

Naples, Florida October 6, 1981

LET IT BE KNOWN, that the Pelican Bay Improvement District met 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: Stanley Brooks

Harmon Turner

Sylvia Moll

ALSO PRESENT: Gary Moyer, District Manager; James Ward, Assistant to the Manager; Jerry Eckert, Post, Buckley, Schuh & Jernigan, Inc.; Messrs. Caldwell, Dillon, Hoegsted, Hecht, Stevens and Ms. Evanish, Coral Ridge-Collier Properties; Tracy Bolesky, Attorney for the District; George Varnadoe, Young, van Assenderp, Varnadoe & Benton and Jean Swindle, Recording Secretary.

AGENDA

1. ROLL CALL
2. APPROVAL OF MINUTES OF SEPTEMBER 16, 1981 MEETING.
3. CONSIDERATION BY THE BOARD TO ADOPT RESOLUTIONS AND AN AGREEMENT FOR FY 1982 AQUATIC STATE MATCHING FUNDS PROGRAM
4. LICENSE TO PERMIT CONSTRUCTION TRAILERS FOR THE HERON CONDOMINIUM TO UTILIZE A PORTION OF DISTRICT'S EASEMENT
5. AUTHORIZATION TO ADVERTISE FOR COMPETITIVE BIDS FOR THE FOLLOWING WORK OR EQUIPMENT:
 - a) Truck Purchase
 - b) Aquatic Plant Control
 - c) Maintenance of Rights of Way
6. CONSIDERATION OF PROPOSED AMENDMENT TO THE PELICAN BAY IMPROVEMENT DISTRICT ACT
7. SUPERVISORS' REQUESTS & AUDIENCE PARTICIPATION
8. ENGINEER'S REPORT
9. MANAGER'S REPORT
- Consideration of engagement of auditors for FY 1981
10. APPROVAL OF INVOICES
11. ADJOURNMENT

ROLL CALL

Due to President Scuderi's late arrival, Secretary Brown called the meeting to order and asked the record show all members present.

APPROVAL OF MINUTES OF SEPTEMBER 16, 1981 MEETING - POSTPONED UNTIL THE NOVEMBER, 1981 MEETING OF THE BOARD

It was the consensus of the Board that approval of the minutes of September 16, 1981 be postponed until the November, 1981 meeting due to the members of the Board receiving their copies of said minutes too late for proper perusal.

TWO RESOLUTIONS AND AGREEMENT BETWEEN THE DISTRICT AND THE DEPARTMENT OF NATURAL RESOURCES FOR THE FUNDING OF THE CONTROL OF AQUATIC INFESTATION IN THE DISTRICT'S WATERWAYS - ADOPTED AND APPROVED WITH CORRECTIONS

Mr. Moyer presented for the Board's consideration the two resolutions and one agreement between the Department of Natural Resources and the District which will allow the District to accept funding from the State's Aquatic Plant Control Funding Program. The first resolution deals with the appointment of an authorized agent to administer the proposed State Matching Fund Program which in the District's instance would be the District Manager, Mr. Moyer. The second resolution answers the State's prerequisite that such subject waterways are public and required for drainage purposes within the District. The agreement as proposed provides that the District will submit the required reports and abide by the requirements of the Department of Natural Resources rules and regulations. Sections 372.925 and 372.932, Florida Statutes being cited as the Department's authority to implement such funding programs and Chapter 16-C-15, Florida Administrative Code as being the Department's permitting procedure. After stating that even though the reporting requirements associated with such funding are, indeed, stringent, the contribution of funds offsets monies which would otherwise have to come from taxation. Following his corrections

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in the Agreement - Section II - which should read "The Cooperator agrees to expend \$28,125 ----" and in Section III - which should read "Sections 372.925 and 372.932, Florida Statutes, \$9,375 " with the FY being 1981-82 instead of 1980-81, Mr. Moyer recommended approval of said documents to the Board.

Mrs. Moll moved, seconded by Mr. Brown and carried unanimously, that the two Resolutions and the Agreement between the Department of Natural Resources and the Pelican Bay Improvement District regarding the District's partial funding from the State's Aquatic Matching Funds Program for FY 1982, be approved subject to the afore-mentioned corrections; the President and Secretary be authorized to sign same and the authorized agent to administer said program to be District Manager, Mr. Moyer.

LICENSE NO. 81-1 ISSUED TO HERON CONDOMINIUM PERMITTING GILVESY CONSTRUCTION COMPANY TO PLACE CONSTRUCTION TRAILERS AND VEHICLES ON PORTION OF DISTRICT'S EASEMENT

The request by the developer, Brar & Associates, of The Heron project for a permitting license which will allow the contractor, Gilvesy Construction Company, to place construction trailers and park vehicles on a portion of the District's water management easement was presented for the Board's consideration by Mr. Jerry Eckert. Mr. Eckert identified the physical location of the project as being on the intersection of Crayton Road and Pelican Bay Boulevard and because almost all of the Heron's property will be used in the construction of the building, the request is for permission to use a portion of the District's water management easement in order to place construction trailers and park vehicles necessary to the project. He stated that the issuance of the requested permission will, in actuality, improve the District's facility due to the contractor's necessary preparation of the site and the construction of the access road. Mr. Eckert recommended approval of the request to the Board.

Mr. Moyer reviewed the license, pointing out Special Conditions a) and b) which protect the District's right to ingress and egress of the subject easement and the indemnification of the District against any circumstance. Mr. Bolesky, Attorney for the District, said he had reviewed the license and found it legally acceptable. Mr. Scuderi asked that an additional Special Condition be added which states that the District reserves the right to cancel the license upon 24 hours written notice to the Licensee.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the District's License No. 81-1 be issued to Gilvesy Construction Company for a period of 24 months and/or completion of construction on The Heron project - said license permitting the installation of construction trailers and the parking of vehicles temporarily on the District's water management easement. (See attached)

ADVERTISEMENT FOR COMPETITIVE BIDS FOR (1) PURCHASE OF TWO TRUCKS; (2)
AQUATIC PLANT CONTROL AND (3) MAINTENANCE OF RIGHTS-OF-WAY - AUTHORIZED

Truck Purchase

Mr. Moyer stated it is proposed that the District purchase two (2) trucks late in the year to coincide with the December, 1981 expiration of the District's current lease. Mr. Moyer's explanation of his recommendation for the purchase of two trucks rather than continuing leasing was the prohibitive high rate of interest - 20%. He also said that in order to properly discharge the duties of the District, which includes the consideration of the number of employees working in field related areas, two trucks are necessary.

Following the presentation of the information that the required type of truck can be purchased for \$6,400 - \$6,800 and would have a life-span

of approximately 4½ years, Mr. Turner moved, seconded by Mr. Brooks and carried unanimously, that the advertisement for competitive bid on the purchase of two (2) trucks to be used by the District's employees in both areas of water management and water/sewer, be authorized.

Aquatic Plant Control

Mr. Moyer explained that the District currently has a contract with Lake Doctors for the control of aquatic plants in the District's water management areas. This contract expires this month, October, 1981 and in accordance with the adopted budget for FY 1982, is one of the contracted items which must be put out for competitive bid due to the cost being more than \$4,000 for the twelve (12) month period.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the advertisement for competitive bid on the contract for the control of aquatic infestation, be authorized.

Maintenance of Rights-of-Way

The final request for authorization to advertise concerns the District's responsibility to maintain its rights-of-way. Mr. Moyer stated this contract for the past (12) twelve months has been held by Richardson and Associates, Inc and will expire at the end of December, 1981. He reminded the Board that this service was put out to bid last year and should be handled in the same manner this year. The budget for FY 1982 shows sufficient monies to cover this responsibility of the District's.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the advertisement for competitive bid on the contract for Maintenance of Rights-of-Way within the District, be authorized.

PROPOSED AMENDMENT TO THE PELICAN BAY IMPROVEMENT DISTRICT ACT - APPROVED

In reviewing the proposed amendments to the Pelican Bay Improvement District's Special Act, Mr. Moyer stated the deadline for submitting such

legislative proposals to the Delegation is October 16, 1981 and in order for the Board of Supervisors to have some input regarding said amendments, the regular meeting was being held early in the month of October, 1981. He continued that the purpose of presenting certain amendments to the District's Special Act had been brought about as a result of Collier County's desire for the District to be solely responsible for the operation and revenue funding of the Street Lighting System. However, one of the shortcomings of the District's present legislation is that it does not allow the District to levy ad valorem taxes unless such taxes are for the amortization of a bond debt and because the street lights do not fall within this category, the District does not have the ability to levy taxes for the operation and maintenance of the Street Lighting System. This particular shortcoming in the present legislation can be overcome through the proposed amendment whereby the Pelican Bay Improvement District will be brought into substantial conformance with the provisions of Chapter 190, Florida Statutes, which is the Community Development District legislation passed during the 1980 session. Additionally, the proposed conformance will expand the authority of the District to provide such services as security, schools, roads, bridges, mosquito control as well as water management and water and sewer facilities.

Also included is the provision extending the time of office for the existing Board of Supervisors to November, 1984, at which time three members of the Board would stand for election - leaving the President and Secretary continuing to serve and standing for election in 1986. Mr. Moyer said the intent of such a proposal is to build into the Act a system which will permit continuity on the Board of Supervisors and eliminate the situation whereby there would be five new Board members at one time.

Following Mr. Turner's suggestion that the wording on Page 2 - Lines 10 and 25 be more specific concerning the date of election for the Board members and the seating date; Page 3 - Line 11 and 12 change the "Board of County Commissioners" to "Supervisor of Elections" and Page 4 - Line 26- need verify the wording, Mr. Turner moved, seconded by Mr. Brooks and carried unanimously, that the proposed amendment to the District's Special Act be submitted to the Legislative delegation on October 30, 1981; that the District Manager be authorized to attend and that the necessary resolution, as corrected, be prepared.

SUPERVISORS' REQUESTS & AUDIENCE PARTICIPATION

Report on Northwest Fill Permit

Mr. Dave Caldwell of Coral Ridge-Collier Properties reported that the Developer had not been satisfied with the some of the language and terms of the Northwest fill permit issued from the Corps of Engineers and are now in process of resolving some of these issues. He stated the Developer anticipates having the subject permit in hand within the next month or two and identified one of the major issues as being the Corps' prerequisite that the wetlands be protected with the ownership of such lands being in the hands of a public entity. Mr. Caldwell pointed out the physical location of the wetlands as being all that land west of the berm and stated that the Coral Ridge-Collier Properties was in agreement completely that such lands should be protected. Continuing he said that Collier County had been approached about being the public entity to hold ownership but such a suggestion was not received positively which led to the possibility that the Pelican Bay Improvement District could be the recipient of the subject lands. Coral Ridge-Collier Properties are presently trying to retain ownership and title to the property and are negotiating with the Federal Agencies toward that end. But if needs be, Mr. Caldwell stated, the wetlands

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can be turned over to a public entity with said entity holding ownership and/or grantee of a protected easement.

Discussion followed which covered the ability of the District to tax such lands for maintenance; the point where ownership actually begins; what maintenance would be required and the overall philosophy regarding the ownership of the wetlands.

ENGINEER'S REPORT

CHANGE ORDER NO. ONE (FINAL) - K & L CONTRACTORS, INC. - CONTRACT D-5 - PART "A" & "B" - APPROVED WITH STIPULATION

Mr. Jerry Eckert presented Change Order No. 1 (Final) for K & L Contractors, Inc. on Contract D-5 - Part "A" and "B" which includes for the repayment of sales tax and the finaling out of portions "A" and "B". He recommended that the final change order be approved with the following stipulations:

1. Receipt of all necessary paperwork i.e. releases and affidavits
2. Receipt of "as built" drawings

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that Change Order No. 1 (Final) for K & L Contractors, Inc. on Contract D-5 Parts "A" & "B" in the amount of \$6,903.49 be approved with the above-referenced stipulation and the President and Secretary be authorized to sign.

CHANGE ORDER NO. ONE - K & L CONTRACTORS, INC. - CONTRACT D-5 - PART "C" APPROVED

Mr. Eckert presented Change Order No. 1 for K & L Contractors, Inc. on Contract D-5 - Part "C" which covers the modification of a necessary road crossing on Gulf Park Drive in the amount of \$13,013.40.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that Change Order No. 1 for K & L Contractors, Inc. on Contract D-5 - Part "C" to accommodate the modifications of the road crossing on Gulf Park Drive in the amount of \$13,013.40, be approved and the President and Secretary

be authorized to sign same.

CERTIFICATES OF PAYMENT - APPROVED

Mrs. Moll moved, seconded by Mr. Brown and carried unanimously,
that the following Certificates of Payment be approved:

<u>CERTIFICATE NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
Unit IV - Single Family - Construction Services	No. 5 Post, Buckley, Schuh & Jernigan	\$ 4,516.66
Bay Villas Utilities - Construction Services	No. 3 Post, Buckley, Schuh & Jernigan	\$ 3,088.23
Bay Villas Utilities - Design Services	No. 4 Post, Buckley, Schuh & Jernigan	\$ 264.76
Laurel Oak - Ridgewood Drive - Street Lighting	No. 7 Post, Buckley, Schuh & Jernigan	\$ 774.07
Water Management/Engin- eering	No. 16 Post, Buckley, Schuh & Jernigan	\$ 114.45
Developer Agreement/ Administrative	No. 7 Florida Bank at Fort Lauderdale	\$ 395.76
Developer Agreement/ Administrative	No. 8 Florida Bank at Fort Lauderdale	\$ 87.30
Contract D-5, Part A & B	No. 5 K & L Contractors, Inc.	\$ 14,775.33
Contract D-5, Part "C"	No. 2 K & L Contractors, Inc.	\$ 33,821.93
Contract A-2/Part B	No. 3 Gator Utilities Service, Inc.	\$ 29,432.16
	TOTAL AMOUNT, ALL INVOICES	\$ 87,270.65

MANAGER'S REPORT

ENGAGEMENT - ROGER, SILVA, MOON & COMPANY FOR DISTRICT'S AUDITORS -
FY 1981 - APPROVED

Following Mr. Moyer's review of the letter proposal from Roger,
Silva, Moon & Company in the amount for doing the District's audit for
FY 1981, Mr. Turner moved, seconded by Mrs. Moll and carried unanimously,
that Roger, Silva, Moon & Company, Certified Public Accountants, be en-
gaged to do the District's audit FY 1981 in the amount of \$4,000.

Mr. Moyer's other agenda item was requesting that the relative

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Resolution and signatures cards for the District's Street Lighting account with Exchange Bank be signed.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the above-referenced Resolution and signature cards be signed by the necessary persons.

PAYMENT OF INVOICES - APPROVED

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the following invoice be approved for payment:

INVOICES FOR SEPTEMBER, 1981
WATER - SEWER

Date	Payee	Amount
9/4	Coastline Equip mo-trim repair	114.59
9/4	J.N. Environmental water analysis	130.00
9/4	Fisher Scientific Co. RO plnt	124.95
9/11	Davis Water Ind. RO plant suppl.	59.18
9/11	UTS Wellfield #201-1953	67.20
9/11	UTS RO/Off ringdown	7.55
9/11	GMAC ½ truck lease	114.01
9/11	FPL RO plant	2,982.90
9/11	FPL wellfield	1,488.34
9/11	Natl Linen Serv. uniforms	85.44
9/11	Qualicom Beeper Serv.	29.50
9/11	Missimer & Assoc. wellfield mont.	330.00
9/11	Sunshine Ace Hard. RO plnt supplies	56.89
9/11	Utilities & Irr supply RO plant	34.70
9/11	Sunshine Pipe & Supply " "	21.37
9/11	UTS RO #597-2265	84.35
9/11	UTS ½ office #597-1566	105.74
9/14	Tracy Bolesky Legal serv.	472.50
9/14	PBS&J Gen. Eng. Inv. #5	362.99
9/14	PBS&J " " " #6	586.40
9/14	PBS&J " " " #7	291.11
9/14	PBS&J " " " #8	272.47
9/14	Gulf Oil - gas for truck	35.82

INVOICES FOR SEPTEMBER, 1981
WATER MANAGEMENT

Date	Payee	Amount
9/4	Tom's Fill Pit service WM areas	\$1,505.00
9/11	GMAC ½ truck lease	114.02
9/11	FPL PB Blvd. lights	443.04
9/11	Lake Doctors service WM areas	625.00
9/11	Hoffman's office supplies	48.03
9/11	Tom's Fill Pit service WM areas	2,112.50
9/11	Tom's Fill Pit service WM areas	180.00
9/11	UTS ½ office #597-1566	105.75
9/14	PBS&J Gen. Consultation Inv.#7	209.18
9/14	PBS&J " " Inv.#6	313.75
9/14	PBS&J Gen. Eng. Inv.#7	159.38
9/14	Naples Daily News	17.96
9/14	Ft. Myers News Press	25.04
9/22	1st Pa. Bank (tax distribution)	3,727.81

Next meeting date was determined to be November 12, 1981, Thursday.

In response to Mr. Turner's question regarding the sales tax issue, Mr. Moyer stated that Mr. Varnadoe had provided the District with a 6 page letter identifying the requirements that the District must meet before going to the Department of Revenue. He said that he and Mr. Ward are working on the list of 30 suppliers that must be contacted in order for the necessary copies of invoices to be submitted to District.

ADJOURNMENT

There being no further business to come before the Board, Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the meeting be adjourned - Time: 5:30 P.M.

Salvatore C. Scuderi, President
PELICAN BAY IMPROVEMENT DISTRICT

PELICAN BAY IMPROVEMENT DISTRICT

L I C E N S E

No. 81-1

ISSUED TO: (Owner) GILVESY CONSTRUCTION COMPANY

Address: 1943 Colonial Blvd., Ft. Myers, FL 33907

Mr. Jack Pounders, Superintendent Project

AUTHORIZING: The installation of construction trailer on the District's water management easement for the construction of The Heron project

LOCATION:

Section: _____ Subdivision Pelican Bay Unit I Lot: _____ Block: _____

This license is issued pursuant to Application for License No. 81-1

dated September 23, 1981. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

All work, construction and use of the facilities of the PELICAN BAY IMPROVEMENT DISTRICT permitted hereunder, shall be performed in strict compliance with this permit and the Requirements and Minimum Standards of Construction heretofore adopted by the PELICAN BAY IMPROVEMENT DISTRICT and as the same may be hereafter from time to time amended, changed or revised, said Requirements and Minimum Standards of Construction being expressly made a part and condition of this license, and any departure therefrom shall be grounds for revocation of this license. A copy of the Requirements and Minimum Standards of Construction are available upon request.

This license shall not convey to licensee any property rights nor any rights or privileges other than those specified herein, nor relieve the licensee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by licensee unless otherwise provided immediately below.

The irresponsible dumping or discharging of any aquatic vegetation or debris into the water management system not specifically approved by the District, is prohibited and will constitute grounds for cancellation of this license.

SPECIAL CONDITIONS ARE AS FOLLOWS:

- a) In the event the PELICAN BAY IMPROVEMENT DISTRICT wishes to obtain ingress or egress to its easement and/or right of way for the purposes of maintenance, the removal and reinstallation of any construction or installation permitted hereunder shall be at owner's expense.

b) Licensee by, acceptance of the license, covenants and agrees that the PELICAN BAY IMPROVEMENT DISTRICT shall be promptly indemnified, defended, protected, exonerated, and saved harmless by the licensee from and against all expenses, liabilities, claims, demands, and proceedings incurred by or imposed upon said District in connection with any claim, proceeding, demand, administrative hearing, suit, appellate proceeding, or other activity including unfounded or "nuisance" claims, in which the District may become involved, or any settlement thereof, arising out of any operations under this license, resulting in property damage or personal injuries, fatal or non-fatal, of any kind or character.

c) Licensee, by acceptance of the license, covenants and agrees to maintain adequate protection of all his work from damage and shall protect public and private property from injury or loss arising in connection with this license.

He shall adequately protect adjacent property as provided by acceptance of this license. The licensee shall in every respect be responsible for, and shall make good all losses injuries, or damages on the premises and or property of Owners or any land adjoining, which may be caused by him or his workman or which he or they might have prevented.

d) Licensee, by acceptance of this license covenants and agrees to maintain during the life of this work insurance that will protect him and any subcontractor performing work covered by the license from claims, damages from personal injury including accidental death, as well as from claims for property damages which may arise from operations under this license, whether such operations be by himself or by any subcontractor or by anyone direct or indirectly employed by either of them and shall additionally show on said policy the Pelican Bay Improvement District as co-insured.

Insurance shall be provided with a limit of \$1,000,000 for comprehensive general liability, and contractual liability insurance.

Before starting the work the licensee will file with the Pelican Bay Improvement District said certificates of Insurance that are acceptable to Pelican Bay Improvement District.

- e) The Pelican Bay Improvement District reserves the right to cancel this license upon 24 hours written notice to the licensee.

LICENSE TO REMAIN IN EFFECT FOR: 24 Months or Completion of Construction.

Licensee agrees to restore property to a condition equal to or better than original.

PELICAN BAY IMPROVEMENT DISTRICT

Gary L. Moyer
Gary L. Moyer
District Manager

Date Issued: October 7, 1981

(Seal)

