

Naples, Florida January 10, 1983

LET IT BE KNOWN, that the Pelican Bay Improvement District met on this date in Regular Session at 4:30 P.M. in The Club at Pelican Bay, 707 Gulf Park Drive, Naples, Florida with the following members present:

PRESIDENT: Salvatore Scuderi
SECRETARY: Douglas Brown
TREASURER: Sylvia Moll

Harmon Turner
Miles Scofield

ALSO PRESENT: James Ward, Assistant District Manager; Messrs. Morris, Caldwell and Penn, Westinghouse Communities of Naples, Inc.; Messrs. Biery, Eckert and Bywalic, Post, Buckley, Schuh & Jernigan; Mr. George Varnadoe, Young, van Assenderp, Varnadoe & Benton; Mr. Tracy Bolesky, Attorney for the District and Jean Swindle, Administrative Aide.

AGENDA

1. ROLL CALL
2. APPROVAL OF MINUTES OF MEETING HELD DECEMBER 13, 1982
3. CONSIDERATION OF PROJECT AGREEMENT FOR STATE AQUATIC PLANT CONTROL FUNDS
4. CONSIDERATION OF UNIT V PLAT
5. CONSIDERATION OF CONSTRUCTION FINANCING AGREEMENTS
 - A. Greentree Drive potable water, non-potable water and sanitary sewer systems
 - B. Sand Pointe potable water, non-potable water and sanitary sewer systems
6. ENGINEER'S REPORT
 - A. Award of bid for Greentree Drive potable water, non-potable water and sanitary sewer systems
 - B. Award of bid for Sand Pointe for potable, non-potable water and sanitary sewer systems
 - C. Authorization to bid West Boulevard potable, non-potable water and sanitary sewer systems
7. MANAGER'S REPORT
8. CONFIRMATION OF INVOICES
9. SUPERVISORS REQUESTS AND AUDIENCE PARTICIPATION
10. ADJOURNMENT

ROLL CALL

President Scuderi called the meeting to order at 4:30 P.M. and asked the record show all members present.

MINUTES OF DECEMBER 13, 1982 - APPROVED AS CORRECTED

Mr. Turner moved, seconded by Mr. Scofield and carried unanimously, that the minutes of December 13, 1982 be approved with the following corrections:

Page 1109- First paragraph - second line - should read "adjustment will be acceptable ----"

Page 1114 - Second paragraph - last two lines - all wording following the word "planning" should be stricken

Ms. Moll asked that the record show she voted "No" on the award of contract to Sparky's Maintenance

Page 1107 - Third paragraph - first line - should read "Board's consideration an acceptance"

Page 1109 - Second paragraph - sixth line - remove the word "requested"

Page 1113 - Second paragraph - second line - the name should read "Mr. Bob Higgins"

Page 1116 - Second paragraph - sixth line - should read "they had paid ----"

PROJECT AGREEMENT FOR STATE AQUATIC PLANT CONTROL FUNDS FY 1982-1983
APPROVED AS PRESENTED

Mr. James Ward, Assistant District Manager, presented for the Board's consideration the FY 1982-1983 Project Agreement for State Aquatic Plant Control Funding Program. He stated the District has been involved in this program for approximately three years and explained the program itself is administered through the Department of Natural Resources. The purpose of the program is to subsidize the District's annual budget for the control of aquatic plants in the District's drainage areas. The amount of monies the District is capable

of receiving this fiscal year is approximately \$2,500 on a \$25,000 budget. The Agreement which is being presented is the final document in a series which is required in order to receive the above-referenced monies and in concluding, Mr. Ward recommended approval of the document to the Board.

In answer to Ms. Moll's question as to whether or not a subcontractor could be used with this Agreement, Mr. Ward stated in the affirmative with the stipulation that such a subcontractor be approved by the Department of Natural Resources and the normal bid procedure of the District is employed.

Mr. Turner questioned how the District could use "public funds" when the subject waters are not "public waters" and Mr. Ward answered that in Chapter 16-C15 it states that such monies can be used for "public waters and/or waters maintained for drainage control purposes". The District falls under the latter category.

At this time, Mr. Turner moved, seconded by Ms. Moll and carried unanimously, that the Agreement be approved as presented and the President and Secretary be authorized to sign same.

DRAINAGE SYSTEM FOR PROPOSED UNIT V PLAT - PELICAN BAY - ACCEPTED AS PRESENTED

Following Mr. Ward's opening statement that the item before the Board concerns itself only with the District's acceptance of the drainage from the proposed Unit V Plat and to verify that the drainage plan has been considered in the design of the District's water management system which includes the District's plan of reclamation, Mr. Caldwell of Westinghouse Communities of Naples identified the proposed Unit V plat area as being that land bounded by U.S. 41 and Gulf Park Drive. Continuing he stated the parcel will have the following uses - Group II villas; commercial areas and The Club at Pelican Bay and its facilities.

Mr. Turner asked if the proposed Unit V plat drainage plan conformed to the District's overall water management plan and Mr. Ward answered in the affirmative. At this time Ms. Moll moved, seconded by Mr. Brown and carried unanimously, that the drainage system from the proposed Unit V Plat be accepted by the District and the President and Secretary be authorized to sign the document.

ORIGINAL FORMAT OF DISTRICT'S CONSTRUCTION FINANCING AGREEMENT TO BE MAINTAINED - CONSTRUCTION FINANCING AGREEMENTS FOR GREENTREE DRIVE UTILITIES AND SAND POINTE UTILITIES - APPROVED

Mr. Ward presented for the Board's consideration the Construction Financing Agreements for the construction of utilities for both Green Tree Drive and Sand Pointe, pointing out that the subject agreements were included in the Board members' agenda packet in two forms - the original and revised. He stated that the revised agreement form deletes the Section 5 of the original agreement form which deals with the payment of interest to the developers and this was done at the request of the Board during the meeting of November 1, 1982. Continuing, Mr. Ward submitted to the Board, copies of letters from the developer of Green Tree Drive, Westinghouse Communities of Naples, Inc. and the developer of Sand Pointe, Harold Shaw, which object to the deletion of the Section 5 - payment of interest to the developer. He said that in essence the developers feel it is the District's responsibility, as an governmental entity, to provide the water and sewer services to the areas within the boundaries of the Pelican Bay Improvement District and that a suitable way to do this is through the "Developer Construction Financing Agreement". The amount of interest that is contained within the agreement is fairly minimal and in all probability will not reimburse the developer his cost of providing the District with the monies. Mr. Ward reviewed other financing alternatives available to the District as being (1) major issuance of bonds (2) separate loan

negotiations with banks or interim financing agreements that are now being used between the District and the developers. Additionally, the developers feel that from an accounting standpoint, the minimal amounts of interest contained in the agreement are necessary in order for these monies to be placed on their books as a note/loan receivable to them from the District. Otherwise, the monies would have to be treated as contributed capital and would have to be regarded as "sunk or lost cost" to the developer with no avenue of repayment available. Mr. Ward asked for questions from the Board and the audience.

Mr. Turner commented that he would not be against the deletion of the Section 5 of the Standard Agreement but for him the only reasonable approach to the problem is to continue getting the necessary monies from the developers with a repayment schedule which includes the minimal interest. He stated he had voted for the original agreement with the inclusion of the repayment schedule because it appears to be the "cheapest" way for the District to obtain monies.

Mr. Charles Morris, Vice President of Westinghouse Communities of Naples, Inc., stated that as Mr. Ward had indicated the issue goes back to 1978 when the original agreements were put together. He said one of the difficulties the developer's auditors have with a "no interest loan" that carries no "specific repayment obligation" is that it must be considered as a contribution. With the minimal interest Section 5 retained in the agreement, the developer is capable of keeping their audit sheet in balance. Mr. Morris stated that this form of financing was certainly a more favorable tool than that of institutional loans or the lengthy process of bond issuance. He indicated a willingness to meet with the District's management to discuss the alternative financing methods but maintained the current financing agreement is the most beneficial

and economical for all people concerned.

President Scuderi again stated his position concerning the subject inclusion of the interest paragraph in the financing agreement by first commenting to Mr. Turner that he too is reasonable in his attitude toward the developers and their advancing of construction monies but he continues to object to the District paying interest of any amount. Mr. Scuderi reasoned that every developer computes his total outlay and passes it on to the ultimate consumer. He concluded that this is the process currently employed by the developers and he does not think the District should pay interest to anyone.

Discussion followed which covered the District's responsibility in the overall financing of the development of Pelican Bay; the slow national economy during the years 1981 and 1982 being a large factor in the slow development of Pelican Bay during that time; the year 1985 being the point in time when there will be sufficient people residing in the District to sufficiently carry the system and the fact that a system owned by the District is more beneficial to the residents.

At this time Mr. Turner moved, seconded by Ms. Moll and carried 4-1 with the following roll call vote:

Ms. Moll	Aye
Mr. Scofield	Aye
Mr. Brown	Aye
Mr. Scuderi	Nay
Mr. Turner	Aye

that the District's personnel be authorized to prepare Construction Financing Agreements using the original format which includes the payment of interest to the developers for the following projects:

Greentree Drive Utilities Service	in the amount of \$84,329.50
Sand Pointe Utilities Service	in the amount of \$41,709.70

ENGINEER'S REPORT

Award of Bids for Greentree Drive and Sand Pointe to Mitchell & Stark
Construction Co., Inc. - Approved

Mr. Jerry Eckert of Post, Buckley, Shuh & Jernigan presented for the Board's consideration the award of contracts for the two projects Greentree Drive and Sand Pointe. Before giving the engineers' recommendations, Mr. Eckert explained there had been one firm, Jasco Corporation, disqualified because their bid had been late for the opening of Contract D-10, Sand Pointe, (bid arrived after 1:30 PM, January 5, 1983) and their bid for Contract D-11, Greentree Drive, contained the statement, "We will not accept Contract D-10 without Contract D-11". At this time, he stated the engineers' recommendations for award of bid as being:

Contract D-10 - Sand Pointe	\$41,709.70	Mitchell & Stark
Contract D-11 - Greentree Dr.	\$84,329.50	Mitchell & Stark

Mr. Scofield moved, seconded by Ms. Moll and carried unanimously, that Mitchell & Stark Construction Co., Inc. be awarded the Contract D-10, Sand Pointe in the amount of \$41,709.70 and the Contract D-11, Greentree Drive, in the amount of \$84,329.50.

Authorization to Bid West Boulevard Potable Water, Non-potable Water and
Sewage Collection Systems - Approved

Mr. Turner moved, seconded by Mr. Scofield and carried unanimously, that the advertisement for bid for the construction of potable water, non-potable water and sewage collection systems on West Boulevard, be authorized.

Mr. Eckert gave a Status Report on Water Management Systems V, saying the contract is out for bid and these bids will be opened on January 20, 1983, the engineers will be appearing before the Collier County Water Management Advisory Board the thirteenth of January for the

Board's initial approval of the system towards the receiving of their permits; should go before the Board of County Commissioners for final approval the last week in January and are scheduled for final approval from the South Florida Water Management District's board at their February, 1983 meeting.

CERTIFICATE OF PAYMENTS - APPROVED AS PRESENTED

Ms. Moll moved, seconded by Mr. Brown and carried unanimously that the following Certificates of Payments be approved as presented:

<u>CERTIFICATE NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
Bridge-Way Utilities - Construction Services	No. 4 Post, Buckley, Schuh & Jernigan	\$ 3,714.88
Sand Pointe Utilities - Design Services	No. 2 Post, Buckley, Schuh & Jernigan	\$ 2,736.73
Unit V Water & Sewer - Design	No. 2 Post, Buckley, Schuh & Jernigan	\$ 4,258.58
Las Brisas Utilities - Construction Services	No. 1 Post, Buckley, Schuh & Jernigan	\$ 2,211.29 ✓
Developer Agreement - CR-CP	No. 12 Florida Bank at Fort Lauderdale	\$ 191.41
Developer Agreement - Bay Club, Inc.	No. 13 Florida Bank at Fort Lauderdale	\$ 57.84
Contract D-8	No. 2 Cadenhead & Son Construction Co.	\$ 11,909.46
	TOTAL AMOUNT ALL INVOICES	\$ 25,080.19

CONFIRMATION OF INVOICES

Mr. Turner moved, seconded by Mr. Brown and carried unanimously that the following Water Management Invoices and Operating Summary for the month of December, 1982, be approved as presented:

WATER MANAGEMENT INVOICES
DECEMBER, 1982

FPL	\$ 6.55	ROW sprinkler clock
IBM	99.00	Annual Service contract typewriter
Southern Weed Control	589.00	Weed control application WM areas
Richardson & Assoc.	8,723.92	ROW maintenance November, 1982
Tracy Bolesky	670.00	WM legal services
Ft. Myers Newspress	90.13	Legal ad - Notice to Contractors Weed Control
Naples Daily News	70.00	Legal ad - Maint. WM areas and ROW
Stahlman Fence	250.00	Repair gate Berm #4
Big Cypress	691.00	Water Quality analysis October, 1982
UTS	48.21	½ office #597-1749
CRCP	114.18	½ rent for November, 1982
Phillips Petrol	90.39	½ November billing - gas & oil
Big Cypress	655.05	Water Quality analysis November, 1982
Purolator	9.50	Courier service
Naples Daily News	11.00	Legal ad
Amflo Auto Parts	5.31	Mo-Trim parts
Coral Springs Improve- ment District	47.50	Office supplies & services
Weaver's office	12.74	Office supplies
Richardson & Assoc.	8,723.93	ROW maintenance December, 1982

DECEMBER, 1982
 PELICAN BAY IMPROVEMENT DISTRICT
 OPERATING SUMMARY
 WATER MANAGEMENT ACCOUNT

	BUDGET (For 12/01/82 through 12/31/82)	ACTUAL	VARIANCE	BUDGET (For 10/01/82 through 12/31/82)	ACTUAL	VARIANCE
MEETING EXPENSE:						
Supervisors Fees	\$ 500	\$ 500	-0-	\$1,500	1,500	-0-
Travel Expense	25	25	-0-	75	53	\$ 22
Legal Notice	21	11	10	63	22	41
PROFESSIONAL FEES:						
Engineering	600	600	-0-	1,800	1,800	-0-
Legal	500	670	(170)	1,500	2,532	(1,032)
SYSTEM OPERATING EXPENSE						
Office	409	478	(69)	1,226	1,125	101
Payroll	5,556	5,485	71	16,668	13,684	2,984
Payroll Taxes & Benefits	1,112	240	872	3,335	607	2,728
Transportation	208	182	26	625	288	337
Swale	778	844	(66)	783	849	(66)
Water Quality	667	655	12	2,000	1,309	691
Right-of-Way Maint.	8,882	8,730	152	26,207	25,884	323
Water Connex & Use	228	457	(229)	13,190	12,963	227
Contingencies	667	160	507	2,000	260	1,740
Renewal & Replcmt	500	-0-	500	1,500	-0-	1,500
TOTALS	\$20,653	19,037	1,616	72,472	62,876	9,596

Mr. Turner moved, seconded by Mr. Brown and carried unanimously that the following Water and Wastewater Invoices and Operating Summary for the month of December, 1982 be approved as presented:

DECEMBER, 1982
 INVOICES
 WATER AND WASTEWATER

National Linen	118.52	Employees uniforms
Weavers Office supply	104.76	½ October & November, 1982 billing
Harn RO Systems	222.34	Recorder paper
H & L Sales	14.40	Repair of weed trimmer
Alpha Chemicias	69.83	RO plant supplies
DDD Appliance	47.10	Repair of water cooler
Davis Meter	81.25	Meter installation supplies
Pulsafeeder	312.67	Chemicals
PB&S	714.16	Chemicals
Fischer & Porter	218.96	Charts and Ink for instruments
Phillips Petrol.	28.25	½ November '82 billing gas & oil
FPL	5,100.29	Power bills for RO plant, wellfields 1 & 2, booster pump
Qualicom	29.50	Beeper service
Big Cypress Service	691.00	October 1982 billing water quality analysis
Missimer & Assoc.	330.00	Oct. '82 well monitoring
UTS	235.70	Telephone service
CRCP	159.92	½ November '82 rent, etc.
Phillips Petrol.	90.38	½ November '82 billing
Electra -tronics	29.45	Supplies for High Service Pump
PB&S	734.75	Chemicals
JuNo Industries	59.50	Repair STP filter valve
B & H Sales	311.15	Parts for RO Acid system
J.N. Environmental	150.00	Wastewater analysis for November, '82
Missimer & Assoc.	330.00	Well monitoring for November, 1982
Naples Tire Service	177.42	Repair back-hoe
National Linen Service	118.52	Employee uniforms
Sunshine Pipe & Supply	118.53	RO plant supplies
B & B Bldrs	29.45	Well supplies
A & J Welding	20.00	Repair RO Acid system
DuAll Machine Co.	97.75	Repair chemical truck
B & B Bldrs	39.28	RO plant supplies
PB&S	987.45	Chemicals
Utilities & Irr.	52.75	Two 6" flanges
Fluid Systems	282.43	O rings for RO Plant
Neptune Meter Co.	611.10	Meters
Delta Management	240.00	Diffusers for RO plant
S.W. Electric	81.17	RO plant supplies

Pelican Bay Improvement District
January 10, 1983

DECEMBER, 1982
PELICAN BAY IMPROVEMENT DISTRICT
WATER & WASTEWATER
OPERATING SUMMARY

	BUDGET (FOR 12/01/82 THROUGH 12/31/82)	ACTUAL	VARIANCE	BUDGET (FOR 10/01/82 THROUGH 12/31/82)	ACTUAL	VARIANCE
Connection Fees	\$1,660	\$2,490	830	60,321	63,461	3,140
Meter Use Fees	3,220	3,690	470	9,610	7,080	(2,530)
Water	9,445	9,596	151	29,108	29,259	151
Sewer	6,415	5,711	(704)	19,310	18,606	(704)
Irrigation	5,458	7,529	2,071	11,497	13,568	2,071
TOTALS	26,198	29,016	2,818	129,846	131,974	2,128
<u>Professional Fees</u>						
Engineering	1,000	1,000	-0-	3,000	3,000	-0-
<u>System Operating Expense</u>						
Office & Billing	762	455	307	2,286	1,750	536
Payroll & benefits	6,057	6,066	(9)	18,171	15,322	2,849
Insurance	-0-	-0-	-0-	1,516	1,620	(104)
Transportation	200	290	(90)	600	567	33
Water Quality	417	1,501	(1,084)	1,251	2,117	(866)
Repair & Maint.	1,551	2,153	(602)	4,653	4,851	(198)
Electric	5,744	5,100	644	17,232	12,776	4,456
Chemicals	2,746	2,749	(3)	8,238	5,392	2,846
Contingencies	1,500	-0-	1,500	1,500	-0-	1,500
<u>Capitol</u>						
Meters	3,264	692	2,572	3,994	1,536	2,458
TOTALS	23,241	20,006	3,235	62,441	48,931	13,510

SUPERVISORS' REQUEST AND AUDIENCE PARTICIPATION

Ms. Moll stated her agenda packet did not arrive until Friday before the meeting on Monday and she asked if the agenda could not be gotten to her at an earlier date in order for her to review the items more closely. Mr. Ward replied that he would, hopefully, have the agenda packets to all the Board members by the Monday prior to the meeting date.

Following discussion regarding a change in the meeting date for the Board's monthly meeting, it was the consensus of the Board that it continue to be held on the second Monday of each month at 4:30 PM in The Club at Pelican Bay.

Mr. Ross Obley stated the Developer had been monitoring closely Sparky's Maintenance service for the landscape areas within the property and to date have found no problems.

Mr. Turner said he had given the Developer a bill for \$200.00.

ADJOURNMENT

There being no further business to come before the Board, Mr. Scofield 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