeting.

Also, Mr. Turner asked that the Board be notified when the R0 plant begins operation so that the members might be on hand for the occasion. Mr. Brown inquired about the maintenance of the landscaping - i.e. grass - around the utility site and Mr. Biery replied once the system is in operation this will be cared for.

Mr. Koste of Coral Ridge-Collier Properties made the statement that the developer has always represented to those concerned persons and the public in general that their development has been contained in that 2100 acres of Pelican Bay only.

TREASURER'S REPORT

Following Mr. Moyer's presentation the financial statements for the Water Management Operation and the Water & Wastewater Operation, and his explanation regarding the transfer of monies from the "drainage account" to the "water/sewer account" for payment related to the Tierra Mar project in the amount of \$4,500 together with the "Confirmation of Bills" for both the general drainage fund and the general water & sewer revenue fund, Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the

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bills on the General Drainage Fund and the General Water & Sewer Revenue Fund be approved (Said bills and summaries shown below).

PELICAN BAY IMPROVEMENT DISTRICT  
GENERAL WATER & SEWER REVENUE FUND  
CONFIRMATION OF BILLS

<u>PAYEE</u>	<u>SERVICE</u>	<u>AMOUNT</u>
Florida Pump & Motor	Points for the temporary water system	\$ 109.21
Coral Ridge Collier Properties	Utility site lease	1207.13
Florida Power & Light	Wellfield electric	5661.53
General Motors Acceptance Corporation	Truck lease	359.13
J. N. Environmental	Chemical costs	333.01
Neptune Water Meters	Water meters	579.70
Raybo Electric	Electrical test equipment	78.16
Spectrum Labs	Water tests	100.00
Underground Supply	Miscellaneous tools	156.02
Post, Buckley, Schuh & Jernigan	Consulting engineering	2699.00
Bob Dean Supply	Paint	14.00
DuBroy, Inc.	Manhole cleaning	150.00

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PELICAN BAY IMPROVEMENT DISTRICT  
GENERAL DRAINAGE FUND  
CONFIRMATION OF BILLS

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<u>PAYEE</u>	<u>SERVICE</u>	<u>AMOUNT</u>
Coral Ridge Collier Properties	Reimbursement for October, 1979 advance	\$4704.54
Coral Ridge Collier Properties	Repayment of street lighting bills	3404.46
General Motors Acceptance Corporation	Truck lease	359.16
Post, Buckley, Schuh & Jernigan	General engineering	1334.01
Post, Buckley, Schuh & Jernigan	General engineering	5742.11
Association of Special Districts		100.00
Board of County Commissioners	Secretarial services	78.77
Board of County Commissioners	Secretarial services	78.75
Coral Ridge Collier Properties	Street lighting reimbursement (electric)	64.07
Naples Daily News	Advertising	13.36

PELICAN BAY IMPROVEMENT DISTRICT  
 WATER MANAGEMENT OPERATING SUMMARY  
period ending - May 14, 1980

REVENUE:	<u>Levied</u>	<u>Received</u>
Maintenance Tax Revenue	\$ <u>87,006.00</u>	<u>87,006.00</u>

EXPENDITURES:	<u>Budget Year to Date</u>	<u>Actual Year to Date</u>	<u>Variance</u>
Meeting Expense	\$ 4,000.00	3,100.00	900.00
Office Expense	667.00	92.37	574.63
Secretarial Expense	667.00	561.38	105.62
Legal Fees	4,000.00	3,185.54	814.46
Accounting	1,000.00	-0-	1,000.00
Advertising	200.00	16.46	183.54
Insurance	2,947.00	80.50	2,866.50
Travel	400.00	124.60	275.40
Administrative	4,333.00	4,333.00	-0-
Professional Services	4,000.00	12,178.17	(8,178.17)
Payroll	11,833.00	6,000.00	5,833.00
Payroll Taxes/Benefits	1,757.00	367.80	1,389.20
Transportation	1,200.00	609.45	590.55
Swale Maint.	13,333.00	—	13,333.00
Water Quality Tests	3,333.00	—	3,333.00
Contingencies	3,333.00	1,785.40	1,547.60
Trustee	1,000.00	—	1,000.00
	<u>\$58,003.00</u>	<u>\$32,434.67</u>	<u>\$25,568.33</u>

Pelican Bay Improvement District  
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PELICAN BAY IMPROVEMENT DISTRICT  
 WATER & WASTEWATER OPERATING SUMMARY  
 period ending - May 14, 1980

REVENUE:	Budget Year to Date	Actual Year to Date	Variance
Meter Fees	\$10,540.00	16,432.00	5,892.00
Connection Fees	38,620.00	62,040.00	23,420.00
Water & Sewer Revenue	2,408.00	533.12	(1,874.88)
Irrigation	138.00	18,990.61	18,852.61
<b>TOTALS</b>	<b>\$51,706.00</b>	<b>97,995.73</b>	<b>46,289.73</b>
<b>EXPENDITURES:</b>			
Chemicals	\$ 319.00	331.01	( 12.01 )
Electric	20,123.00	9,883.43	10,239.57
Maint/Repairs	3,808.00	392.39	3,415.61
Payroll	24,833.33	16,333.33	8,500.00
Payroll Taxes/Benefits	3,297.33	1,001.23	2,296.10
Professional Fees	6,032.00	6,623.63	(591.63)
Other Expenses	15,376.00	4,440.96	10,935.04
Meter Costs	-0-	2,692.07	(2,692.07)
<b>TOTALS</b>	<b>\$73,788.66</b>	<b>41,698.05</b>	<b>32,090.61</b>

APPROVAL OF INVOICES

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

CSID/reproduction of 210 copies & Postage	\$ 37.97
Gator Utilities/installation of irrigation line for Chateaumere	1,830.00
Naples Daily News	3.10
Attorney Bolesky - Services rendered from Jan. 26 through April 25, 1980 against the drainage account	705.00
Services rendered from Feb. 25 to April 25, 1980 against street lighting dist.	367.00
Services rendered from Jan. through April 25, 1980 against water/sewer account	787.50
Services rendered from Dec. 26, 1979 thru Mar. 25, 1980 against water/mgmt account	112.50

Mr. Koste questioned the several statements submitted by Mr. Bolesky, saying that he thought that the same period of time had already been covered by

Pelican Bay Improvement District  
May 14, 1980

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previously submitted bills and had, at that time, been paid. President Scuderi asked that the subject statements be withdrawn until it could be determined what their actual status is. Mr. Moyer stated he would check and bring them back next month if necessary.

Mr. Turner moved, seconded by President Scuderi and carried unanimously, that the bills be approved as submitted with the exception of the Attorney's statements which will be brought back next month after clarification.

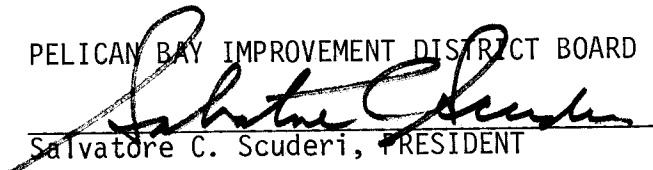
Mr. Moyer stated that Florida Power & Light is requesting a \$5,000 deposit for the utility site and even though it appears to be a large amount, it will become an asset in the long run.

Mr. Turner said he had given the developer a bill for \$550.00 to cover the months of March and April, 1980.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by order of the Chair - Time: 6:15 P.M.

PELICAN BAY IMPROVEMENT DISTRICT BOARD

  
Salvatore C. Scuderi, PRESIDENT