

Naples, Florida

September 21, 1988

LET IT BE KNOWN, that the Pelican Bay Improvement District met on this date in Regular Session at 4:00 P.M., in the Naples Federal Savings & Loan Building, Fifth Floor, 5801 Pelican Bay Boulevard, Naples, Florida, with the following members present:

PRESIDENT:	Miles Scofield
SECRETARY:	Sue E. MacAlister
TREASURER:	Sylvia A. Moll (Absent)
	Ramer B. Holtan
	James D. Hake (Absent)

ALSO PRESENT: Mr. James P. Ward, Assistant District Manager; Mr. Joe McMackin, Attorney for the District; Mr. Harmon Turner, Consultant to the Board; Mr. Thomas Peek of Wilson, Miller, Barton, Soll & Peek; Messrs. Lou Hoegsted, Ben Briggs and Edward Griffith of Westinghouse Communities of Naples, Inc.; Mr. John Dyer of Post, Buckley, Schuh & Jernigan, Inc.; Mr. John Petty of the Pelican Bay Improvement District; Mr. Russell Mudge, PBID Resident and Ms. Jean C. Smith, Assistant Secretary.

AGENDA

1. Roll Call.
2. Approval of Minutes of the Meeting held August 17, 1988.
3. Approval of Minutes of the Special Meeting held September 2, 1988.
4. Public Hearing:
  - A) Proposed Fiscal Year 1989 Rates & Charges
    - 1) Resolution Adopting the Rates & Charges
  - B) Fiscal Year 1989 Water & Sewer Budget
    - 1) Resolution Adopting Fiscal Year 1989 Water & Sewer Budget

AGENDA (CONT.)

5. Consideration of Award of Bids:
  - A) Water & Sewer Chemicals for Fiscal Year 1989
  - B) Water Management Chemicals for Fiscal Year 1989
6. Authorization to Bid the Replacement of a District Field Truck.
7. Consideration of Utility Site Sales Contract with Westinghouse Communities of Naples, Inc. and Authorization to Make the Necessary Revisions to the Golf Course Maintenance Building.
8. Consideration of Easement for Georgetown.
  - A) Lots 23 & 24 Water Management Easements
  - B) Utility Access Easement for Water & Sewer System
9. Consideration of Agreement with Pelbay Associates (Waterside Shops) for the Relocation of District Eight-Inch (8") Irrigation Line.
10. Consideration of Documents for Unit X, Bay Colony Shores.
  - A) Review of Plat
  - B) Award of Bids:
    - 1) Subdivision Water & Sewer Facilities
    - 2) Water Management Lake Connector Pipes
  - C) License Agreement for Access to the Property
  - D) Construction Financing Agreement
  - E) Agreement with Westinghouse Communities of Naples, Inc. to Allow for the Modification of the District's Water Management Facilities
  - F) Vacation of Existing Easement
11. Consideration of Request by WCN to Address the Board Relative to the Development Plans for Unit XI, Oakmont Phase III, Single Family Subdivision.
12. Attorney's Report.
13. Engineer's Report.
14. Manager's Report.
15. Confirmation of Invoices and Requisitions.
16. Supervisor's Requests.
17. Adjournment.

ROLL CALL

Mr. Scofield called the meeting to order at 4:00 P.M. and asked the record show Ms. Moll & Mr. Hake absent, with all other members present.

MINUTES OF MEETING OF AUGUST 17, 1988 - APPROVED AS AMENDED

Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously, the Minutes of August 17, 1988, subject to the following corrections:

- Page 2731 - In the last line of the page the word, "literal" be amended to "littoral".  
Page 2732 - In the third line of the page the word, "literal" be amended to "littoral".  
Page 2738 - In the eleventh line of the page the word, "not" be deleted.

MINUTES OF MEETING OF SEPTEMBER 2, 1988 - APPROVED AS PRESENTED

Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously, the Minutes of the Special Meeting held September 2, 1988, as presented.

PUBLIC HEARING

Proposed Fiscal Year 1989 Rates & Charges

Resolution Adopting the Rates & Charges

Legal Notice having been published in the Naples Daily News on September 8, 1988 and September 13, 1988, as evidenced by the Affidavit of Publication presented for the Record, a Public Hearing was held to consider the District's Fiscal Year 1989 Rates and Charges.

Mr. Scofield called for comments from the Board. There were no comments by the Board.

Mr. Scofield opened the Public Hearing and called for comments from the Public. There being no comments from the Public, Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously, that the Public Hearing be closed.

Following the close of the Public Hearing, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously the Resolution adopting the schedule of rates, fees and charges to become effective October 15, 1988 and that the President and Secretary be authorized to sign the Resolution.

Fiscal Year 1989 Water & Sewer Budget

Resolution Adopting the Fiscal Year 1989 Water & Sewer Budget

Legal Notice having been published in the Naples Daily News on September 8, 1988 and September 13, 1988, as evidenced by the Affidavit of Publication presented for the Record, a Public Hearing was held to consider the District's Fiscal Year 1989 Water & Sewer Budget.

Mr. Ward briefly summarized the proposed Budget. He explained that a summary of the proposed revenues and expenses for Fiscal Year 1989 was outlined on Page One (1) of the Budget. He stated that total revenues are anticipated at \$2,526,887 and total expenditures are anticipated at \$2,493,357. He explained that the proposed connection fees as outlined in the proposed Budget meet the guidelines outlined in the Guaranteed Revenue Agreement and thus, as long as these projections are met, the District will be in sound financial shape as far as connection fees.

At this time, Mr. Ward responded to a question raised by Mr. Holtan at the August 17, 1988 Board Meeting. Mr. Ward advised that the value of the computer equipment currently on hand is approximately \$37,600.00 for the three computer systems currently in operation. He explained that computer equipment purchases began in Fiscal Year 1985 and thus the purchases to date have ranged over a four year period. Mr. Ward explained that the office computer runs the Utility Billing System as well as the Fund Accounting System and the field computers are utilized for the monitoring of the Wastewater Treatment Plant, for reports to various Regulatory Agencies, etc. and have proven very beneficial to District staff.

Mr. Holtan asked Mr. Ward whether he could foresee the need for any additional computer equipment in the near future. Mr. Ward responded in the affirmative and advised that \$11,500 had been budgeted in the Fiscal Year 1989 Water & Sewer Budget and a similar amount in the Fiscal Year 1989 Water Management Budget for the purchase of additional computer programs and equipment. He explained that as the District grows and as the technology becomes more sophisticated, it is important that the District continue to update their programs and equipment in order to allow the District to operate more productively and efficiently. Mr. Holtan asked whether the District currently has capacity in the existing computer system for the next three or four years. Mr. Ward replied in the negative.

Mr. Ward pointed out that last year the District's computer programs did not have the ability to track water use by group type and thus District staff was unable to seasonalize the Water & Sewer Budget. However, he advised that the utility billing programs were recently updated in order to allow District staff to track this usage by the various group types.

Mr. Holtan asked how many people on staff actually used the computers. Mr. Ward replied that he, Mr. Petty, Ms. Jean Smith and Ms. Barbara Smith are heavily involved in the use of the computers.

There being no additional comments by the Board, Mr. Scofield opened the Public Hearing and called for comments from the Public. There being no comments from the Public, Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously, that the Public Hearing be closed.

At this time, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously, the Resolution adopting the Fiscal Year 1989 Water & Sewer Budget and that the President and Secretary be authorized to sign the Resolution.

CONSIDERATION OF AWARD OF BIDS

Water & Sewer Chemicals For Fiscal Year 1989

Mr. Ward explained that bids were taken on September 6, 1988 for chemicals used in the water and wastewater operations of the District. He advised that only one bid was received from PB&S Chemical Co. in the amount of \$32,508.00 for chlorine, which when broken down equated to \$350.00 per ton. He explained that PB&S Chemical Co. is the current supplier of chemicals for Fiscal Year 1988 and their bid represented a decrease in the price the District is currently paying for chlorine from \$400.00/ton to \$350.00/ton. Mr. Ward stated that PB&S Chemical Co. has supplied chemicals to the District for the past several years and has always supplied chemicals of good quality and as the price was fair, recommended that the Contract be awarded to PB&S Chemical Co.

In response to a question by Ms. MacAlister, Mr. Ward responded that Advertisement for Bids were sent to four different suppliers as well as being publicly advertised and he did not know the reason why no other bids were received.

There being no further discussion, Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously that the Contract for the chemicals for the water and wastewater operation of the District for Fiscal Year 1989 be awarded to PB&S Chemical Company, in the amount of \$32,508.00.

Water Management Chemicals For Fiscal Year 1989

Mr. Ward stated that bids were received on September 6, 1988 for the purchase of the herbicides used in the District's Aquatic Plant Treatment Program and a Bid Tabulation had been included in the Agenda Package. He commented that Asgrow Florida Company's low bid of \$32,879.30 represented an approximate seven percent (7%) increase over the Fiscal Year 1988 prices. He advised that Asgrow Florida Company is a local, qualified firm and has provided chemicals to the District in the past. Mr. Ward recommended that the award be made to the low bidder Asgrow Florida Company.

Following further discussion, Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously, that the Contract for the chemicals for the Aquatic Weed Control Treatment Program for Fiscal Year 1989 be awarded to the low bidder, Asgrow Florida Company, in the amount of \$32,879.30.

AUTHORIZATION TO BID THE REPLACEMENT FOR A DISTRICT FIELD TRUCK

Mr. Ward stated that the District currently owns a Ford Courier Pickup Truck which was purchased in January, 1980 and advised that the truck is falling apart and needs to be replaced. He commented that the District currently owns six trucks and has eight field staff members and that it was staff's desire to replace this vehicle with a Bronco II or a similar vehicle. He estimated that the new vehicle would cost between approximately \$11,000 and \$13,000 and advised that the funds for the purchase of a new vehicle are available in the Renewal and Replacement Account of the Water Management System.

Mr. Holtan asked the current mileage of the old truck. Mr. Ward replied that the odometer has been broken on several occasions but has close to 85,000 miles on it.

There being no further discussion, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously, District staff be authorized to advertise for bids for the purchase of a new field vehicle.

AUTHORIZATION OF UTILITY SITE SALES CONTRACT WITH WESTINGHOUSE COMMUNITIES OF NAPLES, INC. AND AUTHORIZATION TO MAKE THE NECESSARY REVISIONS TO THE GOLF COURSE MAINTENANCE BUILDING

Mr. McMackin recalled for the Board that the District previously entered into a Lease with Westinghouse Communities of Naples, Inc. (formerly Coral Ridge-Collier Properties) for a portion of Parcel "0" which is the Utility Site and under this Lease the District has the option to purchase the 10 acres of land the District is currently leasing at a formula which was to have been 75% of the fair market value of the property established by three appraisals. He further recalled it was the desire of the Board that the District enter into negotiations with WCN to purchase different property than what was originally provided and advised that a series of Exhibits attached to the Sales Contract showed the proposed plus or minus 12 acre purchase; the proposed ingress-egress easement; the proposed utility easement; and the proposed landscaping buffer easement. He advised that the 12 acre purchase would include the Golf Course Maintenance Building; the Lagoon and all of the District's existing facilities and would, according to the District's Engineers, provide the District with sufficient space to build out according to the Master Plan for Pelican Bay.

Mr. McMackin advised that the Sales Contract was drafted in accordance with the provisions of the Option in the Lease and in 1979 when the Lease was drawn up it had attached to it a common Real Estate Contract in those days which allocated expenses between the District and Westinghouse. He further commented that in addition to the acquisition of the real estate, the Contract provided for easements which would be granted to the District by Westinghouse Communities of Naples, Inc. The Ingress-Egress Easement would provide access from Watergate Way to the west side of the District's property and an easement along the existing paved road to provide access to the District's property from the north and west side of the property. In addition there would be easements granted for the District's existing piping facilities to allow the District sufficient access to maintain the existing pipe work. The final easements would be located on the east side of the parcel and a small area in the southwest corner of the parcel and are landscaping/buffer easements which would enable the District to control the landscaping in these areas in order to shield the District's facilities from the Golf Course and the adjacent property owners.

Mr. Scofield asked whether WCN was satisfied with the proposed Ingress-Egress Easement and the proposed Utility Easement. Mr. McMackin responded that WCN had reviewed these sketches and to date he had not received any objections by WCN to the easements as proposed. Mr. Hoegsted commented that the proposed easements had been reviewed by WCN and he also had heard no objections. Mr. Hoegsted asked how long the road on the west

side of the parcel would be in use. Mr. Scofield recalled for Mr. Hoegsted that in previous discussions by the Board it had been decided to keep the road on the west side.

Mr. McMackin advised that the Contract as submitted in the Agenda Package was left blank as to cost because the exact acreage computations were only received this date, however, the cost would be \$120,000 to purchase the 12 acres and to acquire the easement rights over the other parcels.

Mr. Holtan asked why the District desired landscaping easements and commented that WCN was the party who should want to make this area pretty. Mr. Ward recalled that in previous discussions by the Board, their concern was that if the District was going to go in and maintain its internal Utility Site and at some point in the future WCN would no longer be here then this property would be owned by another entity and the District wanted to be assured that there would be some buffer strip between the Utility Site and the Golf Course. Mr. Ward commented that WCN had indicated to him that this area is currently maintained as part of the Golf Course and that they would continue to maintain this area, however, if WCN ever left Pelican Bay, the District would have the ability and the legal right to maintain this area as a landscaping buffer between the Utility Site and the Golf Course.

Mr. Holtan asked Mr. McMackin whether he had drawn up the Sales Contract between the District and Westinghouse Communities of Naples, Inc. and whether he was satisfied with the Contract. Mr. McMackin replied in the affirmative.

There being no further discussion, Ms. MacAlister moved, seconded by Mr. Holtan and unanimously approved the Sales Contract between Westinghouse Communities of Naples, Inc. and the Pelican Bay Improvement District for the purchase of plus or minus 12 acres of a portion of Parcel "0", Pelican Bay Unit II (the Utility Site) and the easements as attached.

Mr. Ward advised that as part of the move to the Golf Course Maintenance Building, the District would need to modify the building to accommodate the District's needs and a diagram of these proposed modifications and the estimated costs had been enclosed in the Agenda Package.

Mr. Scofield asked whether the office staff was planning on moving to this building. Mr. Ward replied in the negative and advised that only the field staff would be relocating to the Golf Course Maintenance Building.

Mr. Ward commented that the total costs for the modifications would be approximately \$33,100 and in order to hold down the costs, District staff could accomplish a great majority of the modifications with minimal contractual assistance except for the electrical and air conditioning. He also advised that the funds for the modifications are available from the proceeds of the 1985 Water & Sewer Bond Issue.

Mr. Holtan asked who had prepared the cost estimates. Mr. Ward replied that he had reviewed the figures, however, Mr. Petty had prepared the cost estimate. Mr. Holtan asked whether suppliers had been contacted to find out the prices they would charge for what is needed. Mr. Ward replied that Contractors had been contacted to determine the correct

pricing.

At this time, Mr. Ward asked for the Board's authorization to proceed with the modifications as outlined at a cost not to exceed \$33,100.

At this time, Ms. MacAlister moved, seconded by Mr. Holtan and unanimously approved that District staff be authorized to proceed with the modifications to the Golf Course Maintenance Facility, as presented, in an amount not to exceed \$33,100 and that the funding for the modifications come from the proceeds of the 1985 Water & Sewer Bond Issue.

CONSIDERATION OF EASEMENTS FOR GEORGETOWN

Lots 23 & 24 Water Management Easements

Mr. Ward advised that two easements on Lots 23 and Lot 24 were necessary to accommodate the revisions and improvements that were performed to the Georgetown Water Management System. He explained that the revisions included the widening of the lake in this area which provided additional retention area to the District. He commented that the proposed easement was in standard form with the exception that the lot owners had requested that language be inserted in the easement which stated that if the District was negligent in the operation of its duties, the District would bear the cost of this negligence. He advised that this had been discussed with Mr. McMackin and they both felt that the District would be liable for its own negligence anyway so the added language did not pose a problem.

Mr. Holtan asked if these were the easements that had already been dug out along time ago. Mr. Ward replied in the affirmative. Mr. Holtan asked why this issue was just coming before the Board. Mr. Ward replied that there are some easements out in the District which the

District is trying to acquire as they are found and in this particular instance the additional area that was dug out made the lake wider and thus was beneficial to the District. Mr. Holtan stated that he was bothered by Developers digging things out without any authority and he thought this was a bad way of doing business.

Ms. MacAlister asked whether all the problems had now been solved with the Georgetown Lake. Mr. Ward responded in the affirmative and offered that both he and Mr. Peek had known that this issue existed and advised that the Board had two options: either make the Developer fill the lake back in or accept the easements. It was his opinion that in this case it was beneficial to the District to accept the Grant of Easement from the homeowners because it did provide some additional benefit. He agreed with Mr. Holtan that the acceptance of these two easements should not set any precedence and it was not a good idea to proceed with these types of issues on a normal daily basis. He advised that matters such as this should not occur in the future as the Plan Review & Submittal Manual had recently been revised to address problems such as these.

Following further discussion, Mr. Holtan moved, seconded by Ms. MacAlister and unanimously approved that the District accept the Water Management Grants of Easement from the Georgetown property owners for Lots 23 & 24.

Utility Access Easement For Water & Sewer System

Mr. Ward stated that the proposed Grant of Easement for the Water & Sewer System in Georgetown had been included in the Agenda Package and covers the road system and common area as depicted on the map which had

been enclosed and allows for ingress/egress through Georgetown for the water and sewer system. Mr. Ward commented that this easement has been held in abeyance by District staff pending the completion of the Developer's commitments to the District for the Water Management System.

Mr. Ward advised that the Grant of Easement is in accordance with the Agreement between the District and the Developer and recommended the Easement be accepted.

Mr. Scofield asked whether the District had a Water Management Easement to the Georgetown Lakes. Mr. Ward responded in the affirmative and stated that with the Board's approval of the easements for Lots 23 & 24, this completed all of the Georgetown easements.

There being no further discussion, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously that the Utility Access Easement for the Water & Sewer System in Georgetown from Naples Financial Services be accepted.

CONSIDERATION OF AGREEMENT WITH PELBAY ASSOCIATES (WATERSIDE SHOPS) FOR THE RELOCATION OF DISTRICT EIGHT-INCH (8") IRRIGATION LINE

Mr. Ward stated that the Waterside Shops will be an upscale shopping plaza located at the intersection of Pelican Bay Boulevard and Seagate Drive and is being developed by the Courtelis Company, a Developer of such projects as The Falls, in Miami. Mr. Ward commented that in order to accommodate the proposed Site Plan for this parcel, the Developer has requested the District allow for the relocation of an existing irrigation main from the northern boundary line of their property further north. Mr. Ward recalled for the Board that the District had previously vacated a portion of the Laurel Oak Drive right-of-way and had been granted an

easement for the existing 8" irrigation line. Mr. Ward advised that through the development of this parcel of land, a detention pond is planned to be located in the area of the existing 8" irrigation line and the proposal is to move the line a little further to the north. He commented that the District currently has an approximate 15' wide easement and the easement to be granted is an approximate 33' wide easement so the easement will be wider and thus it will be easier for District staff to maintain its facilities.

Mr. Ward advised that the two items which were included in the Agenda Package were an Agreement with Waterside Shops for the relocation of the 8" irrigation line and a Proposal in the amount of \$3,500 from Wilson, Miller, Barton, Soll & Peek, Inc. to perform the design, bid, award of contract and construction inspection services for the 8" irrigation main relocation.

Mr. Holtan asked whether the Developer would be paying for all the costs incurred in the relocation of the irrigation main. Mr. Ward replied that through the Agreement the Developer would pay for the total costs of the relocation.

Following further discussion, Mr. Holtan moved, seconded by Ms. MacAlister and approved unanimously the Agreement with Pelican Falls Associates, Ltd. for the Relocation of the District's 8" Irrigation Main and the accompanying Work Authorization from Wilson, Miller, Barton, Soll & Peek, Inc., in the amount not to exceed \$3,500.00, for the design and construction related services for the relocation of the 8" irrigation main relocation at Waterside Shops.

CONSIDERATION OF DOCUMENTS FOR UNIT X, BAY COLONY SHORES

Review of Plat

Mr. Ward advised that Unit X, Bay Colony Shores is a proposed subdivision located at the intersection of Pelican Bay Boulevard and Bay Colony Drive and, as discussed at the last meeting, WCN's proposal is to allow them to modify one of the District's existing water management lakes to the concept of six smaller lakes which would be constructed throughout the single family subdivision. Mr. Ward remarked that the first item for the Board's approval would be the Unit X Plat which would acknowledge that Bay Colony Shores is within the boundaries of the District's Water Management System and that the District would accept the drainage from Unit X. He commented that the Plat had been reviewed by Wilson, Miller, Barton, Soll & Peek, Inc.

Mr. Peek advised that the Plat is consistent with the requirements of the Pelican Bay Improvement District and the water management areas conform to the requirements of the Master Permit and are consistent with the new cross sections which were adopted in the recently revised Plan Review & Submittal Manual.

Mr. Holtan stated that he was not in favor of the change on the Plat and he felt one larger lake would be better than having six smaller lakes and that the only one who would benefit from such a change was Westinghouse.

Mr. Scofield asked Mr. Ward whether the water management costs for six small lakes would be greater than for one large lake. Mr. Holtan remarked that there would be two or three times as much shoreline to

maintain. Mr. Ward responded that there would be more shoreline, however, one of the proposals in the upcoming Agreements was that the homeowners would maintain to water's edge.

Mr. Ward remarked that there is always added costs to the District when lakes are accepted for maintenance, however, he was not so sure that maintaining six small lakes as opposed to one large lake would dramatically increase the costs to the District to the point that a red flag would be raised. He commented that during the past month, District staff and its Engineers had completed their review of the proposed modifications, taking into consideration the discussions and comments from the August Meeting and many of the questions staff had in terms of addressing the water quality issues in ensuring and providing littoral zones and that the District's maintenance costs would be kept somewhat lower than would normally be expected had been addressed in the proposal from WCN.

Mr. Scofield asked whether the underground pipework which would connect the lakes would provide for enough circulation so there would be no stagnant water. Mr. Peek advised that this area is part of the downstream area of the total system so when water moves from upstream, downstream, it would flow through these lakes and the pipes would be sufficient to move and disperse these flows into various parts of the system.

Mr. Holtan asked whether there were two drainage systems in Pelican Bay. Mr. Peek replied that there are six different basin systems within Pelican Bay that flow from east to west; enter into a spreader

system and then into the bay system at various points along the spreader system.

Mr. Holtan asked whether the various drainage systems are in communication with one another. Mr. Peek replied that they are not. Mr. Holtan asked how large the system was in Unit X. Mr. Petty commented that the outfall from this system is the outfall from Systems V & VI and these systems have a common outfall.

Mr. Holtan asked how the lakes in Pelican Bay are connected. Mr. Ward responded that they are connected by swales.

Mr. Ward advised that this Plat is labeled as Group III or Group IV density which is a fairly high density type of development and Bay Colony Shores would be a single family area and thus would be a lower density development which would make it easier for the District to maintain the Water Management System. He commented, however, that WCN could make up this density elsewhere in the system.

At this time, Mr. Scofield called for a motion to approve the Unit X Plat.

There being no further discussion, Ms. MacAlister moved, seconded by Mr. Scofield and approved, with Mr. Holtan voting nay, that the Plat of Unit X Bay Colony Shores be approved.

Award of Bids

Subdivision Water & Sewer Facilities

Water Management Lake Connector Pipes

Mr. Peek advised that bids for the water and sewer facilities and the water management lake connector pipes were opened at 2:00 P.M. on

September 19, 1988, and there were three bidders who responded, with the low bid being received from Mitchell & Stark Construction Co., Inc., in the amount of \$575,792.61. He stated that the bids had been reviewed and were found to be in order except for the fact that Mitchell & Stark had failed to acknowledge receipt of Addendum No. One (1). He commented that WMBS&P had subsequently contacted Mitchell & Stark and they stated this was an oversight on their part but they fully intended to comply with the Addendum. Mr. Peek advised that WMBS&P did not feel that this irregularity was sufficient to cause a recommendation against the award to Mitchell & Stark since they were the apparent low bidder by approximately \$24,000. Therefore, it was his recommendation that the bid be awarded to Mitchell & Stark Construction Co. in the amount of \$575,792.61.

Mr. Scofield asked what Addendum No. One (1) was. Mr. Peek replied that Addendum One was Section Eight of the Specifications. He explained that when the Contract books were assembled Section Eight, which has to do with the sanitary sewer pipes, was inadvertently omitted and not bound in the documents.

At this time, Ms. MacAlister moved, seconded by Mr. Scofield and approved unanimously that the Contract for the Subdivision Water & Sewer Facilities and the Water Management Lake Connector Pipes for Bay Colony Shores be awarded to the low bidder, Mitchell & Stark Construction Co., Inc., in the amount of \$575,792.61.

License Agreement For Access To The Property

Construction Financing Agreement

Mr. Ward advised that the License Agreement had been included in

the Agenda Package and was a standard License Agreement that has been used in the past and allowed the District access to the property to construct the system. He recommended approval of the License Agreement.

Mr. Ward advised the Construction Financing Agreement provided for two things: one that WCN would pay for the total construction costs of the Bay Colony Shores Water and Sewer System and secondly the District would use the funds that it has currently reserved under the Agreement with Westinghouse Communities of Naples, Inc., dated February 14, 1983, to construct the water management lake connector pipes.

Mr. Holtan asked Mr. Ward to explain the 1983 Agreement between the District and Westinghouse Communities of Naples, Inc. Mr. Ward explained that in 1983 the District was in the midst of completing its Water Management System and at the time the Developer (WCN) had requested that they be allowed to construct System IV, Lake 6. The District subsequently took bids on Lake 6 and entered into an Agreement with WCN which allowed WCN to construct System IV, Lake 6 at their expense and the District would set aside those funds that the District would have normally spent on the construction of the Lake for the construction of future water management facilities. Mr. Ward advised that at this time, WCN was requesting that the District utilize the funds that had been set aside to install the connector pipes between the six lakes in Bay Colony Shores.

Mr. Holtan asked Mr. Ward whether he had a copy of the Agreement. Mr. Ward advised that he had previously transmitted this Agreement to the Board a few months ago, however, he would be glad to see that they received another copy. Mr. Holtan stated that he was not interested in acting upon

this issue at this time as he did not know anything about the Agreement. Mr. Ward advised that if the Board wished to defer this item they would need to go back and amend the Award of Contract to Mitchell & Stark Construction Co. for Bay Colony Shores, as this Contract included the installation of the connector pipes.

At this time, Mr. Scofield suggested the Board act upon the License Agreement and called for a motion to approve the License Agreement with Westinghouse Communities of Naples. Subsequently, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously the License Agreement with Westinghouse Communities of Naples, Inc. to allow the District access to Bay Colony Shores to construct the subdivision facilities, with the costs to be borne by Westinghouse Communities of Naples, Inc.

Ms. MacAlister suggested that Mr. Ward be allowed to further explain the 1983 Agreement between the District and WCN. Mr. Ward commented that the Agreement between the Pelican Bay Improvement District and Westinghouse Communities of Naples, Inc. allowed WCN to construct a portion of the District's Water Management System and the District would set aside the funds that it would have normally spent for the construction of these facilities in the District's Water Management Account and WCN could request the District to utilize these funds at some future date for the construction of lake interconnecting pipes, swales or whatever water management facilities the District needed to build in the future. He advised that the construction of Bay Colony Shores was a good opportunity for the District to utilize these funds as the District would be utilizing

the funds, not for the construction of the lakes themselves, but for the interconnection of the lakes.

Mr. Holtan stated that one thing that bothered him was that the District would be spending money for work that was not really necessary. Mr. Scofield asked how much money was reserved under the Agreement. Mr. Ward replied that approximately \$225,000 has been reserved under the Agreement and the bid for the construction of the interconnecting pipes was \$184,800 and when the Engineering costs were added, the total price would be approximately \$200,000.

Mr. Peek remarked that he was not an Attorney but his understanding was that the District owes Westinghouse Communities of Naples, Inc. \$225,000 and that WCN has asked to use \$200,000 of this credit against this particular project. Thus, it appeared to him that it really didn't matter whether there is one large lake or six lakes, that somewhere down the road WCN is to receive \$225,000 from the District.

Mr. McMackin advised that he had not reviewed the Agreement, however, his understanding in discussions with Mr. Ward was that WCN has a credit of \$225,000 with the District and WCN could use this credit in whatever manner they desired.

Mr. Scofield suggested that the District's Engineers and Mr. McMackin review the Agreement and if they found it satisfactory, District staff could release the funds. Mr. Holtan commented that he would not go along with this suggestion. Mr. Scofield's opinion was that if the District owes the money to WCN and they want the money for this purpose and the District's Engineers and Attorney advise that it is a legitimate,

legal and reasonable request, then he thought the Board should proceed with the authorization for the expenditure of these funds. Mr. Holtan advised that the Engineers and the District's Attorney cannot take on the authority of the Board and make a decision such as this. Mr. McMackin agreed with Mr. Holtan and stated that after looking at the Agreement he could advise the Board whether the Agreement was an enforceable Agreement and the rights of WCN and the District under the Agreement, however, ultimately it would be the Board's decision whether or not they desired to release the funds for this particular project.

The Board then deferred this item to later in the meeting until such time as they had the opportunity to review the Agreement.

MANAGER'S REPORT

Mr. Ward advised that Mr. John Dyer of Post, Buckley, Schuh & Jernigan, Inc. was in attendance to update the Board on the boat clarifier and the discussions which had taken place with United Industries. Mr. Dyer reported that since the last meeting of the Board, PBS&J had spoken with United Industries in an attempt to get them to agree to pay PBS&J's costs if the resolution of the problem with the boat clarifier was in the District's favor. He advised that United Industries had refused to pay these costs unless the District agreed to pay United Industries costs if the resolution turned out to be in United Industries favor. Subsequently, Mr. Dyer commented that he had spoken with Mr. Moyer regarding this offer and Mr. Moyer had suggested that these discussions be dropped and as far as the District was concerned the District's relationship with PBS&J would be direct and if it turned out that litigation was necessary PBS&J's costs

could be included in the claim against United Industries. Under this guidance, Mr. Dyer advised that PBS&J had prepared the general test procedures for the verification of the boat clarifier and that the procedures had been reviewed with District staff and, in general, staff found the procedures acceptable. He further advised that United Industries had signed off on the procedures and had agreed that the procedures were valid and that they would participate in the verification of the velocity testing of the boat clarifier under these general procedures. He suggested that PBS&J was ready to begin the testing next week.

Mr. Ward further explained this matter by stating that Post, Buckley, Schuh & Jernigan, Inc. had previously presented a Proposal to the District in an amount not to exceed \$25,000 for testing services related to the boat clarifier and recalled for the Board that at the last meeting the Board directed PBS&J to contact United Industries to determine whether they would bear PBS&J's fee if the boat clarifier proved problematic. United Industries countered and said that they would pay PBS&J's costs if the clarifier was problematic, however, if the boat clarifier proved to be working, then the District should pay PBS&J's fee plus United Industries additional costs. He advised that the District then countered and said they would go along with this, however, if the boat clarifier did not work United Industries pay the \$25,000 fee to PBS&J plus all of the District's additional costs that have been incurred to date. Mr. Ward offered that since United Industries would not agree to pay all of the District's additional costs which had been incurred to date, this matter had been dropped.

Mr. McMackin stated that the District seems to be reducing the issue with the boat clarifier to the fact that 1,400 gpm do or do not pass through the ports and this test is based upon many variable factors. He further stated Mr. Petty is firmly convinced that if the total release of fluid is 1,400 gpm the boat clarifier will work. Mr. Petty agreed that he desired 1,400 gpm to come out the bottom of the clarifier but it must be uniform with no dead zones or up wells. Mr. McMackin questioned if the boat did release 1,400 gpm, has the District put itself in a worse situation than they are now in; i.e., if it is determined the ports work is there some other aspect of the design that is causing the unsatisfactory results.

It was Mr. Dyer's opinion that the testing should be performed and no matter what the end result, the District would still have the same avenues open to them, as the tests are only participative tests, i.e., United Industries is willing to come to the site and work with PBS&J under the procedures drawn up by PBS&J and there is no litigation aspect to this testing. Mr. McMackin asked Mr. Dyer what United Industries position would be if the test results showed that 1,400 gpm was not flowing through the ports. Mr. Dyer stated that to be very blunt United Industries is convinced that the boat clarifier works no matter what the test results show.

Mr. McMackin asked Mr. Dyer what the District would learn after the test results are completed that it did not know already. Mr. Dyer replied that the District would learn whether the boat clarifier pulls 1,400 gpm. Mr. McMackin remarked that if the clarifier did or did not pull

1,400 gpm, then what. Mr. Dyer responded that if it was proved by a substantial amount that the boat did not pull 1,400 gpm then he felt there would be no question that the District did not receive what it paid for and this was something the District could either use in Court or ask United Industries to refund money, pay some portion of the costs for an external clarifier or any numerous possible resolutions. In conclusion, Mr. Dyer remarked that to proceed with the testing with PBS&J would be an unbiased way to take out of the equation the concerns of United Industries over the operational procedures of the boat clarifier.

Mr. McMackin stated that, in effect, the District would be paying some sum of money between \$0 and \$25,000 to ascertain what PBS&J, as the testing agent, would warrant to the District as an admissible bit of evidence that the boat did not pull 1,400 gpm. Mr. Dyer advised that PBS&J will be behind the District or in front of the District whatever the case may be as to the results that PBS&J receives after the procedures are followed. Mr. McMackin asked whether United Industries had agreed that they would not contest the test results. Mr. Dyer responded that United Industries had not agreed to this.

Mr. Ward commented that he felt the testing was an important first step in the process; that the boat clarifier did need to be independently tested so the Board and staff had some idea as to the next step that should be taken.

Mr. Scofield suggested that PBS&J has a conflict of interest as they designed the system. Mr. Dyer advised that PBS&J did not design the boat clarifier that it was designed by United Industries. Mr. Scofield

asked Mr. Dyer whether they had tested the boat clarifier before it was certified to the District. Mr. Dyer responded that as far as he knew, he knew of no testing that had been done prior to the clarifier being turned over to the District and advised that PBS&J has been unsuccessful in getting any start up testing data from United Industries, if they actually had any start up data. Mr. Scofield asked whether it was customary when you bought a multi million dollar sewer plant to test it before it is turned over. Mr. Dyer replied in the affirmative. He remarked that he assumed it had been tested but the question was who did the testing. He stated that PBS&J did not do the velocity testing and supposedly it was done by United Industries but PBS&J could not obtain this data.

Mr. Dyer offered that since the District now has been supplied with the testing procedures, the Board might wish to hire another independent testing firm to certify the test results. He advised that PBS&J was not involved in this matter to make any money rather they just desired to cover their expenses as they also had a vested interest in the test results as they have many other clarifiers to be installed. Mr. Scofield asked why the District missed out in the testing. Mr. Dyer responded that this was the first installation that PBS&J has had in the country. Mr. Scofield remarked that PBS&J was paid thousands of dollars to supervise this installation. Mr. Ward commented that Mr. Dyer understands the problems the District has had with PBS&J and is now trying to help the District in the testing and evaluating of the boat clarifier and this is the direction the District is trying to proceed with this issue.

In conclusion, Mr. Dyer remarked that the ultimate question is

whether the boat clarifier will work during the peak season, which is what the District paid for. Mr. Ward remarked that the clarifier needs to be independently tested and it was his opinion that PBS&J has pushed United Industries about as far as they are going to go and what PBS&J is trying to accomplish is to take the operational issues being raised by United Industries out of the equation and let PBS&J operate the facility for a week or two and then come back and do the testing. He hoped that PBS&J would be independent in evaluating the test results as they have their reputation on the line as well as five other installations going in the State of Florida. Mr. Ward advised that District staff has requested that Watson Engineering, an independent Engineering firm extremely familiar with intrachannel clarifiers, also review the test results and be on site during the testing. He further advised that this is an extremely complex issue and hard to reduce to writing and the test results would only be one piece of evidence if there is litigation, but at the very least it would be a piece of evidence and a place to start.

In response to a question by Mr. Holtan, Mr. Ward advised that the Board had decided at the last meeting to proceed with the testing and had approved the \$25,000 Proposal with PBS&J and the purpose of today's discussion was to bring to the attention of the Board the ongoing negotiations with United Industries so the Board fully understands the ramifications of where the District now stands on this issue. Mr. Scofield stated that he was not happy with the expenditure of \$25,000, however, he felt it would be worse if the Board sat by and did nothing.

It was Mr. Holtan's opinion that the Board should address whether

the District should allow any additional units to become connected to the system until such time as the boat clarifier problem is solved. Mr. Dyer advised that this would be premature and should not have to be done unless it was found that the boat clarifier would only work at two thirds of what is expected this year and also stated that there would still be plenty of time to put the old plant in operation. Mr. Ward advised that the District will be able to get through the upcoming season next year, however, it will be necessary to truck away sludge at times. Mr. Dyer also commented that there are a lot of band-aid type things the District could do if the old plant had to be brought back on line to get the District through the critical peak season and to help minimize the sludge hauling costs.

Ms. MacAlister asked how long it would take to get the test results back. Mr. Ward responded that if he and Mr. Dyer come to terms on the operating procedures, the testing should occur near the middle of October. Mr. McMackin asked whether Mr. Dyer would be on site to personally supervise the tests. Mr. Dyer replied that he would not be supervising the tests that this would be handled by PBS&J's operational people from PBS&J's Orlando office. Mr. McMackin asked whether after the testing was completed and should litigation, arbitration or any type of dispute between the District and United Industries take place, whoever supervises the tests would be willing to appear at any time the District requests for depositions or testimony at trial and to testify as to the fact of the test results and that the tests were conducted in accordance with generally accepted standards of engineering. Mr. Dyer replied in the affirmative and remarked that PBS&J would not perform the tests if they

were not willing to stand behind what they did. Mr. McMackin asked that this be added as an Addendum to the Post, Buckley, Schuh & Jernigan's proposal. Mr. Dyer replied that this could be done, however, there would have to be separate contractual fee arrangement.

Construction Financing Agreement

At this time copies of the 1983 Agreement with WCN were distributed to the Board for its review and consideration.

Mr. Scofield remarked that Item 4 on Page 2 of the Agreement was very clear to him and asked Mr. McMackin if he concurred. Mr. McMackin agreed with Mr. Scofield. In response to Mr. Scofield's question, Mr. Ward stated that the reserved funds have been accruing interest and under the terms of the Agreement the interest belongs to WCN and has been set aside as such.

Mr. Scofield asked Mr. Holtan his feelings on this matter. Mr. Holtan responded that he would accept Mr. McMackin's opinion.

There being no further discussion, Ms. MacAlister moved, seconded by Mr. Scofield and approved, with Mr. Holtan voting nay, that District staff be authorized to release the funds as outlined under the February 1983 Agreement with Westinghouse Communities of Naples, Inc., to construct the interconnector pipes for the lakes in Bay Colony Shores.

Agreement with WCN to Allow for the Modifications of the District's Water Management Facilities

Mr. Ward advised that this Agreement would allow WCN to modify the District's Water Management System in Bay Colony Shores in accordance with the Proposal as previously outlined and in accordance with the plans and specifications which have been received by the District. He suggested

that, based upon a comment by Mr. Hake at the last meeting, a Paragraph be added to the Agreement which would require that the Homeowners be responsible for the maintenance of the lake bank to water's edge. The Board concurred with this suggestion.

At this time, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously the Agreement with Westinghouse Communities of Naples to allow for the modifications of the District's Water Management Facilities in Unit 10, Bay Colony Shores Subdivision, as amended.

Vacation of Existing Easement

Mr. Ward stated that the Vacation of Easement did nothing more than allow the District to record the vacation of the old one lake concept, now that the District has the Agreement with WCN to grant the District the new easements at some point in the future.

There being no discussion, Ms. MacAlister moved, seconded by Mr. Holtan and unanimously approved the Vacation of Easement of System V, Lake 5.

CONSIDERATION OF REQUEST BY WCN TO ADDRESS THE BOARD RELATIVE TO THE DEVELOPMENT PLANS FOR UNIT XI, OAKMONT PHASE III, SINGLE FAMILY SUBDIVISION

Mr. Ed Griffith of WCN advised that Unit XI would basically be an extension of the Oakmont development to the north. He stated that WCN proposes to develop the thirty approximate quarter acre or half acre lots in Unit XI. He explained that via an Agreement with Collier County there is an area in Unit XI which has been reserved for an existing Turkey Oak stand. Via, a site drawing he reviewed for the Board WCN's proposed modifications to the District's existing Lake Six (6). He advised that there are no existing developments on either side of Lake Six (6), but are

proposed developments in accordance with the PUD. He concluded by asking the Board's conceptual approval of the proposed Unit XI development and of the water management modifications to Lake Six (6).

Mr. Scofield commented that he did not like the proposed modification to the cove at the north end of the lake, as this area would create a pocket where there would be insufficient flushing action. Mr. Griffith advised that this area could be modified.

Mr. Peek commented that WCN's proposed modifications to Lake Six (6) would be an improvement to the existing lake as it would almost double the width of the lake in one particular location which would be of benefit to this particular Water Management System.

There were no additional comments from the Board.

#### CONFIRMATION OF INVOICES

##### Water/Sewer Operating Summary and Invoices For August 1988 - Approved As Presented

Following discussion, Mr. Holtan moved, seconded by Ms. MacAlister and carried unanimously, that the Water/Sewer Operating Summary and Invoices for August 1988, be approved as presented.

##### Water Management Operating Summary and Invoices For August 1988 - Approved As Presented

Following discussion, Mr. Holtan moved, seconded by Ms. MacAlister and carried unanimously, that the Water Management Operating Summary and Invoices for August 1988, be approved as presented.

##### Street Lighting Invoices For August 1988 - Approved As Presented

Following discussion, Mr. Holtan moved, seconded by Ms. MacAlister and carried unanimously, that the Street Lighting Invoices for

August 1988, be approved as presented.

CONFIRMATION OF REQUISITIONS

There were no Certificates Of Payment presented for payment.

SUPERVISOR'S REQUESTS

Mr. Scofield asked Mr. Ward whether there had been any response from the City of Naples regarding the possibility of the City helping the District in terms of Wastewater Treatment Plant Capacity. Mr. Ward replied that he and Mr. Peek had recently met with the City Manager, Mr. Frank Jones and at the meeting they had outlined for the City personnel what the District was doing and the time frame involved. He remarked that the City is now in the process of evaluating the City's sewer needs for the City service area as a whole to see if the District fits in with their proposed plan. He advised in the initial conversations it didn't appear that the City's ultimate sewer plant capacity would be able to handle Pelican Bay, however, the City did desire the opportunity to take a look at this issue. Mr. Ward suspected that in another six to eight weeks the City would be in contact with District staff regarding this issue.

Mr. Holtan remarked that he had been reading about the lack of water pressure in the North Naples area and asked how this affected Pelican Bay. Mr. Ward responded that Pelican Bay has its own water system and the bulk treated water from the City is pumped into the District's storage tanks at night and the water is then distributed to the residents of the District via the District's own pumping system.

Mr. Scofield asked whether there had been any changes in the street lighting status since the special meeting. Mr. Ward replied that

Pelican Bay Improvement District  
September 21, 1988

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the poles had been ordered from Sterner and to date he has not received the ship date from them, however, advised that he would be in contact with them in the next week or so to ask them when the poles would be shipped.

Ms. MacAlister asked who was responsible for cleaning up the debris in the lakes. Mr. Ward responded that this is not usually done by District as the District is not staffed to handle this problem. He stated that he usually tries to see that the Contractor or the Developer clean up the debris. Ms. MacAlister stated that she was concerned about the debris in the Tierra Mar Lake. Mr. Ward remarked that the debris in this lake is usually from the Lugano project. He advised that he would take a look at the lake and see if he could get it cleaned up.

ADJOURNMENT

There being no further business to come before the Board, Ms. MacAlister moved, seconded by Mr. Holtan and approved unanimously, the meeting be adjourned. Time: 6:15 P.M.

  
\_\_\_\_\_  
MR. MILES B. SCOFIELD  
PRESIDENT  
PELICAN BAY IMPROVEMENT DISTRICT

# Affidavit of Publication

State of Florida  
 County of Collier

Before the undersigned authority, personally appeared  
Nina Iverson, who on oath says that  
 he is the Ass't Secretary of the Naples Daily News,  
 a daily newspaper published by Collier County Publishing  
 Co., Inc., at Naples, Collier County, Florida, that the  
 attached copy of advertisement, being a  
Notice of Public Hearing

in the matter of Proposed User Rates

in the \_\_\_\_\_ Court, was published in  
 said newspaper in the issues of  
Sept 8, 13, 1988

Affiant further says that the said Naples Daily News is a newspaper  
 published by Collier County Publishing Co., Inc., at Naples, in said  
 Collier County, Florida and that the said newspaper has heretofore  
 been continuously published in said Collier County, Florida, each day,  
 and has been entered as second class mail matter at the post office in  
 Naples, in said Collier County, Florida, for a period of one year next  
 preceding the first publication of the attached copy of advertisement;  
 and affiant further says that he has neither paid nor promised any  
 person, firm or corporation any discount, rebate, commission or  
 refund for the purpose of securing this advertisement for publication  
 in the said newspaper.

Nina Iverson

Sworn to and subscribed before me this 13th day  
 of September A.D. 1988

Nancy J. Munneger  
 Notary Public

My Commission Expires  Notary Public, State of Florida  
My Commission Expires Sept. 10, 1989  
 Bonded thru Troy Fair - Insurance 1066

-2808-

NOTICE OF PUBLIC HEARING  
 THE BOARD OF SUPERVISORS OF THE PELICAN BAY IMPROVEMENT DISTRICT WILL HOLD A PUBLIC HEARING ON SEPTEMBER 21, 1988, AT 4:00 P.M. IN THE NAPLES FEDERAL SAVINGS & LOAN ASSOCIATION BUILDING, 5801 PELICAN BAY BOULEVARD, FIFTH FLOOR, NAPLES, FLORIDA, FOR THE PURPOSE OF: SOLICITING PUBLIC RESPONSE AND INPUT INTO A PROPOSED CHANGE IN THE RATES FOR WATER, WASTEWATER AND IRRIGATION TREATMENT, DISTRIBUTION AND COLLECTION SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE PELICAN BAY IMPROVEMENT DISTRICT. THE PROPOSED FISCAL YEAR 1989 WATER AND SEWER BUDGET AND TO CONDUCT GENERAL BUSINESS OF THE DISTRICT.

THE PROPOSED RATES AND FISCAL YEAR 1989 WATER AND SEWER BUDGET ARE AVAILABLE FOR REVIEW AT THE OFFICES OF THE PELICAN BAY IMPROVEMENT DISTRICT LOCATED AT 801 LAUREL OAK DRIVE, SUITE 510, NAPLES, FLORIDA AND WILL BE SHOWN FOR INSPECTION DURING REGULAR BUSINESS HOURS.

LISTED BELOW ARE THE PROPOSED NEW CHARGES:  
 PROPOSED MONTHLY USER RATES & CHARGES  
 FOR  
 IRRIGATION WATER, POTABLE WATER AND WASTEWATER SERVICE

	Minimum Capacity Charge	Commodity Fee Per 1,000 Gallons
Potable Water	\$ 8.05/Unit	
Wastewater	8.82/Unit	\$ 1.28
Irrigation -		
Group I	37.79/Unit	.50
Group II	13.15/Unit	.28
Group III	6.57/Unit	.28
Group IV	5.76/Unit	.28
Commercial	13.96/ERU	.28
Golf Course	3,063.50/Month	.28

ERU = EQUIVALENT RESIDENTIAL UNIT IS A FACTOR OF 5.75 TIMES THE NUMBER OF GROSS PARCEL ACRES.

ADDITIONALLY, THIS NOTICE ADVISES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PELICAN BAY IMPROVEMENT DISTRICT BOARD OF SUPERVISORS WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PELICAN BAY IMPROVEMENT DISTRICT  
 COLLIER COUNTY, FLORIDA  
 GARY L. MOYER  
 DISTRICT MANAGER  
 Sept. 8, 13

No. 921

PELICAN BAY IMPROVEMENT DISTRICT  
WATER/SEWER INVOICES  
AUGUST 1988

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Barnett Bank	Interest R.O. Plant Expansion Loan June 5, 1988 - September 4, 1988	\$ 924.66
B & H Sales	Meter Boxes & Lids	530.00
B.J. Excavating Enterprises	Utility Site Grading	625.00
Bob Dean Supply	Chain Saw	584.50
Bob Dean Supply	400 PSI Test Pump	371.25
Brayton, Katherine	Travel Reimbursement	2.85
City of Naples	Water Service 07/01/88 - 08/01/88	15,961.10
Coast Pump & Supply	Irrigation Supplies	2,378.69
Coral Springs Improvement District	W/S Portion August Health & Dental Insurance	742.31
Federal Express Corp.	W/S Portion July Courier Service	17.25
Ferguson Underground	Chanteclair Phase II Meter Supplies	3,325.00
First Pennsylvania Bank	1979 Redemption Notices	208.95
First Pennsylvania Bank	Trustee Fees 1985 Water & Sewer Bonds	4,252.65
Florida Power & Light Co.	W/S Portion August Electric	15,933.48
Governmental Accounting Standards Board	W/S Portion Annual Dues to August 1989	35.00
Government Finance Officers Association	W/S Portion Accounting Manual	20.97
Gulf shore Associates	W/S Portion September Rent & Maintenance	842.97
H.F. Scientific, Inc.	Laboratory Supplies	50.24
Inacomp Computer Center	Installation & Additional Memory - Macintosh Computer	919.00
J.N. Environmental Services, Inc.	July W/W Analyses	494.00
Manatron, Inc.	Utility Billing, Accounting & Payroll Fastport Programs & Annual Fee	975.55
Manatron, Inc.	Utility Billing Program Updates	3,000.00
Mulder, Michael	Reimbursement For Class "C" W/W Course	115.50
Naples Armature Works	Repair 60 H.P. Pump - H.S.P.	714.50
Naples Daily News	Public Notice - Lead in Water	175.42
Nationwide Business Forms, Inc.	Computer Paper	154.62
PB&S Chemical Company	Chlorine	7,345.90
Park Tire Center	Truck Repair	276.53
Petty, John	Reimbursement for Expenses	80.50
Pine Ridge Rental	Masonry Blade	10.95
Presstige Printing & Graphics	Meter Cards	140.00
Quarles & Brady	W/S Portion June & July Legal Services	2,970.65

PELICAN BAY IMPROVEMENT DISTRICT  
 WATER/SEWER INVOICES  
 AUGUST 1988

(PAGE 2)

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Regfiles, Inc.	D.E.R. Regulations	566.00
Robbins Telephone Answering Service	W/S Portion Aug Answering Service - R.O. Plant	34.95
S.A.S., Inc.	Clean Motor Starters	70.00
Sears, Roebuck & Co.	Tools	143.51
Shipping Station	Shipping Charges	17.20
Smith, Barbara	Reimbursement for Travel Expenses	5.22
Sunshine Ace Hardware	Plant Supplies	16.82
Sunshine Mower & Cycle	Chainsaw & Supplies	371.83
The Trophy Case	Name Plate	7.00
Tri-W Rental	Rent Concrete Saw	44.00
U.S. Postmaster	Postage Stamps & Utility Billing Postage	224.80
Unisys	W/S Portion B-25 Computer Maintenance to 8/6/89	184.98
Unisys	W/S Portion Tape & Disk Drive Maintenance	185.60
United Telephone	W/S Portion August Telephone	316.60
W.H. Turner	W/S Portion July Consultation Services	200.00
Weavers Office Supply	W/S Portion July & August Office Supplies	124.55
Westinghouse Communities of Naples, Inc.	W/S Portion July & August Gasoline, Postage & Copies	215.57
Wholesale Plumbing Supply, Inc.	Irrigation Supplies	217.75
Yahl Brothers Disposal	Utility Site Dumpster	417.00

PELICAN BAY IMPROVEMENT DISTRICT  
WATER MANAGEMENT INVOICES  
AUGUST 1988

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Brayton, Katherine	Travel Reimbursement	2.85
Coral Springs Improvement District	W/M Portion August Health & Dental Insurance	742.30
Creeel Ford Tractor, Inc.	Repair Mo-Trim	1,158.03
Florida Power & Light	W/M Portion August Electric	18.00
Governmental Accounting Standards Board	W/M Portion Annual Dues to August 1989	35.00
Government Finance Officers Association	W/M Portion Accounting Manual	20.98
Gulf Shore Associates	W/M Portion September Rent & Maintenance	842.97
Helena Chemical Co.	Lake Maintenance Chemicals	7,667.19
Inacomp Computer Center	Additional Memory - Macintosh Computer	849.00
Jacaranda Landscape	July & August R-O-W Maintenance	31,262.02
Jacaranda Landscape	Replanting Program	8,245.50
Manatron, Inc.	Fastport Programs & Annual Fee	975.55
Naples Daily News	Notice of Public Meeting	17.02
Nationwide Business Forms, Inc.	Computer Paper	154.62
North Trail Auto	Lake Maintenance Supplies	63.13
Park Tire Center	Truck Repair	276.55
PBID W/S Account	R-O-W Maintenance 07/15/88 to 08/15/88	2,360.47
Petty, John	Reimbursement for Expenses	80.50
Robbins Telephone Answering Service	W/M Portion Aug Answering Service - R.O. Plant	34.95
Quarles & Brady	W/M Portion June & July Legal Services	581.15
Smith, Barbara	Reimbursement for Travel Expenses	5.23
Spectrum Laboratories	August Lake Samples	110.00
Sunshine Ace Hardware	Gas Trimmer & Supplies	357.58
The Trophy Case	Name Plate	7.00
Unisys	W/M Portion B-25 Computer Maintenance to 8/6/89	184.98
Unisys	W/M Portion Tape & Disk Drive Maintenance	185.60
United Telephone	W/M Portion August Telephone	217.50
W.H. Turner	W/M Portion July Consultation	200.00
Weavers Office Supply	W/M Portion July & August Office Supplies	124.61
Westinghouse Communities Of Naples, Inc.	W/M Portion July & August Gasoline, Postage & Copies	215.58

PELICAN BAY IMPROVEMENT DISTRICT  
STREET LIGHT INVOICES  
AUGUST 1988

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Barnett Bank	Unit 4 Phase I Street Light Loan Interest 5/5/88 to 8/4/88	256.03
Bay Electric of Collier	Street Light Repairs	1,145.05
Federal Express Corp.	July Courier Service	11.00
Florida Power & Light	July & August Electric	1,741.42
Graybar Electric Co.	Ballasts	230.71
Lehigh Testing Laboratories	Cor-ten Analyses	108.00
Quarles & Brady	June Legal Services	206.50

PELICAN BAY IMPROVEMENT DISTRICT  
WATER AND WASTEWATER OPERATING SUMMARY  
AUGUST 1988

	<u>MONTH TO DATE</u>				<u>YEAR TO DATE</u>		VARIANCE FAVORABLE (UNFAVORABLE)
	FISCAL YEAR 1988 BUDGET	<u>BUDGET</u>	<u>ACTUAL</u>	VARIANCE FAVORABLE (UNFAVORABLE)	<u>BUDGET</u>	<u>ACTUAL</u>	
<u>CHARGES FOR SERVICES</u>							
Connection Fees	\$1,065,790	38,130	71,150	33,020	1,014,160	916,460	( 97,700)
Meter Use Fees	48,250	3,500	1,250	( 2,250)	43,250	10,610	( 32,640)
<u>USER REVENUE</u>							
Water	584,976	50,385	42,941	( 7,444)	534,265	463,530	( 70,735)
Sewer	436,662	37,811	34,518	( 3,293)	398,610	368,318	( 30,292)
Irrigation	559,359	48,444	49,411	967	510,447	507,427	( 3,020)
<u>TOTAL REVENUE</u>	<u>\$2,695,037</u>	<u>178,270</u>	<u>199,270</u>	<u>21,000</u>	<u>2,500,732</u>	<u>2,266,345</u>	<u>(234,387)</u>
<u>PROFESSIONAL FEES</u>							
Engineering	\$ 18,000	200	200	0	15,553	15,553	0
Legal	17,000	2,971	2,971	0	15,366	15,366	0
Audit	8,500	0	0	0	8,500	8,738	( 238)
Trust	6,050	3,434	4,253	( 819)	6,050	6,869	( 819)
<u>SYSTEM OPERATING EXPENSES</u>							
Office	40,056	6,744	7,388	( 644)	34,765	37,700	( 2,935)
Billing	2,352	196	265	( 69)	2,156	1,381	775
Insurance	40,000	0	0	0	40,000	47,814	( 7,814)
Payroll	143,158	11,012	10,235	777	132,144	121,243	10,901
Transportation	8,668	722	455	267	7,942	2,180	5,762
Water Quality	17,825	1,485	494	991	16,335	5,398	10,937
Repairs & Maintenance	97,090	5,674	7,175	( 1,501)	91,414	88,194	3,220
Electric	126,263	10,874	15,934	( 5,060)	115,389	173,885	( 58,496)
Chemicals	55,906	4,652	7,346	( 2,694)	51,224	44,446	6,778
City of Naples Water	229,259	22,678	15,961	6,717	206,578	166,873	39,705
Meters	6,848	571	0	571	6,281	10,864	( 4,583)
Contingencies	20,000	1,333	0	1,333	18,666	9,149	9,517
<u>TOTAL EXPENSES</u>	<u>\$ 836,975</u>	<u>72,546</u>	<u>72,677</u>	<u>( 131)</u>	<u>768,363</u>	<u>755,653</u>	<u>12,710</u>

PELICAN BAY IMPROVEMENT DISTRICT  
WATER MANAGEMENT  
OPERATING SUMMARY  
AUGUST 1988

	<u>MONTH TO DATE</u>				<u>YEAR TO DATE</u>		
	<u>FISCAL YEAR 1988 BUDGET</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>FAVORABLE (UNFAVORABLE) VARIANCE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>FAVORABLE (UNFAVORABLE) VARIANCE</u>
<b>REVENUE</b>							
Maintenance Taxes	\$ 532,027	0	3,112	3,112	532,027	544,070	12,043
TOTAL REVENUE	<u>\$ 532,027</u>	<u>0</u>	<u>3,112</u>	<u>3,112</u>	<u>532,027</u>	<u>544,070</u>	<u>12,043</u>
<b>MEETING EXPENSE</b>							
Supervisors Fees	\$ 6,000	500	500	0	\$5,500	5,500	0
Legal Notification	800	67	17	50	737	449	288
<b>PROFESSIONAL FEES</b>							
Engineering	15,000	200	200	0	12,141	12,141	0
Legal	8,000	0	581	( 581)	8,000	10,899	(2,899)
Audit	8,500	0	0	0	8,500	8,738	( 238)
Trust	1,500	0	0	0	1,500	1,546	( 46)
<b>SYSTEM OPERATING EXPENSE</b>							
Office	36,556	3,744	3,758	( 14)	31,765	31,774	( 9)
Payroll	143,158	11,012	10,119	893	132,144	119,015	13,129
Transportation	4,334	361	455	( 94)	3,971	2,156	1,815
Lake Maintenance	35,802	2,984	7,730	(4,746)	32,824	30,735	2,089
Swale Maintenance	4,000	333	1,516	(1,183)	3,663	3,535	128
Water Quality	7,560	103	110	( 7)	7,560	7,567	( 7)
Insurance	14,303	0	0	0	14,303	15,522	( 1,219)
Rights-Of-Way	259,113	21,593	15,631	5,962	237,523	179,249	58,274
Replanting Program	20,000	8,246	8,246	0	19,114	19,114	0
Water Connection	19,531	0	0	0	0	0	0
Water Use	11,099	925	2,397	(1,472)	10,175	27,411	(17,236)
Renewal & Replacement	6,000	500	0	500	5,500	0	5,500
Contingencies	12,000	1,000	0	1,000	11,000	0	11,000
TOTAL EXPENSES	<u>\$ 613,256</u>	<u>51,568</u>	<u>51,260</u>	<u>308</u>	<u>545,920</u>	<u>475,351</u>	<u>70,569</u>

PELICAN BAY IMPROVEMENT DISTRICT  
 SEPTEMBER 21, 1988 MINUTES  
 TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

<u>AGENDA ITEM</u>	<u>NUMBER ON TAPE</u>
1. Roll Call.	0 - 3 (Tape 1 Side A)
2. Approval of Minutes of the Meeting held August 17, 1988.	03 - 26
3. Approval of Minutes of the Special Meeting held September 2, 1988.	26 - 35
4. Public Hearing:	
A) Proposed Fiscal Year 1989 Rates & Charges	35 - 50
1) Resolution Adopting the Rates & Charges	
B) Fiscal Year 1989 Water & Sewer Budget	50 - 147
1) Resolution Adopting Fiscal Year 1989 Water & Sewer Budget	
5. Consideration of Award of Bids:	
A) Water & Sewer Chemicals for Fiscal Year 1989	147 - 166
B) Water Management Chemicals for Fiscal Year 1989	166 - 192
6. Authorization to Bid the Replacement for a District Field Truck.	192 - 209
7. Consideration of Utility Site Sales Contract with Westinghouse Communities of Naples, Inc. and Authorization to Make the Necessary Revisions to the Golf Course Maintenance Building.	209 - 445
8. Consideration of Easement for Georgetown	
A) Lots 23 & 24 Water Management Easements	445 - 553
B) Utility Access Easement for Water & Sewer System	553 - 697
9. Consideration of Agreement with Pelbay Associates (Waterside Shops) for the Relocation of District Eight-Inch (8") Irrigation Line.	697 - 721

PELICAN BAY IMPROVEMENT DISTRICT  
SEPTEMBER 21, 1988 MINUTES  
TAPE NUMBERS & CORRESPONDING AGENDA ITEMS

(PAGE 2)

AGENDA ITEM

NUMBER ON TAPE

10. Consideration of Documents for Unit X, Bay Colony Shores	
A) Review of Plat	721 - End Tape 1, Side A 1 - 126 (Tape 1 Side B)
B) Award of Bids:	126 - 179
1) Subdivision Water & Sewer Facilities	
2) Water Management Lake Connector Pipes	
C) License Agreement for Access to the Property	179 - 328
D) Construction Financing Agreement	328 - 375 (Tape 2, Side A)
E) Agreement with Westinghouse Communities of Naples, Inc. to Allow for the Modification of the District's Water Management Facilities	375 - 395
F) Vacation of Existing Easement	395 - 405
11. Consideration of Request by WCN to Address the Board Relative to the Development Plans for Unit XI, Oakmont Phase III, Single Family Subdivision	405 - 488
12. Manager's Report	396 - End Tape 1, Side B 0 - 328 (Tape 2, Side A)
13. Confirmation of Invoices and Requisitions.	488 - 535
14. Supervisor's Requests.	535 - 593
15. Adjournment.	593 - 595